



EASTERN CAPE PROVINCIAL COMMITTEE

RECOMMENDATIONS

ON THE SENIOR TRADITIONAL LEADERSHIP CLAIM

OF

NKOSANA TRADITIONAL COUNCIL IN MATATIELE

BY

MHLABUZOLILE ALFRED NKOSANA

AGAINST

THEMBANI JOSEPH TYALI

2014

O.N.M



Ikamva eligaqambileyo!



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1. INTRODUCTION

1.1. Establishment of the Committee of the Commission

The Eastern Cape Provincial Committee of the Commission on Traditional Leadership Disputes and Claims, herein referred to as the Committee, was established in terms of Section 26A(1) of the Traditional Leadership and Governance Framework Amendment Act (Act No. 23 of 2009). The Premier of the Eastern Cape appointed three (3) Members of the Provincial Committee in terms of Section 26A(2)(a) of the Act and the Minister of Co-operative Governance and Traditional Affairs appointed a member of the Commission to chair the Committee in terms of Section 26A(3) of the Act. This made the Committee to have a total number of four (4) members.

1.2. Functions of the Committee

Section 25(2) (a) of the Act covers the "Functions of the Commission" as follows:

The Commission has authority to investigate and make recommendations on—

- (i) a case where there is doubt as to whether a kingship or, principal traditional leadership, senior traditional leadership or headmanship was established in accordance with customary law and customs;
- (ii) a case where there is doubt as to whether a principal traditional leadership, senior traditional leadership or headmanship was established in accordance with customary law and customs;
- (iii) a traditional leadership position where the title or right of the incumbent is contested;
- (iv) claims by communities to be recognised as kingships, queenships, principal traditional communities, traditional communities, or headmanships;

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- (v) the legitimacy of the establishment or disestablishment of 'tribes' or headmanships;
- (vi) disputes resulting from the determination of traditional authority boundaries as a result of merging or division of 'tribes';
- (vii) all traditional leadership claims and disputes dating from 1 September 1927 to the coming into operation of provincial legislation dealing with traditional leadership and governance matters; and
- (viii) gender-related disputes relating to traditional leadership positions arising after 27 April 1994.

Section 26A (5) and (6), read along with Section 25 of the Act, "Functions of the Commission", contains the terms of reference.

(5) A provincial committee must perform such functions as delegated to it by the Commission in terms of section 25(6) after a review as contemplated in section 28(10).

(6) A provincial committee may make final recommendations on all matters delegated to it in terms of 25(6): Provided that where a committee is of the view that exceptional circumstances exist it may refer the matter to the Commission for advice.

2. FOCUS

- 2.1. Mhlabuzolile Alfred Nkosana is claiming senior traditional leadership position of Nkosana Traditional Council in Matatiele from Them'bani Joseph Tyali.
- 2.2. The claim is in terms of section 25(2) (a) (iii) of the Traditional Leadership and Governance Framework Amendment Act 41 of 2003 as amended.

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3. METHODOLOGY

Research was conducted through:

- analysis of the written submission of claimant
- literature review
- interviews and
- audio-visually recorded public hearings

4. CURRENT STATUS

- 4.1. Mhlabuzolile Alfred Nkosana is the headman of Nkosana Administrative Area within the Nkosana Traditional Council in Matatiele.
- 4.2. Them bani Joseph Tyali is the senior traditional leader of Nkosana Traditional Council in Matatiele.

5. HISTORICAL BACKGROUND

5.1. Emergence of the traditional leadership of Nkosana in Matatiele

- 5.1.1. Nkosana senior was a member of Bafokeng who originated from Ntsuanatsatsi in Lesotho. The group of Bafokeng who included Nkosana are said to have "lived for eight to nine generations among the abaTembu of Ngubengcuka and became identified with them" (Ellenberger 1992:338). Ellenberger further states that some of the members of this group returned to Lesotho in 1834 and settled in the valley of Motjanyane under the joint authority of Moshoeshoe and Moorosi.
- 5.1.2. Back in Lesotho, Bafokeng were referred to as Motloa-o-jeolatala meaning Bafokeng of the hare which is eaten raw. Due to their mingling with abaThembu, 'Motloa-o-jeolatala was directly translated to 'Mvundla', hence their clan name amaVundle.
- 5.1.3. Nkosana is of Vundle descent. AmaVundle are amongst the first royal houses of abeSuthu in South Africa (Ncwana 1953:61).

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- 5.1.4. Nkosana was a descendant of Gobozi in the sixth house, the first having been the house of Tyali (See annexure A).
- 5.1.5. The claimant submitted that a group of amaVundle under the leadership of Vova and his grandfather Tyali returned to Lesotho where they found refuge in Quthing under Chief Moorosi of abaPhuti. The other group led by Gobozi the father to Tyali remained with abaThembu.
- 5.1.6. It is group of Gobozi which was later led by Nkosana that settled in Matatiele after it had been moved to give way for the establishment of the town of Cala. The archival records state that "authorities required the amaVundle area for the town lands of Cala and amaVundle were removed to Matatiele district under Chief Nkosana, (See Annexure B)." It is the area of Nkosana's settlement in Matatiele where Nkosana became a headman in the late nineteenth century that is the source of the dispute between Nkosana and Tyali.
- 5.1.7. According to the claimant, the Nkosana family has held successive headmanship positions over the area called Nkosana in Matatiele until the death of Makeke in 1980 (See annexure C1,2,3,4 and 5).
- 5.1.8. Soon thereafter, the area formed part of a newly established senior traditional leadership, a Nkosana Traditional Community with two other Administrative Areas under Tyali as a senior traditional leader.

5.2. Historical developments leading to the claim

- 5.2.1. During the public hearing, the claimant, represented by Tena Nete, submitted that, adjacent to the Nkosana area were Trust Farms which were later named Mafobe. The Trust Farms/Mafobe was later subdivided into plots where the ex-soldiers from World War II were resettled.
- 5.2.2. In 1957 these farms/Mafobe was integrated into the Nkosana area which was then sub-divided to form three Administrative Areas under the Nkosana Tribal

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Authority. The chairpersonship of the traditional authority was held by each of the headmen of the respective Administrative Areas on a rotational basis.

5.2.3. As soon as there was an indication that the Nkosana Tribal Authority/Traditional Council would become a Senior Traditional Leadership all the three started a process of campaigning for the position of senior traditional leader. Ultimately Tyali was appointed as the senior traditional leader for the Nkosana Traditional Community and Council.

6. CUSTOMARY LAWS AND PRACTICES OF SUCCESSION

6.1. Van Schalkwyk (2002:4) states that traditional leadership amongst baSotho is hereditary. It is passed on from the father to his eldest son by the great wife.

6.2. The status of the great wife (*mohumagadi*) arises from the fact that the "lobola" for her is paid for by the whole tribe.

6.3. Van Schalkwyk further states that in circumstances where the where the designated successor is still a minor at the death of his father (Chief), a regent (*moswaredi*) is appointed by the family council to rule until such time that the successor has reached maturity. As a rule the regent is the younger brother to the deceased.

6.4. The land among the Nguni people was acquired through wars, negotiation or occupation of vacant land (Reader's Digest 1989: 80) attributes many wars for the land to the Mfecane as follows:

"...Now, even relatively minor homesteads were in a position to accumulate as much stock as their superiors. And when they did, they broke away to form their own independent settlements. But when clans which had previously controlled large tracks of land began rubbing uncomfortable shoulders with one another the wars then began....."

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7. CONTENT OF THE CLAIM

- 7.1. Mhlabuzolile Nkosana claims the senior traditional leadership position of Nkosana Traditional Council in Matatiele which is presently held by Themban iTyali.
- 7.2. Themban iTyali refutes the claim by Mhlabuzolile Nkosana on the basis that the claimant is from the minor house.

8. ANALYSIS OF EVIDENCE

- 8.1. Both the claimant and the respondent agree that they are amaVundle and they descend from a common ancestor, Gobozi.
- 8.2. The respondent claims that he is the descendant of Tyali who is the progeny of the first wife of Gobozi whilst Nkosana was born of the sixth wife. He asserts that the first wife is the greater and senior to the sixth wife, thus Tyali was greater and senior to Nkosana.
- 8.3. Although there is no dispute about the genealogy to which both the claimant and the respondent belong, the dispute pertains to the history of the traditional leadership of the area/community known as Nkosana in Matatiele – its acquisition and the emergence of its traditional leadership.
- 8.4. It is however important to trace the positions of both the claimant and the respondent in their common genealogy. The claimant is a direct descendant of Nkosana. On the other hand the respondent descends from Tyali and he is a direct descendant of the second wife of Stokwe. He is the second son of Thawuzeni and also a younger brother of Vuyani (See annexure A).
- 8.5. The claimant is a descendant of Nkosana who settled and assumed the traditional leadership of the Nkosana community since the nineteenth century. His forebears in the line of Nkosana have lived there ever since and reigned over the Nkosana community as headmen. According to the claimant, the respondent's forebears lived

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**RECOMMENDATIONS ON THE SENIOR TRADITIONAL LEADERSHIP CLAIM OF
NKOSANA TRADITIONAL COUNCIL BY MHLABUZOLILE NKOSANA AGAINST THEMBANI TYALI**

in Lesotho and he (the respondent) moved to Nkosana area with his grandmother in 1960.

- 8.6. A participant in the Public Hearing, Nomathemba Nkosana, who is a resident of Nkosana community, confirmed that the respondent settled in the area of Nkosana with his grandmother while the line of Nkosana had been holding the position of headmanship successively. An affidavit by Nohombile Ennie Bhara confirms the above and also states that after the respondent had settled in Mafobe with his grandmother, he left for Cape Town (See Annexure D). The respondent confirmed he was once in Cape Town and that he was summoned by people of Mafobe to come home to be a headman, a call that he acceded to.
- 8.7. The claimant further submitted that, the respondent gained the headmanship position through the motivation of the line of Nkosana, a statement that the respondent did not deny.
- 8.8. Even though the legitimacy of the claimant is disputed by the respondent on the basis that he descends from the sixth house, the claimant states that they were the first to occupy the area in dispute and since then the area has always been under the traditional leadership of Nkosana.
- 8.9. The claimant further stated that Thembanani Tyali did not grow up amongst amaVundle of Nkosana in Matatiele but he arrived around 1960 with his grandmother Noduku and this was further confirmed by during the public hearing by Nomathemba Nkosana.
- 8.10. The respondent challenges Nkosana's claim of entitlement to the senior traditional leadership position in the Nkosana Traditional Council. He claims that the land belonged to Stokwe who later left it to one of his sons Kruqula. He argues that Kruqula was defeated and displaced during the wars of dispossession by the colonial forces with the assistance of of the house of Nkosana. He says Nkosana was awarded with Tyali's land that was given to him (Nkosana) as a token of appreciation.

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for assisting colonialists. The claimant agrees that the land in question was given to them as a reward but not in the fight against Stokwe but in the battle against Hope in Qumbu against amaMpondomise.

- 8.11. Amongst the documents supporting the ascension of Tyali to senior traditional leadership was correspondence purportedly written by the daughters of Makeke Nkosana whom the claimant succeeded. During the public hearing two of Makeke's daughter's dismissed the claim that they signed a letter supporting the senior traditional leadership of Thembanani Tyali and they disowned the letter.

9. CONCLUSIONS

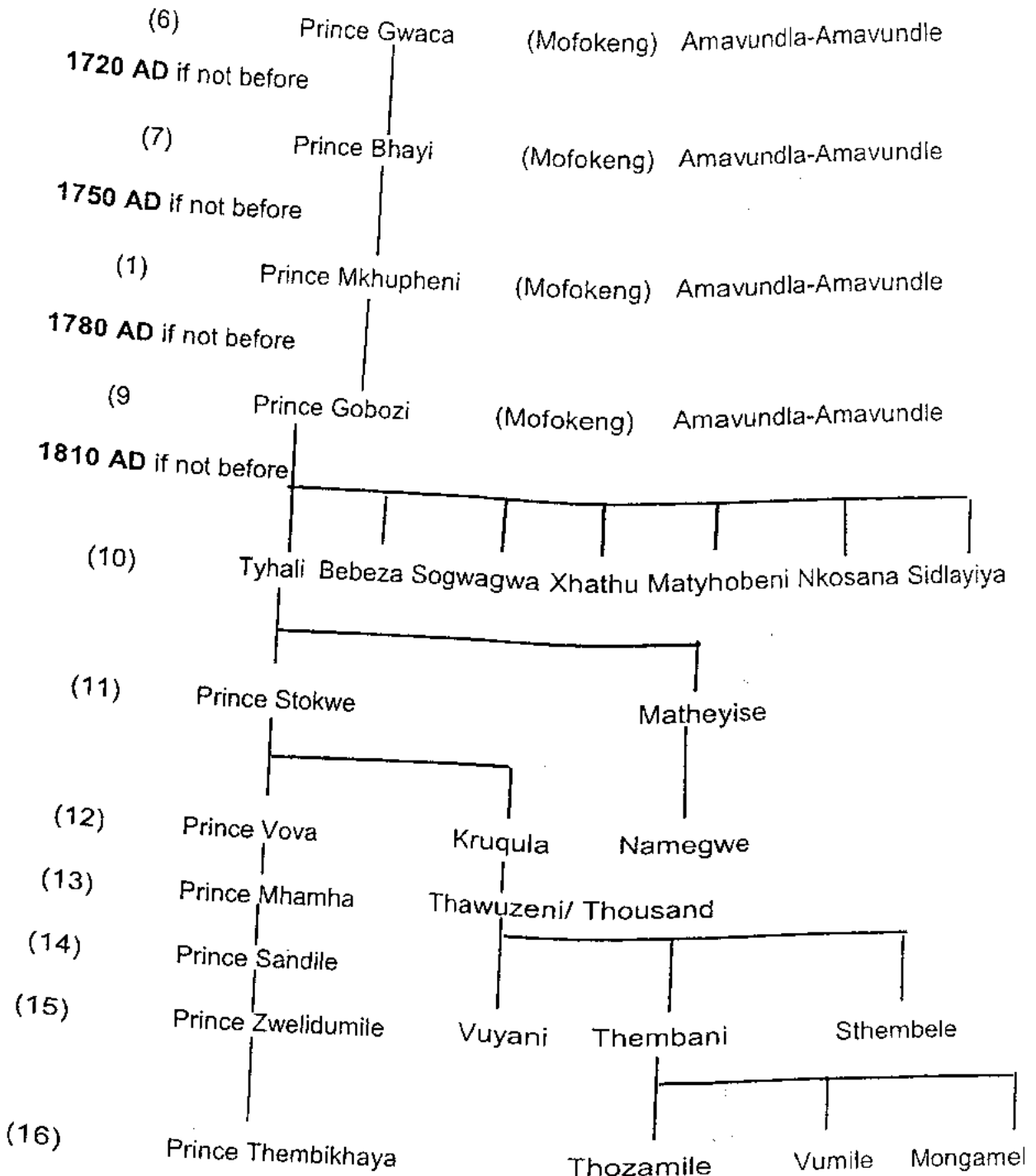
- 9.1. There is no trace of Thembanani Tyali's traditional leadership or of his forebears at Nkosana before 1997 when he was appointed as a headman (See annexure E).
- 9.2. His ascension to a senior traditional leadership position over the line of Nkosana that has an undisputed history of traditional leadership of the Nkosana area was irregular.
- 9.3. It has been established through the title deed that the land where Nkosana traditional leadership was allocated belonged to Nkosana and since 1880 the family of Nkosana has been reigning there, hence the name Nkosana Traditional Council which the respondent does not dispute.

10. RECOMMENDATION

It is recommended that the claim of Mhlabuzolile Alfred Nkosana for the senior traditional leadership position of Nkosana Traditional Council in Matatiele be sustained.



.....
DR NOKUZOLA MNDENDE
CHAIRPERSON
EASTERN CAPE PROVINCIAL COMMITTEE
DATE: 30 September 2014



Annexure B⁹
 12

Khemaya.

... in ...

Under the ... Chief Khomana left ... last century. They ... and they settled ... This area was under the ... who pointed out where ... to Chief ... by the ... also recognized ...

... required ... and ... Chief ...

... morning ...

... called ...

... of ...

... Chief Sabata ...

... state that Valoko ...

SARA

1/2/60

Annexure C1

No. 2/28/20

Minute No. 2/28/20 dated the 11th September, 1927, from the Chief Magistrate, Malaitia.

Minute No. 2/28/20 dated the 31st January, 1927, with signature, from Magistrate, Malaitia.

SUBJECT: Membership: Krossa's
Application No. 20, Rex versus
S. Krossa.

Office of the Chief Magistrate
of the Transkeian Territories,
DETAS, 13th January, 1927.

The Secretary for Native Affairs,
P.O. Box 144,
PORT BECHUA.

Forwarded. I recommend the reinstatement
of Hendman Krossa to take effect from the 1st March
1927.

Your Minute No. N.A. 20/13 of the 11th
September last refers.

W. T. WELSH.
CHIEF MAGISTRATE.

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SECRETARY FOR NATIVE AFFAIRS.

R. L. ...

1/20/20

With reference to your Minute No. 3/310/20
I am directed to approve of
the payment to the appointed headman of an increase in
the salary from £18 10s 0d to £24 10s 0d with effect from the
1st day of January 1920.

1/20/20

Headman, George ...
District ...
Location

THE CHIEF NATIVE COMMISSIONER

1920

DEPARTMENT OF NATIVE AFFAIRS,
499 Market Street,
PHILIPPINES.

UNION OF SOUTH AFRICA



Ammer ...





Ames

The undersigned
MAGISTRATE

FIVE APRIL

...the undersigned has been virtually
...the undersigned's wife died some
years ago. ... has been instructed to act as
... pending the appointment of
... of a permanent incumbent. A meeting of local resi-
dents will be held as soon as possible to obtain nomi-
nations.

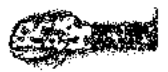
Your file is No. 3/310/20.

[Signature]
MAGISTRATE: KENTVILLE.

INSTITUTION FOR THE DEAF AND MUTE

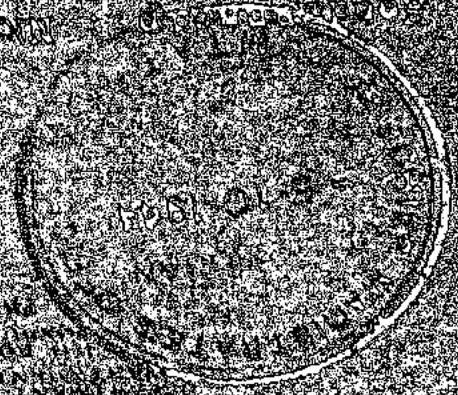
Handwritten signature

TO BE PAID BY POSTAGE ON DELIVERY
NO POSTAGE TO BE PAID BY ADDRESSEE



RECEIVED
YOUR LETTER OF THE 10TH INSTANT HAS BEEN RECEIVED
AND THE MATTER IS BEING HANDLED AS A MATTER OF COURSE
AND WILL BE COMPLETED AS SOON AS POSSIBLE
YOUR COOPERATION IS APPRECIATED
YOURS SINCERELY
[Illegible Name]

THE OFFICE OF THE DIRECTOR
OF THE INSTITUTION FOR THE DEAF AND MUTE
WASHINGTON, D. C.



Handwritten signature

U.S. GOVERNMENT PRINTING OFFICE
1950 O - 488-000

2/2/3 - 20.

The Chief Magistrate
UMELATA.



1944
October, 1944

Amoskore CS

Headman's Report on the Appointment, No. 20.

With reference to your endorsement No. 3/310/20
of the 5.10.44 on departmental minute No. 20/13 of

the 30.9.1944, I have to advise you that above location
NKOSANA was installed as headman of the above location
today.

The last day in office of Panzumpu NKOSANA is
18th. Instant.

[Signature]
MAGISTRATE/UMELATA.

17



AFFIDAVIT

I. (Name): NOHOMBILE ENNIE BHARA
 SEX: FEMALE
 AGE: 65 yrs
 OF (address): NKOSANA NO 2 MATATIELE
 ID NO: 490602 0249 086

Hereby declare:

That this statement is to the best of my belief and correct.

That it has been made in the knowledge that if tendered as evidence, I will be liable to prosecution if I have willfully stated at any time which I know to be false or which I do not believe to be true.

I hereby confirm that Nonobuku the grandmother to Thomas Joseph TSHALI arrived at about 1960 at the farm Roland and stayed at the Amagwathi homestead of Mrs MAMBEWASHU and Mr NONTATA RIGALA. She arrived with her two grandchildren viz Vusani J. about 10 yrs old and THOMAS JOSEPH TSHALI about 7 yrs old. She stayed in Roland farm for many years until she got a plot at MOKHANEKHARENG in the farm LA. GRANGE in the Mafikeng Admin Area where her family is now residing.

Answers

- A. Do you know and understand the contents of the declaration? YES
- B. Do you have any objection to take the oath? NO
- C. Do you consider the prescribed oath binding on your conscience? YES

N. E. Bhava
 SIGNATURE OF DECLARANT

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT SHE/HE UNDERSTANDS THE CONTENTS OF THIS DECLARATION WHICH WAS SWORN TO BEFORE ME AND THAT DEPONENT'S SIGNATURE / THUMB PRINT / MARK WAS PLACED THEREON IN MY PRESENCE at MATATIELE ON 23 of July 2014.

[Signature]
 COMMISSIONER OF OATHS
[Signature]

Full first names and surname: [Signature]
 Designation (rank): [Signature]

41 TAYLOR STREET MATATIELE
 2014
 MATATIELE

2560101/4

10/18/3-25

039

X 102

4740

~~The Regional Representative
Office of the Premier
UMTATA~~

MALUTI
20/8/97

APPOINTMENT OF HEADMAN : MAFUBE ADMN. AREA MATATIELE YOUR PM
13/010/4/25.

Attached herewith is a Tribal/Traditional Authority resolution from Nkosana concerning the appointment of a headman of Mafube Admn. Area to replace headman D.J. Ndleleni who passed away on 6 April 1997.

The appointee is Thembanq Joseph Tyali who was born on 13 July 1954 and has passed std 6.

The appointment is recommended. The resolution is forwarded in triplicate.

Your Co-operation will be appreciated.

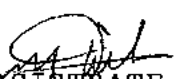
Magistrate : Maluti

→ The Secretary
Nkosana Traditional Authority
MATATIELE

Sir

Copy for your information. Attached is a photostat copy of the said resolution for your attention.

Yours faithfully


MAGISTRATE : MALUTI.



EASTERN CAPE PROVINCIAL COMMITTEE

NKOSANA MHLABUZOLILE ALFRED vs TYHALI THEMBANI JOSEPH.
SENIOR TRADITIONAL LEADERSHIP CLAIM RESEARCH REPORT

RESEARCH CONDUCTED BY:

PETER GARIKAYI

COMMISSIONED BY:

COMMISSION OF TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS

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1. INTRODUCTION

1.1. Establishment of the Committee of the Commission

The Eastern Cape Provincial Committee of the Commission on Traditional Leadership Disputes and Claims, herein referred to as the Committee, was established in terms of Section 26A(1) of the Traditional Leadership and Governance Framework Amendment Act (Act No. 23 of 2009). The Premier of the Eastern Cape appointed three (3) Members of the Provincial Committee in terms of Section 26A(2)(a) of the Act and the Minister of Co-operative Governance and Traditional Affairs appointed a member of the Commission to chair the Committee in terms of Section 26A(3) of the Act. This made the Committee to have a total number of four (4) members.

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- (iii) a traditional leadership position where the title or right of the incumbent is contested;
- (iv) claims by communities to be recognised as kingships, queenships, principal traditional communities, traditional communities, or headmanships;
- (v) the legitimacy of the establishment or disestablishment of 'tribes' or headmanships;
- (vi) disputes resulting from the determination of traditional authority boundaries as a result of merging or division of 'tribes';
- (vii) all traditional leadership claims and disputes dating from 1 September 1927 to the coming into operation of provincial legislation dealing with traditional leadership and governance matters; and
- (viii) gender-related disputes relating to traditional leadership positions arising after 27 April 1994.

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(5) A provincial committee must perform such functions as delegated to it by the Commission in terms of section 25(6) after a review as contemplated in section 28(10).

(6) A provincial committee may make final recommendations on all matters delegated to it in terms of 25(6): Provided that where a committee is of the

view that exceptional circumstances exist it may refer the matter to the Commission for advice.

3. FOCUS

The research focused mainly on issues noted hereunder, such issues were engaged through consultation of primary and secondary sources as further delved into:

- Law of Succession/Demarcation/Customary law of the community
- Genealogy/Family Tree of the claimant and respondent
- Historical Background i.e. relevant factual events leading to the claim
- Issues in dispute

4. METHODOLOGY

This research was undertaken essentially through engaging primary sources of information and also secondary sources of information. The primary sources of information were mainly the parties to the claim and the local community members relevant to the case who were afforded the opportunity to make representations during public hearings. The secondary sources were accessed from the local museum and libraries, including archives. There are three phases in the methodology of this research i.e. literature and document review, in loco site visits and face to face interviews.

4.1 Literature Review

A tier of this research involved the consultation of secondary sources of information. Such sources were mainly literature from the Amatole Museum in King Williamstown and the Umthatha archives. The Department of Local Government and Traditional Affairs registry was also consulted for supplementary information. The gist of the opinions from the various sources consulted and referenced elsewhere in the report revolves around the factual and historical developments of traditional leadership in this area. They also contain genealogical trees of the Vundles.

4.2 In loco inspection

The in loco inspection was undertaken in the areas of Matatiele for the purposes of getting initial contact and pre-empting research issues for the ensuing field research. The parties to the claim were met and interview guides were dispatched on them while issues under investigation were explained to them. The parties to the claim were also appraised on what to expect during the following public hearing, the salient issues being factual issues material to the claim and the customary law of succession among the Vundles.

The researcher visited to both the claimant and respondent of the case on the 15th of July in Mafobe and Nkosana visit, the researcher followed his structured approach to conducting in loco visit and in which specific items are covered on all initial contact meetings.

Other areas covered:

- Verify submitted claim content with parties
- The work and mandate of the Commission in general
- Ethical Issues
- What is expected of the parties
- Phases of the Commission's dispute resolution process
- Public Hearing set up and expectations
- Dispatching and explaining research tool questions – Interview guide
- Clarity seeking question session

The summary of the claim, as submitted by the claimant, was put across to the claimant so as to make sure the researcher had clearly understood the material aspects of the claim, to which the claimed agreed. The claimant confirmed all the areas noted by the researcher which included his concerns on the sidelining of the other Nkosana Royal family at the appointment of the respondent chief Tyali.

After all the formalities, the family attorney thanked the researcher and averred that he was satisfied with the way the researcher had conducted the meeting. This was

said in the background of the initial instruction from the Bafokeng royalty that the meeting should not even be held.

4.4 Interviews

For purposes of data collection, semi structured interview guides were designed to be utilised to probe and satisfy questions of fact – *de facto*¹ and questions of law – *de jure*² from all interested parties. Interview guides were developed for this research exercise with both open ended and close ended questions probing mostly qualitative issues pertinent to the research. Other questions revolved around the geneology of the claimant and respondent and their status in the Royalty of the area as well as legitimacy of the claim and claimant. Kindly refer to annexure B and C of the written responses by both the claimant and respondent.

4.5 Public Hearing³

The last tier of the research was consequently public hearings, where all interested parties including members of the public are afforded opportunity to make representations. The Committee members further probed representations by asking follow up questions on issue raised. Please refer to the Public Hearing Transcript to detail; otherwise certain parts of the hearing are referred to in this report.

5. CURRENT STATUS

The current status is that the claimant M. A Nkosana is the headman on Nkosana Administrative Area and the respondent T. J Tyhali is the current Chief of the Nkosana Traditional Council comprising of three administrative areas.

¹ Essentially the questions include: what; when; whom; how and when with a view to capture all relevant facts to the case at hand.

² Please refer to Annexure A

³ Please refer to the audio visual recordings of the public hearing.

6. HISTORICAL BACKGROUND

6.1. Emergence of the traditional leadership of [name of traditional authority]

The parties in this dispute are both of BaSotho origin. They are originally Bafokeng of Ntsuanatsatsi who are noted to have “lived for eight to nine generations among the Tambookies (Tembus) and became identified with them”⁴. According to Ellenberger, this clan or tribe returned back to Lesotho in 1834 and settled in the valley of Motjanyane under the joint authority of Moshoeshoe and Moorosi.

It was also submitted by both parties to the claim on page two of the written respective submissions that this clan in Sotho was referred to as Motloa-o-jeola tala meaning Bafokeng of the hare which is eaten raw. The name, due to their mingling with the Thembus, was subsequently changed to a Xhosa 'equivalent', which is amaVundle – stemming from the Xhosa name of a hare. To note though here, is the fact that their place of residence around this time, is in Basutoland (beyond the Drakensburg). According K.K Ncwana⁵, according to an excerpt submitted by the claimant on page 23 of his submission the same idea that this clan ended up in Lesotho is mooted. According to this excerpt, “*Inkosi yawo (amaVundle) nguVova, naango wachitakalela eLusuthu, ubukhosi bake bakuchithwa nguRulumente eHerschel...*”

The submissions of both parties concur that the tribe sought refuge under

⁴ See, D. F Ellenberger, **History of The BaSuto, Ancient and Morden**, Morija Museum and Archives, 1992, written in English by Macgregor. Page 338. See also A. O Jackson, **The Composition of the Ciskei and Transkei**, Ethnological Publications no 53 page 14.

⁵ See AmaNqakwana Ngeminombo Yezizwe Zase Mbo, Lovedale Press, 1953, page 61.

Ngubengcuka of the Thembus but later moved away from him. There is however a difference in the account of the relocation of this clan from their time of moving from Ngubengcuka. In fact the submissions are completely divergent.

The claimant submitted on page 3 of his submission that there was a section of the AmaVundle that was led by chief Vova that went back to Lesotho due to the hardships they were facing. Subsequent to their return it was alleged that some of the clan members who had adopted Xhosa names reverted back to their Sotho names. It was further noted by the claimant during the research interviews and the public hearing that this line of chieftainship is still in existence in Lesotho. It was further stated that if the respondent had any claim to chieftainship, he lodge such claim in Lesotho.

The claimant went on to submit that the other section of these Vundles remained among the Thembus but were under Gobozi, who was the father of Tyhali and Nkosana. That same group is said to have assisted the whites in the battle that has now been referred to as the Battle of Hope of 1880⁶ where the Mpondomise in Qumbu were defeated. This was group eventually settled in Matatiele and they were under chief Nkosana, as reflected by annexure A of the claimant's submission on page 7. At the time of their (Nkosana Vundle contingent) arrival in Matatiele they were allocated farm number 20, as supported by the deed register copy appended as annexure "f-4" on page 16. There is a further submission from the claimant that the

⁶ *Ibid* see Jackson page 16.

last chief of this clan as submitted by the respondent was among the Thembus but eventually he left for Lesotho.

As submitted in Mr Ned Turner during the interviews and during the public hearing, the neighbours to Nkosana and his people were Mr Nicole and Mr Etkins who were farmers in the Trust Farms in this area. One of the farms was called La Grange and this is later to become Mafobe where the respondent later settled in with his grandmother in the 1960s. The account of his arrival is supported by an affidavit (annexure "i-2") deposed by Nohombile Ennie Bhara on page 2 wherein she states that the grandmother of the respondent arrived at the homestead of one UmQwathi, Mrs Mamqwashu and Mr Nohata Rigala in 1960.

It should be noted that the land in question was at the time falling into what was referred to as Griqualand East, which land was earlier referred to as Noman's Land. It is opined that the land was so called because it used to belong to the Mpondo king Faku who deserted it due to constant invasions from his northern neighbours Zulus. It was around this time of the land being deserted that the white Griquas under their leader Adam Kok. Another version is that this land was ceded by Faku to the British in 1861, who then gave it to the Griquas and they had full title of it.⁷ Subsequently, this land was annexed by the Cape Colony in 1874.⁸

⁷ See <http://www.sahistory.org.za/places/griqualand-east>, accessed 03-09-2014.

⁸ See http://en.wikipedia.org/wiki/Griqua_people accessed 03-09-2014

Following this settlement in the 1880s the Nkosana family had successive leadership positions (headmanship as supported by the Mthatha Archival records hereunder) in this area (location 20) except when other non Nkosana persons acted.

NKOSANA location 20: File 3/10/3/20.

1909 – Headman Bangani is heading the location but cannot be found. Mateta, the son of the late Nkosana from his second house/hut is elected into office following consultation by the principal men of the location.

1913 – Mateta is recorded as the headman of the Nkosana location

1916 – Mateta is dismissed for criminal convictions and George Nkosana is recommended to take over

1917 – George Nkosana appears as headman but criminal charges are levelled against him.

1926 – George Nkosana is charged with murder and his brother Ngqayigana is recommended for headmanship. He is subsequently convicted and sentenced.

1927 – George is reinstated

1933 – George is still in office and is receiving salary increment

1939 – George Nkosana dies and Pangumpu Nkosana is recommended to act

1939 Pangumpu is acting but on behalf of Makeke Nkosana who is a minor at the time

1944 – Makeke is appointed and assumes office as headman (19-10-44).

1958 – Conferment of civil and criminal jurisdiction to headman Makeke Nkosana

1962 – Makeke is still headman of Nkosana. [File ends]

Makeke passes on and leaves the current headman in office as he was (include the claimant)

On the other hand the respondent is of a different understanding of the whole set up regarding the establishment of the chieftainship in question. The point of their

settlement and their leadership is not disputed as an event that occurred by the respondent. But his version is that the chieftainship of Nkosana was by default as it should have never gone to him as he descends from the seventh wife of Gobozi. Being a descendant from the seventh wife of Gobozi is deemed not to have "no chiefly lineage" by the respondent.

It was submitted further by the respondent on page 1 that the prince (chief) to arrive in Thembuland with his people was Lesani around 1550. Gobozi was the eighth generation from Lesani according to Ellenberger referred to above.

The respondent's version (page 3) is that Tyhali was born from the first wife of Gobozi while Nkosana was born from the sixth wife. Tyhali disputed the version of the claimant in its entirety. His main points were:

- o The land in question belonged to Stokwe who left it to one of his son Kruqula who was later overcame by the whites whom he was resisting.
- o The land (his land) was later given to Nkosana by the whites
- o He has been endorsed by the Vundles and Matatiele and the Royal Bafokeng.

6.2 Historical developments leading to the claim / dispute

Further to other historical issues referred to above, the neighbouring farms around Nkosana were described by Mr Turner Nerd as land that was taken by the British government. Those Trust Farms were later subdivided into plots where the ex-combatants from World War Two were resettled. He has intimate knowledge of the events as his father was one of the soldiers that benefited from this scheme. In effect this part of the land did not have a traditional community in the conventional sense as it was in the neighbouring Nkosana location at the time. Further, it is only years later after the establishment of the Nkosana location of the two Administrative areas were established.

Through time the three locations ended up being amalgamated into one Traditional Council called Nkosana, albeit led each of the headmen from the three locations on a rotational basis for a five year term. As submitted by the respondent during the public hearing and during the interview the White Paper on Traditional Leadership introduced traditional councils that were to be headed by chiefs.

It was at this stage that there was an opportunity for the three headmen to vie for chieftainship. It was submitted by the respondent that the claimant was given a chance to submit his application first for the elevation to chieftainship but he was unsuccessful. After the alleged failure by Nkosana, Tyhali then submitted his own application for recognition (albeit with resistance from Nkosana) and was successful.

It was further submitted that the Provincial House of Traditional Leaders established a Commission to handle the dispute, which Commission found in favour of Tyhali. It should be noted that the application for this chieftainship has the support of the Bafokeng Royalty from whom the AmaVundle originate. Tyhali also submitted the amaVundle in general are in support of him and recognise that he is senior to Nkosana. He even went on further to state that the claimant actually acknowledges him as his senior customarily.

Tyhali was subsequently appointed by the Department of Local Government and Traditional Leadership, and Nkosana has since challenged the appointment in court. The case however had been put in abeyance until the Commission attended to the case.

7. CUSTOMARY LAWS AND PRACTICES FOR IDENTIFYING A LEADER

As was submitted by both parties to the claim the customary followed by the Vundles is that of male primogeniture. The first born male from the ruling line or house rules. However the events leading to the appointment of Tyhali seem to have not followed this custom.

8. ISSUES IN DISPUTE / CONTENT OF THE CLAIM

The issues in dispute are:

1. The chieftainship of Tyhali T. J is being disputed in terms of how it was established in Nkosana Traditional Council. The basis for the dispute is the

fact that he is alleged to have usurped the position that would have naturally fallen to Nkosana as his (Nkosana's) ascendants were given farm 20. Further, it is alleged that his appointment was done at the exclusion of the affected people.

2. The legitimacy of both parties is disputed in terms of custom. The respondent is of the view that according to the geneology of the Vundle's he is senior to the claimant. On the other hand the claimant is of the view that he is legitimate because the respondent's claim to chieftainship should be lodged in Lesotho as this is where the chieftaiship line of Tyhali ended up being domiciled.
3. Does the history of occupation in the land affect the incumbency?
4. Does the amalgamation of the other two locations Mafobe and Thaba na Tsuoana into Nkosana Traditional Council allow the retention of the Nkosana historical claim to the chieftainship.

9. CONCLUSION

In conclusion, both parties submitted their historical and genealogical backgrounds wherein they both claim superiority for this chieftainship. One is basing it on the fact that the first AmaVundle to arrive in this area were under Nkosana and the same group has been under Nkosana since that time. On the other hand the responded has the backing of Bafokeng Royalty from whom the Vundles originate. The arrival of the respondent in this land is questioned by the claimant and is dismissed as having

any chieftainship claim. In fact, it was submitted if he is to claim any chieftainship he must do that in Lesotho where the chieftainship of Tyhali ended being domiciled. It should be noted as well that the respondent raised objections and displeasure during and after the public hearing.



EASTERN CAPE PROVINCIAL COMMITTEE

RESEARCH QUESTIONNAIRE

PURPOSE OF RESEARCH QUESTIONNAIRE

To gather all relevant facts and substantive information to support the claim through interviewing the claimant and key informants' supporting his / her claim.

Generated findings will be used to inform the provincial committee on subsequent processes leading to final recommendation/s on the claim.

ETHICAL ISSUES

Interviewees will be informed on all relevant ethical issues pertinent to the exercise. Local authority would be acknowledged and notified of the intended research

a) QUESTIONS OF FACT

1. What exactly are you claiming?
2. What is the history of your traditional leadership?
3. When was your traditional leadership established?
4. Is the dispute in question hereditary, please explain.
5. What do you know to have exactly happened (events) leading to the claim arising
6. Who are the parties to the claim and are you a legitimate claimant?
7. Do you have any supporting evidence for your claim?
8. Are there other members of your family that might be the rightful heir apart from you, the claimant mentioned on the claim form?
9. Kindly provide a detailed family tree/geneology that supports your claim.
10. Where do you feature in the family tree?
11. When did the dispute arise including the specific dates?
12. Who has current recognised jurisdiction over claimed community and how did he/she ascend to office?
13. Have you made any previous attempts to resolve the dispute? If you have, what were the outcomes?
14. How big (in detail) and what is the indication of the size of your 'constituency'?
15. Are you part of the Royal family?
16. Do you have any other details/information relevant to the case?



b) QUESTIONS OF LAW

1. What is the cultural identity of your community i.e. tribe
2. What is the customary law of succession of your community?
3. Is the law recognised generally across your community?
4. Is the customary law uniformly applied by your community?
5. How long has it been applied, or since when?

Or

1. What practice is followed by your community with regards to traditional leadership succession?
2. Is the practice recognised generally across your community?
3. Is the practice uniformly applied by your community?
4. How long has it been practiced, or since when?



EASTERN CAPE PROVINCIAL COMMITTEE

NKOSANA VS TYHALI CASE

AUDIO VISUAL RECORD

BY:

PETER GARIKAYI

COMMISSIONED BY:

COMMISSION OF TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS

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NKOSANA TYHALI AUDIO VISUAL RECORD

CHIEF EXECUTIVE OFFICER

The CEO made the administrative introduction and handed over to the Chairperson.

MRS MADIBA

Mrs Madiba started with preliminaries and introduction of the Committee Members and other officials. She did this in her capacity as the acting chairperson of the Committee in the absence of the Chairperson Dr Mndende on the particular day. She also expounded on the mandate of the Commission in terms of the Traditional Leadership and Governance Framework Act of 2003 as amended in 2009. The scope of the work was said not include determinations but only recommendations; the actual determination is made of the Premier. Also she explained how the public hearing would be held in terms of all parties that would be entertained during the process. The parties would include the claimant and respondent as well as the members of the public.

CLAIMANT

Mhlabuzolile Alfred Nkosana

The claimant opened his submissions by noting that it was the government's interference in the land of his forefather Nkosana that resulted in the claim. It was alleged that the state imposed a chief in the land of my forefather, Nkosana. Nkosana handed over to his spokesperson.

Dicson Mqume Secretary to Nkosana

He submitted that the house was really taken aback by the move of the Government to place someone in the land of Nkosana. He stated that there were no formal processes followed at the elevation of Tyhali. Noone even explained all what was happening.

It was further submitted that Nkosana's chieftainship is hereditary and his geneology is from as far as Tyhali as noted in the written submission. This Nkosana has got land with a title deed in his name. At the placing of Makeke, there was a letter that explained which geographic jurisdiction he had, the land was described and Nkosana Location 20 and the trust farms (the jurisdiction was that of the head of Tribal Authorities. How then does it happen that another chief is placed in this land?

On the other hand Mr Tyhali's ascended into office through voting. Another surprise was that the daughters of the late Makeke were alleged to have written a letter endorsing the chieftainship of Tyhali. The further allegation was that the chieftainship had been conferred by their father to Tyhali but the letter was not at all signed and they have no knowledge of this letter. It is quite strange also those women would decide on chieftainship.

Makeke died 1998 and Nkosana the current headman had taken office in 1997. Further, in 2004 Nkosana is alleged to have submitted a claim for the elevation of his position to chieftainship. Unfortunately, his application was not successful and subsequently Tyhali submitted his application and was successful.

Although Tyhali ended up being recognised, the claimant is of the view that his recognition was somewhat flawed in that it did not include the community. It was alleged that in 2008 letter from government written by the Superintendent General of the Department of Local Government and Traditional Affairs acknowledging receipt of the chieftainship issue of Nkosana Traditional council. To the surprise of the claimant the next thing they heard was the gazetting and confirmation of chief Tyhali.

It was further alleged by the claimant that Tyhali arrived in Roland Farm with his grandmother and brother Vuyani where they stayed at a Mqwati homestead. This submission was on an affidavit by one lady that witnessed the arrival of Tyhali. Subsequent to their arrival, they later found a plot to settle on in Mafobe where they finally took residence. It was alleged that his father, Thousand, never claimed any never claimed any chieftainship.

It was further stated that Vuyani (late) his elder brother has three sons and are alleged to have been sidestepped by the claimant because, if anything, they would be more eligible than him if they were to submit a claim. On the other hand the claimant is of the view that he has the support of the general AmaVundle and the Bafokeng Royal family.

The claimant submitted evidence in the form of the title deed of the land and the conferment of the jurisdiction over all the land in question including letters of other headman supporting the headmanship of Nkosana. The claimant further disputed the land claim earlier submitted by the respondent as the area was just too vast and questionable.

The claimant also stated that the respondent's claim for chieftainship in Nkosana was misplaced in that his chieftainship was in existence in Lesotho and not Matatiele.

There were further additions to the submission of the claimant made by Turner Nerd, a resident of Thabana Tsouana. His submissions were that the residents of his area were equally affected by the appointment of Tyhali because it put their Administrative

area under the chieftainship of Tyhali. He made further submissions that apart from the Nkosana Administrative Area all the surrounding areas were farms that were allocated to excombatants.

He further submitted that some two farms belonging to Mr Edkins and Mr Nico and the farms area Mt Plesia and La Grange confirming that the ex-combatants would get this land. Subsequent to the relocation of these farmers, the land was subdivided to soldiers who had participated in the Second World War. Those two farms ended up forming the current Mafobe and Thabana Tsuoana, years into earlier formation of Nkosana Tribal Authority.

TYHALI RESPONDENT

Tyhali started with his genealogy and history as highlighted in the written submission. He also noted that Gobosi had seven wives of which Tyhali was from the senior wife while Nkosana was born of the sixth wife. He also submitted that Tyhali and his people ended up adopting the culture of the Thembu. The son to Tyhali, Stokwe is said to have owned the whole land question but then ended up relocating to Lesotho. Upon living, it is alleged that he left his son Rurufa to look after the land but he was moved out by white who later gave the land to Nkosana. He said that the land was given to Nkosana because he sold out his kinsfolk to the whites.

It was further submitted that Stokwe's residents was in Maxongo between Uggie and Elliot.

Tyhali submitted that his father was born in 1902 in Roland and participated in the Second World War. He is said to have come back in 1945. Tyhali was elected headman of Mafobe in 1997 and the White of the year 2000 mooted the transformation of Tribal Authorities into Traditional Councils. It is then that the Nkosana Traditional Council dispute started in that there were two candidates.

The two applicants submitted their applications but ultimately Tyhali was appointed as the head of the AmaVundle. The basis was that he had support of Vundle's in general and also the Bafokeng royal family.

Supplementary information was also given from the king of the Bafokeng – David Mafokeng who vouched his support for Tyhali and that he questioned Nkosana's claim as it did not follow the royal family route.

ADJOURNEMENT

QUESTIONS

The Bafokeng king raised concerns on the inclusion of the public, secondly and reiterated if this was a land claim or a chieftainship claim.

Mrs Madiba clarified the position of the Commission and the claim. She noted that the case was being held as a public hearing and as such anyone was welcome.

Ms Madiba started with the question on whether the parties are both MaVundles. She further asked when the chieftainship started.

The answer from the claimant was that there was Mjanyani eLesotho; his point was that at the arrival of Nkosana in Matatiele, the two families of Tyhali and Nkosana had long separated.

To the respondent: Please show the succession line in this land of Nkosana?

Mr Stofile

According to the geneology, the chieftainship of Stokwe, should have stayed in the ruling line. How come it came to the line of Thousand who was junior. Rurula was left behind by Tyhali and Vova when they went to Mjanyani.

The answer from Tyhali was that before 1848 there was no other chieftainship in this area except Stokwe and Bebeza . A further question was asked by the Committee on Tyhali's birth as informed of the affidavit mentioned earlier.

Professor Koyana

Professor Koyana asked the respondent to explain the name Nkosana Traditional Council in the contexts of the claim?

His answer was that the land was all farms and Nkosana was given one of them and the amalgamation happened in 1961.

Mrs Madiba

Mrs Madiba questioned the inconsistency of the application the customary law on the side of the respondent in that junior houses are found to be eligible for rulership when senior ones are in still in existence.

His answer was that Nkosana, at the amalgamation, the other two were told that they should come under Nkosana because he was the one with a royal blood chieftainship at the time.

The letter confirming agreement to the chieftainship Tyhali by the daughter of Makeke was disputed by them, though Tyhali had said that it was written by them.

PUBLIC

The gist of the public's submissions was in support for Nkosana while one former Nozithetyana of Makeke submitted that Makeke tried to apply for chieftainship but was unsuccessful.

CLOSURE

**TRADITIONAL
LEADERSHIP DISPUTE**

**A. M. NKOSANA
VS
T. J. TYHALI**

**MATATIELE
14 AUGUST 2014**

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- 4. THE RESPONDENT- BAFOKENG (EXECUTIVE) ON THE NKOSANA CASE.

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a) QUESTION OF FACT

1) How do you respond to the claim?

I deny that inkosana A. M. Nkosana is and has any chiefly lineage. Nkosana Makeke Nkosana had applied for recognition as chief without success whom A. M. Nkosana succeeded.

It is because Makeke's forefather Nkosana born of the sixth house of Prince Gobozi and for his support that he offered the whites to fight Kruqula, he was awarded land, farm 20, where Nkosana Traditional Council is situated and nothing more. The Royal Family was offended by what he did to support the then Government in the Hope Wars (1880).

He seemed to be not sure of his origin as he claimed to be of Thembu Royalty but he had failed to prove it genealogically. He says that he recognized King Sabata Dalindyebo as his paramount(chief) but that he had closer ties with Paramount Chief Kaizer Matanzima. His tribal authority does not have a chiefly lineage and is therefore headed by an elicited headman. Copy annexured marked "A".

2) How do you justify your legitimacy?

Originally the AmaVundle are the Bafokeng by birth. Their direct great, great forefather is King Sekete II. They broke away because of the family feud that erupted as a result of an ill-advice by King Sekete's councilors had advised him to take the daughter of his a son "Moroa" group leader for his principal wife. This gave great offence and when the Sovereign died and his principal wife's son succeeded him, the majority Tribes of Bafokeng Ba-Mmutla-O-Jeoa-Tala, the original Basotho Nation objected or refused to acknowledge him for the Crown of their tribe's Empire. The reason being the Original Basotho Bafokeng considered themselves as very much superior to the San Nomadic race.

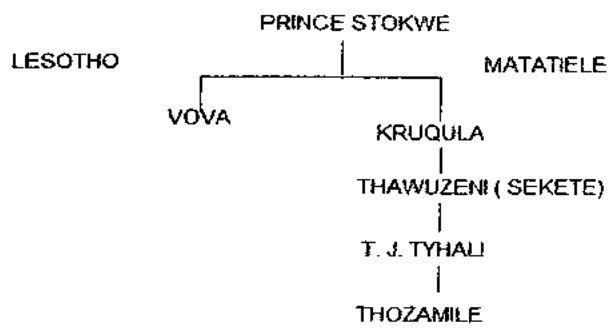
1550 AD Prince Lesani (Sizani inNguni) the son of the principal wife and his supporters decided to depart with such of his followers. They crossed the Quathlamba (Drankensburg) mountainstraversed Nataf and eventually arrived in Thembuland. They were absorbed linguistically and culturally save their origin that they are from Ntsoana-Tsatsi foreland.

To cut matters shorter, Prince Gobozi is from the descendants of King Sekete II and he married seven wives and gave birth to: (only firstborns)

- 1. Prince Tyhali(1st wife)

- 2. Prince Bebesa(2nd wife)
- 3. Sogwagwa (3rd wife)
- 4. Xhathu(4th wife)
- 5. Matyobeni(5th wife in Qumbu)
- 6. Nkosana(6th wife)
- 7. Sidlayiya (7th wife)

Prince Tyhali was succeeded by his son, Prince Stokwe and the genealogy is as follows:



INkosana A. M. Nkosana is from the sixth house of Prince Gobozi and as it was previously stated he has no chiefly lineage, the Royal Family still maintains the status quo. It is unfortunate that he is being deceived by people, who want to fulfill their goals. The Royal Family has determined and declared that Chief T. J. Tyhali is the chief of the AmaVundle at Mafube 25 Nkosana farm 20 inclusive as this was an award after Prince Stokwe was jailed at Kokstad and East London Prisons his son Prince Kruqela was chased to Lesotho by the white soldiers with the support of Prince Nkosana hence he was given Farm 20 as a reward were the Traditional Council is at present.

3) Please provide a genealogy or family tree of AmaVundle?

The AmaVundle are the descendants of Kind Sekete II Mofokeng who traversed Quatlamba Mountains and eventually defected to Thembu Nation in Thembuland. They were led by Prince Lesani (Sizani in /Nguni) Mofokeng who is the founder of AmaVundle- Mavundla.

The clan MaVundle originated from Basotho (Bafokeng Ba-Mmutla-O-Jeoa-Tala) meaning the "Bafokeng of the Hare which is Eaten Raw".

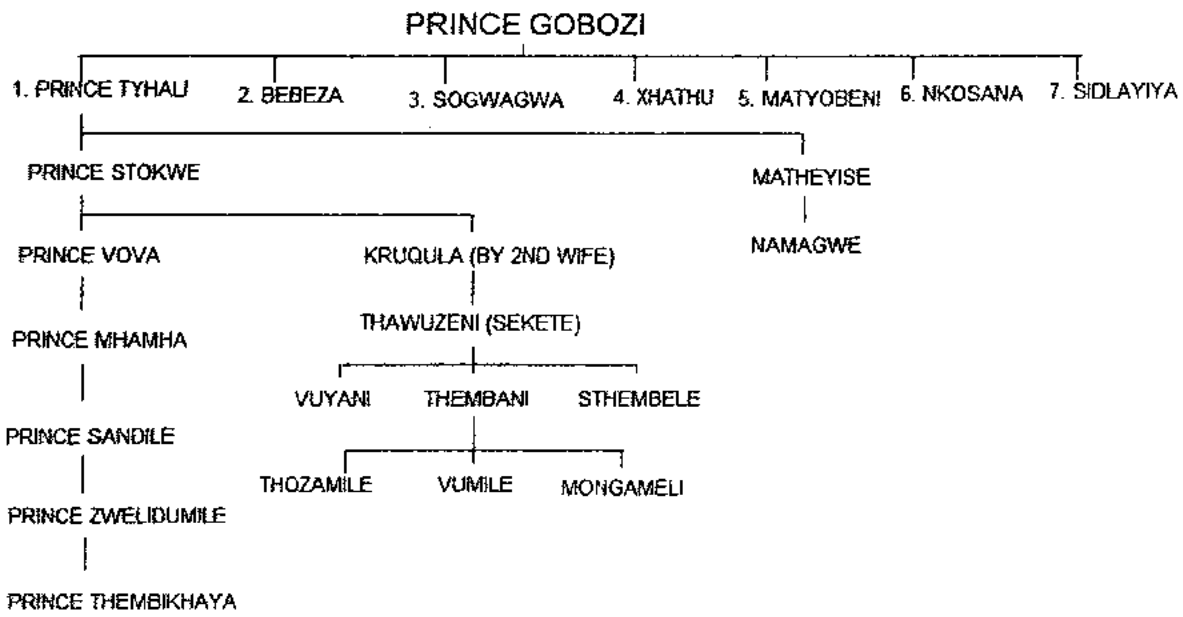
The genealogy or the family tree of the AmaVundle is as follows:

In 1240 AD King Sekete II

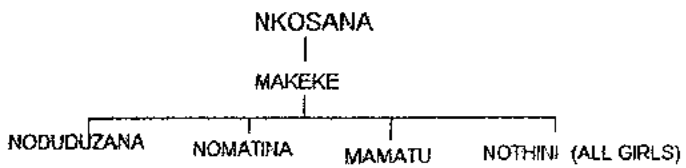
In 1300 AD Prince Lesani (Sezani in Nguni)

In 1350 AD Prince Khetshe

- Prince Siquungele
- Prince Zembe
- Prince Gwaca
- Prince Bhayi
- Prince Mkhapheni (Mkhumbeni)
- Prince Gobozi



About 1880



The name of inkosana A.M.Nkosana does not appear.

Where do you feature in genealogy?

Chief Thembani Tyhali is the direct descendant of Prince Tyhali. See the above family tree.

4) Please provide a history and the establishment of your traditional leadership.

Prince Stokwe who is the son of Prince Tyhali married two wives. The first wife was at Lesotho, her first born was Vova.

The second wife traversed over the Quathlamba Mountains and settled in East Griqualand and the first born was Kruqula.

Stokwe did not accept all proposals by the whites who wanted to take his land by bartering as they tried to rob him of his land. He fought with them as a result he was ultimately imprisoned. Whilst he was in Kokstad and East London Prisons, his son Kruqula who succeeded, continued the fight against the white land dispossession. The whites who were supported by Nkosana defeated him and he exiled to Lesotho.

Whilst in Lesotho his land was divided amongst the whites to farms. Nkosana was awarded with farm 20 for his part played in sabotaging his brother and was appointed to be a caretaker of the said farm and a leader of his followers as they settled in the said farm.

After the death of the headman Ndleleni in April 1997, the community and AmaVundle or Royal Family saw it essential to restore their lost chieftainship hence Chief T.J. Tyhali was determined and declared a successor by the Royal Family.

Consultations were conducted with Traditional Council members as well as the community of which this idea was welcomed with open arms by all.

The Royal Family even consulted the daughters of inkosana Makeke Nkosana who had no problem in Chief T. J. Tyhali taking over chieftainship. Copy of the letter written and signed by daughters is annexed and marked "B".

What surprise that Royal Family is that in all decisions taken, inkosana A. M. Nkosana was part thereof and had no objection. The question is who advised him otherwise now? Copies of documents with his signature are attached and marked "C"

5) Historically does the claimant have a recognized traditional leadership in this area?

The Claimant is lodging a dubious claim because the history and genealogy states clearly that Nkosana is from the sixth house of Prince Gobozi. According to chiefly lineage the succession is hereditary and governed by the constitution of the Royal Family and where the office becomes vacant, the successor shall be determined and declared in accordance with Bafokeng Ba-Mmutla –O-Jeoa-Tala Amavundle law and custom. In respect of Nkosana Mhlabuzolile this did not happen.

So, the claimant has no chiefly lineage and as such is not recognized as such in this area or he does not qualify to be a chief. Evidence by an elderly, Mr Nikelo will be used in support thereof.

6) What exactly happened(event) leading to the claim arising?

Prince Stokwe took a firm stand and vehemently opposed the system of the land dispossession by white regime by use of force and he was eventually imprisoned. When his son Kruqula took over the power, he followed suite in opposing the same system and he resorted to continued fighting for the land that belonged to the AmaVundle Nation.

He was forced to exile and he sought asylum in Lesotho. It is at this stage when Nkosana received farm 20 as an award for assisting them and thereafter he was appointed by the white regime as caretaker or leader in the farm. The rest of the land was demarcated to be farms of the whites in the area. After which the same farms were distributed to various communities and some as a gift/ award to ex-soldiers of the World War II.

7) What supporting evidence do you have for your testimony?

Documents are attached as well as Mr Nikelo's verbal testimony to be used in support hereof.

8) To your knowledge, when did the dispute arise including the specific dates?

The dispute started after Chief Tyhali made an application to be elevated to chieftainship position. His recognition caused a stir as Nkosana A. M. Nkosana is causing commotion in the area currently. Claims that he is the first person to arrive so he should be recognized as such by the AmaVundle Nation as the chief of the land he first occupied. His assertion is contrary to history and the genealogy of amaVundle as per Royal Family and documents. Copy of genealogy is annexed and marked "D".

10. Have there been previous attempts to resolve the dispute? If any, what were the outcomes?

Attempts were made by the Royal Family to resolve the matter amicably but the inkosana A. M. Nkosana could not accept the resolution taken by the Royal Family of which Mr Nikelo was the part of. He decided to take the matter to Court whereby it was resolved by the Court that the case should be dealt with by the Commission as it is now. Copy of his application to Court is attached and marked "E".

9) What are the details and indications of the size of your constituency?

Various farms including farm 20.

10) Is the respondent's family part of a royalty?

Yes, it is.

The inkosana A.M. Nkosana resorted to disrupt all traditional council meetings convened by the Chief as he claims that he does not recognize Chief T. J. Tyhali as a chief.

This has caused a division amongst the Royal Family as the minority members follow him.

11) Do you have any other details/ information relevant to the case?

1. Yes, documents and annexures of The Bafokeng Ba-Mmutfa-O-Jeoa-Tala Tribes Empire or Bafokeng-Amavundle-Mavundla Tribes Empire (B.A.M.T.E)

b) QUESTIONS OF LAW.

1. **What is the cultural identity of your community i.e. tribe?**

My community is identified as AmaVundle tribe.

2. **What is the customary law of succession of your community?**

It is hereditary and governed by the Constitution and Bafokeng-Ba-Mmutla-O-Jeoa – TalaAmavundle-Mvundla Traditional Law and Custom. Where the position of Senior Traditional Leader, Headman or Headwoman is to be filled, the successor is determined and declared by Royal Family in accordance with the Bafokeng-Ba-Mmutla-O-Jeoa-TalaAmavundla-Amavundle Law and Custom.

3. **Is the law recognized generally across your community?**

Yes, it is so, it is recognized generally.

4. **Is the customary law uniformly applied by your community?**

Yes.

5. **How long has it been applied, or since when?**

It had been so since the formation of the Bafokeng kingship. There were inconsistencies caused by the white regime to the custom. This is the custom that has existed for years immemorial.

The speech by the Premier of the Province and the Chairperson of the Traditional Leaders states as follows:

"The Colonial land dispossession spans back to the expansion of Dutch Colonial settlements in the Eastern Cape. Land and stock dispossession resulted in wars that lasted for hundred years led by traditional leaders and those wars are known as "wars of land dispossession or frontier

wars". *The traditional leaders are sometimes known as the custodians of the land.*

Glen Grey Act marked the land segregation passed in 1894. In 1879 the land was proclaimed as magisterial district set out for missionaries. Whites resented African ownership of the land and demanded it should be taken back from them arguing that Blacks had forfeited their right to land when they fought against colonial government.

The Africans were reduced to dependency, their dignity has been compromised. Sandile Tyhali fought frontier wars and was killed at Isidenge Forest." (26 September 2013: Matatiele Town Hall.)

3. OTHER THEMBU

The following Thembu tribes are not directly subject to either the Senior Thembu or the Emigrant Thembu, since they do not reside in Thembuland Proper or Emigrant Thembuland. Ritual and social ties are nevertheless maintained.

No.	Tribe	Chief	District	Authority	Population
11-341*	amaHala†	MTRARA, Manzezulu	Glen Grey	HALA	40 726
11-344*	amaTshatshu	Ngubenyathu, Reuben†	Glen Grey	Hala	17 597
11-245	abaThembu	Nkosana, Makeke§	Matatiele	NKOSANA	1 257
11-255	abaThembu	Tabata, George	Hewu¶	NDLOVUKAZI	3 197
11-280	abaThembu	Gcisa, William Sifekexe**	Tsolo	BOVUBE	9 785
11-357*	amaNtungwana††	Xotongo, Velebayi	Qumbu	Hala	1 333
					73 895

* Numbers marked thus do not appear in Van Warmelo 1935. They are being introduced here, but form an integral part of Van Warmelo's numbering system.

† They are Emigrant Thembu historically, but do not now fall under the jurisdiction of the Emigrant Thembu Paramount Chief, although they maintain close ties with him.

‡ Has applied without success for recognition as chief.

§ Makeke's forefather Nkosana supported Government in the Hope War (1880), in consequence of which he was rewarded with the area now known as Nkosana 20. Makeke claims to be of Thembu royalty but has failed to prove it genealogically. He says that he recognises Sabata Dalindyebo as his Paramount, but that he has closer ties with Kaizer Mathanzima.

|| They are also Emigrant Thembu historically. This tribal authority does not have a chiefly lineage and is therefore headed by an elected headman.

¶ Actually in the Queenstown district but included in Hewu for census purposes.

** William's great-grandfather supported Government in the Hope War, for which he was granted land in Tsolo.

†† These people are not under Emigrant Thembu authority anymore. They came from Glen Grey and were once part of the Emigrant Thembu.

4. NON-THEMBU IN ORIGIN

The tribes in this section are all of non-Thembu origin. They are (or were), however, Thembu subjects. The first seven are supposedly of Xhosa origin. The Tshomane and Nqanda are of Mpondo origin and the Qwathi of Xesibe origin. The Tshezi, again, originated from the Bomvana, while the Vundla are said to be of South Sotho stock. Some of these tribes fall under the Senior Thembu, some under the Emigrant Thembu, and some again, under neither. Those in Mqanduli, Umtata

and Engcobo owe allegiance to Sabata Dalindyebo; those in Xalanga and St Marks are under Kaizer Mathanzima; and those in Glen Grey and Herschel can be linked with the Emigrant Thembu for historical reasons, although they are not now subject to them. There are, of course, many smaller groups of people, especially Fingo, that have been incorporated by the Thembu and do not stand out as separate tribal entities.

No.	Tribe	Chief	District	Authority	Population
11-090	amaGcaleka†	Mfebe, Arthur	St Marks	GCALEKA	4 207
11-465	amaNqabe†	MRAZULI, Dalikwezi; acting for Solomzi Vulumhlaba who is a minor	Mqanduli	NQABE	11 556
11-380*	amaGcina†	MPANGELE, Zwelixeli§	Glen Grey	GCINA	25 291
11-382*	amaGcina†	GECELO, Bonani; acting for Rogers Gecelo	Xalanga	KWAGCINA	7 129
11-384*	amaGcina†	MHLONTLO, Gwebindlala	Glen Grey	MHLONTLO	18 927
11-370	amaHegebe†	HOLOMISA, Bazindlovu	Mqanduli	HEGEBE	7 035
11-260	abaThembu¶	Mda, Zwelinjani; of Xhosa origin together with some of his followers. The remainder are Thembu	Qumbu	S. Pandomise	3 267
11-527*	amaMpondomise**	MAXONGO, Bazindlovu	Umtata	UPPER NCISE/ KAMBI	5 723
11-570	amaTshomane††	GWEBINDLALA, Dalingozi††	Mqanduli	TSHOMANE	10 061
11-575	amaNqanda§§	Momoza, Daliwonga†††	Mqanduli	NQANDA	2 204
12-828	amaXesibe	Mtwa, Wellington Zwelivumile	Mqanduli	XESIBE	6 844
11-440	amaQwathi¶¶	DALASILE, Mzikayise	Engcobo	QWATI	53 715
11-442*	amaQwathi	MONI, Xego Sami; acting for Stokwe who is a minor	Xalanga	EMAQWATINI	7 742
11-445*	amaQwathi¶	HINANA, Henry	Herschel	AMAQWATI	7 572
11-425	amaTshezi***	GOBIDOLO, Dalasile; acting for Ngqungelisamani Siwili who is a minor	Mqanduli	TSHEZI	8 110
11-590*	amaVundla***	BEBEZA, Larabaza	Herschel	AMAVUNDLA	7 413
11-595*	amaVundla†††	Matyobeni, Farrington Sidumo†††	Qumbu	HALA	854
					187 650

* Numbers marked thus do not appear in Van Warmelo 1935. They are being introduced here, but form an integral part of Van Warmelo's numbering system.

† It is said that the forefathers of these Gcaleka were instructed by their great chief Sarili to remain at the St. Marks mission station. There is no chiefly lineage in this tribal authority's area.

‡ See Nqabe, Gcina and Hegebe genealogy.

§ Mpangele was brought in from Engcobo and appointed chief. He was not acceptable to all the members of the tribe, and consequently he was only given part of the tribe, that which now forms the Gcina Tribal Authority.

|| Mhlontlo was appointed chief of this part of the original Gcina tribe when it was found that Mpangele (11-380 above) was not acceptable to all. Mhlontlo represents a-xhiba house of the Gcina.

¶ These tribes are regarded as Thembu but are not at present subject to the Thembu.

** Also known as amaNgcengcwe. See Mpondomise section and genealogy.

†† Of Mpondo origin. See Mpondo section and genealogy.

††† Dalingozi is dead and his heir is said to be David Ngcininkosi Dudumayo.

§§ Daliwonga is also known as Ndyobe Cotiyana and appears thus in the Mpondo genealogy. He superseded the rightful chief, Nngangetaba Dinizulu, who was deposed.

||| This is the senior branch of the Xesibe. See Cwera, Xesibe etc. section and genealogy.

¶¶ Of Xesibe origin. See Cwera, Xesibe, Qwathi and Mpinge section and genealogy.

*** Of Bomvana origin. See Bomvana section and genealogy.

†††† Of Fokeng (South Sotho) stock acc. to van Warmelo 1935, p. 63.

††††† Although Matyobeni is head of this tribal authority, his Vundla are a minority group in it.

Nkosana A/A
 Matatiele
 4730
 11/01/2009

Bisho
 House of Traditional leader
 Eastern Cape

Ngalomhla ungasentho besidibene sinzintobizika
 tetu Makeke Nkosana, Sibhata lencwadi sinzis
 okokuba siyavumelana nesigibo esethathwa ngama
 Vundle ngomhla ka 05/01/2009. Xakwa kudibene ama-
 Vundle ebuyisela ubukhosi bamalundle kuNkosi u-
 Thembani Tyhali, Ababuthathwe nga Mangesi UMhlabuzi
 le Nkosana, savumelana ukuba makasibambeke ukub
 abe yiNkosana ephantsi kobukhosi buka Nkosi uTyho
 Nyengokuba utata ongasekhoyo wathathwa isigqibo
 sokuba ubukhosi bukaTyhali mabubuyele kuNkosi
 uThembani Tyhali. Ungowendlu enkcinzi uMhlabuzi

Ababe khona kulontlanganisano ngaba abalandela

Bangi li fa mikelu (071) 2975 915

Nozipho Nkosana

Nomatina Nkosana

Mamatu Nkosana (073) 3641 260

Nothini Nkosana (083) 5902 900

N. Nkosana

~~Nozipho Nkosana~~

2560101/4

10/18/3-25

039

X 102

4740

~~The Regional Representative
Office of the Premier
UMTATA~~

MALUTI
-20/8/97

APPOINTMENT OF HEADMAN : MAFUBE ADMN. AREA MATATIELE YOUR PM
13/010/4/25.

Attached herewith is a Tribal/Traditional Authority resolution from Nkosana concerning the appointment of a headman of Mafube Admn. Area to replace headman D.J. Ndleleni who passed away on 6 April 1997.

The appointee is Thembang Joseph Tyali who was born on 13 July 1954 and has passed std 6.

The appointment is recommended. The resolution is forwarded in triplicate.

Your Co-operation will be appreciated.


Magistrate : Maluti

→ The Secretary
Nkosana Traditional Authority
MATATIELE

Sir

Copy for your information. Attached is a photostat copy of the said resolution for your attention.

Yours faithfully


MAGISTRATE : MALUTI.

[Handwritten signature]

to L. A. B. OFFICER
MADRAS

SIR / MADAM

This serves to certify that this traditional authority has received an application letter for chairmanship of headman members Tygal of Madure administrative area. He says he is applying due to his genealogy. This traditional authority had even got a letter from his royal family. There is no objection at this traditional authority.

Yours Faithfully
[Signature]

* Am. Kumar

of SEPOLOFO

MADURAI
L. E. MADURAI

by L. Kumar

[Handwritten signature]
(Secretary of Madure)
Traditional Authority

22-03-2004

MAFUBE A/A

Kuvulwe Ngomthandazo ngu Jatu Khethele.
Kukho izinqxenqxezo kuMalungu anqekheyo.

Kufundwe imizuzu yembizo egqithileyo;
Kukho imwaka yemizuzu egqithileyo emalung
Nentetha yobu Chief buka Akosi Tyhali
Isizwe besicelo ukuba Makenze isicelo soku
yi Chief kuba isizwe siyazi ukuba uabo
Ubukhosi Ngokomnombu wakowabo uMamaudie
Nangokolwazi lwabantu abadala

Isizwe sakhe Nelali aziphetheyo zonke beziya
Mkele Ngonye inqubo ibizwa enkundleni
kuba bekukho ubungqina bamamaudie onke
akowabo Namanye awayekho kwimbizo
ye family bekukho nobungqina bencwadi
ebhalwe yi family yakhe emkhululayo
Ukuba Mabuthathwe nguye ubukhosi Nguy
@nelungelo labo akubangakho mpixano na
mpikiswano Malunga nale nqubo
ingcwadi yobungqina ye family ibizwe
Ngomhla ka 20-03-2004

Isizwe Siggibe ngokuba mayibhalwe incwadi eye
kwi Tribal Authority isayinwe ngamalungu
enkundla asebenze nekhosi ephela aplo
Inqobo Malunga nesicelo sika Akosi
Thembani Tyhali
TPYAME

TRIBAL AUTHORITY RESOLUTION

The *Nbosana* Tribal Authority has at its meeting held on ..13.08.1997... appointed in terms of Section 41(i) of the Transkei Authorities Act, 1965 (act No. 4 of 1965) ... *Thombane Joseph Tyali* N.I.N. *5:407130140081* as headman / acting headman of *Matube* Administrative Area in the district of *Matuli* with effect from the date of assumption of duty as headman/acting headman.

The appointment was made after consultation with the Paramount Chief and/or chief and the registered voters in respect of the area as required by section 41(3) of the said act with the following results:-

No. of registered voters:- *unanimous 391 votes* if unanimous)
if vote taken:-
1. *Nil*
2. *Nil*
3. *Nil*

If no vote taken:-
Manner of appointment:- *to fill the vacant post caused by the death of headman O.J. Ndleleni of Matube B/A*

The abovenamed is a registered voter/not a registered voter of Transkei, was born on *13-07-1954*... or is *43*... years of age (insert date of birth if possible), and has passed standard *Std 6*

TRIBAL AUTHORITY SECRETARY *D Motloli*

DATE :- *13.8.97*



A. Matabane
HEAD OF TRIBAL AUTHORITY

Ref No 10/18/3

DEPT OF LOCAL GOVT + TRADITIONAL AFFAIRS
MAGISTRATE OFFICE

ENQ: MR M. MAKHAMBA MALUTI

CELL: 0929253373 08-11-2004

THE SECRETARY
MALUTI REGIONAL AUTHORITY
MT. FLETCHER

RESIGNATION OF CHIEF: T. J. THALI ID. 5407135690081

In connection with the abovesmatter is a confirmation to be stamped and signed by the Regional Authority. He is under Nkosana Traditional Authority.

The following documents are attached:

- @ Copy of his ID. 5407135690081
- @ Letter from the Traditional Authority.
- @ Letter from the family of Geography face of the applicant.

For your attention please

L. Co. B. GERK: MALUTI

AMAVUNDLE AYEKHO NIBALE MUNI (05-01-2009)

Amavundle aseMjanyane ekhokhelwa ngunkosi
uMthuthuze ayekho, awasehalo ayekho, awase
Keshell wona eyengaphumelelanga, ayekho nawakwa-
glali amavundle. Mntu amavundle ayehleli intlanganis
ngasemlanje, unkosini uMhlabuzolile nathi akanangak
nobukhosi bukankosi uMhambani, kuloko yena
ubanga ubukhosi buka-Nkosana. Enye into wadaga
ngexililo sakhe apuo wayesithi udikwa ligama
elithi bona bangabantwana bedikazi, ngama elo
kungazange kwele umntu walitshoyo.

Unkosi uNkosana yena wabala iincwadi ebanga
ubukhosi bukankosana abalaleka ngexesha apuo
uMakheke wayebanjelwe ngiPhangumpu de yena
wegqibela esisibanda - Ingxelo kankosi uMhlabuzolile.

INOMBA OKANYE UBURWE - EBUKHOSINI

Je yinkundla elawulwa ngunkosi enezibanda kunye
noonozithetyana plantsi kwakhe. Unkosi atafani
nezibanda; akonyulwa uyabuzalelwa ubukhosi
abekwe luhlanga olo tilandele umnombi
wokuzalwa.

UMNOMBO NGEMBAMBANO

Unkosi uMakheke wayephethe eyinkosi waze umhlaba
wakhe wawunikela kunyana wakhe ustokhwe.
Ustokhwe wadlaselewa ngamabulu kuba wayengawu-
mini ukuba bathathe umhlaba wakhe. Emweni

Umyana wakhe ukugula. Ustokhwe wabanjwa ngamabhulu waze ukugula waleqwa ngamabhulu amtswona eLesotho ngomnyaka ka 1879. Ngomnyaka ka 1883 uNkosana wabonjwa ngesiqingatha somhlaba kaSiyhali kubawanced amabhulu ukoyisa ubukhosi bukaSiyhali. USyha ngumkhuluwa kaMatyobeni owaletelwa nguNkosana bezalwa nguSobhoza. Enwa kwempil ukugula wabuyela emhlabeni wakhe, wafika ucanuwe weba ngamafama amabhulu yaze isiqingathana, sabelwe ukhosi uNkosana. Amabhulu eza unda oyibele deseldula ubhebeza (Hershell), Matyobeni (Oumbu) kunye nokhosi uNkosana (Matatiele).

IMBAMBANO

Ukhosi uSiyhali ubanga umhlaba wamavundle awanungumhlaba kaSiyhali nowethatha ngokokhulu thwa ngabandlophe. Ukhosi uNkosana yena ubanga ubukhosi buka Nkosana obalandela ngomnyaka ka 1937.

UMHLABA OWATHATHWA KUMAVUNDE

So mhlaba ugqoka iHershell, Lady Grey, Barkley East, Elliot, Ngie, Mader, Mount Fletcher, kunye neMatatiel apho abanjwa ngamabhulu khona ustokhwe.

ISIZOMBULULO

Kuphakame isithethi sathi ubukhosi ngokomnomb



ngamabulu (abamilephe) bawenika unkosana
 usingathana kuba omunzi bacanda amaplan
 abo kuwo. kungoku uhlukumele ubuyisela
 yonke imihlaba eyokuthwayo kubaniniwo.
 Nalo kaTyhali uyabuyiswe, ngoko ke amavundle
 athi umhlaba nawo nawubuyele kuwo uphathe
 ngunkosi uShembani osisizukulu kaTyhali,
 ukugula, uHawuseni. Unkosana ngumninawa
 ka Tyhali, xa ke athi unkosani uShembani wayifu-
 mana inkomo yakowabo aze aphawulele
 unkosani uMhlabazolile angabi sisibonda naye
 abeyinkosi kwakumhlaba wakowabo. unkosani
 uShembani akubesendaweni awabizo wonke
 amavundle aze kubonelela unkosani uMhlabazolile
 umninawa wakhe. Amavundle asithathe esi-
 sigqibo kuba isingizi besivumelana ngasatelo-
 nye lo gama bekukwa nezithethi ebezingone-
 liseki sisigqibo ^{esithathwe} ngokomnombho.

PH03 - kwawalwa ngamthandazo

1. ~~_____~~ (USIHLALO)

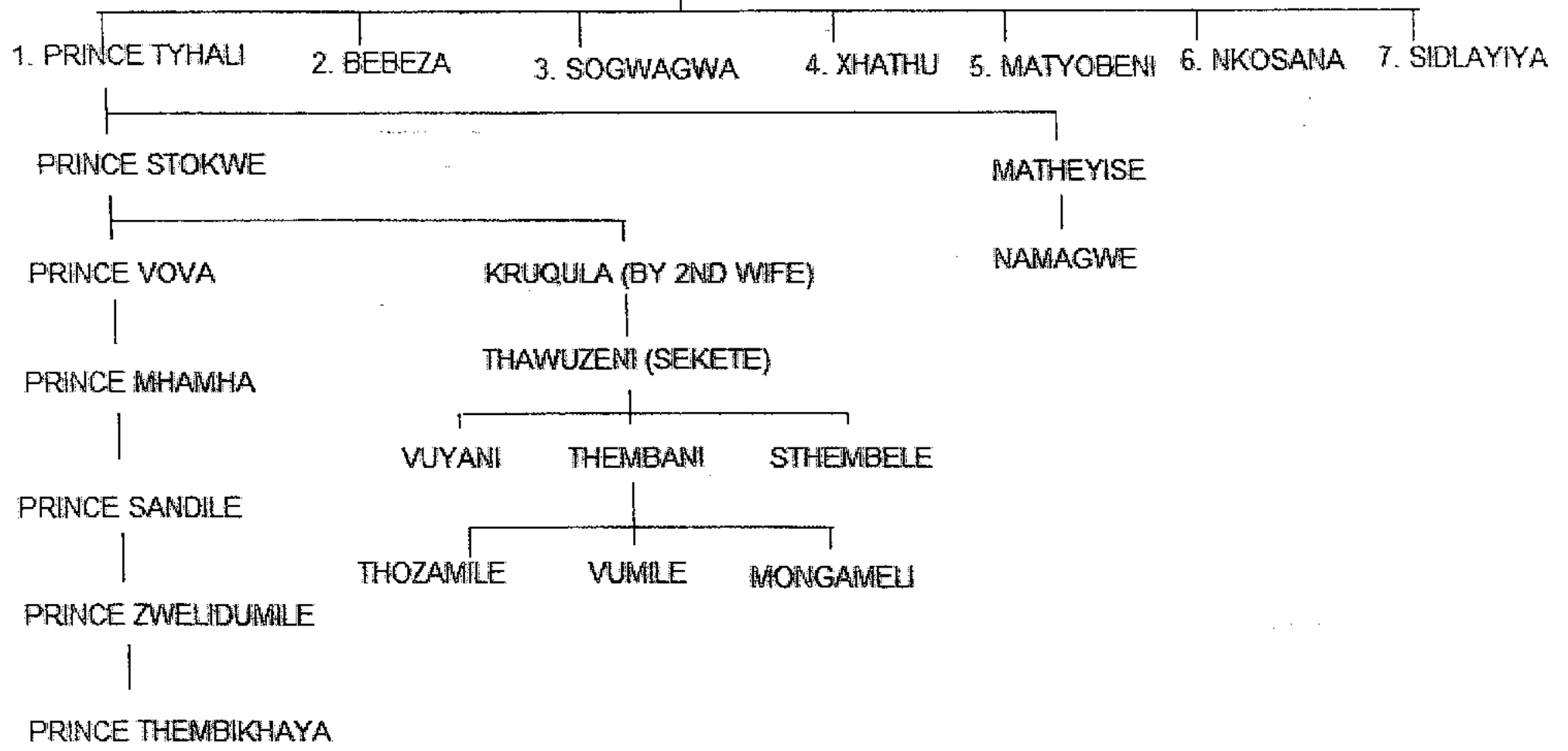
2. ~~_____~~ (UNOBHALA)

TRIBAL AUTHORITY

IGAMA	IFOWLUNI	UMBIZIYO
1. MITHUTHUZELI TYHALI	LESOTHO 0766 5856 8355	Tyhal
2. Thembani Tyhali	LESOTHO 0721535360	Tyhal
3. THINITHINI TYHALI	LESOTHO 072 6445850	Tyhal
4. NDOYISILE TYHALI	LESOTHO	Tyhal
5. MHLAKWANA MHEINI	LESOTHO	Tyhal
6. DUKAZA ISHATSELA TYHALI	LESOTHO	Tyhal
7. SIGEQE THANDANI	LESOTHO	STANDANI
8. DAMBIKE NKAKA TYHALI	LESOTHO	Tyhal
9. Bangilifa NIKETA NKOSANA	LESOTHO	Nkosana
10. SILULAMI NKOSANA	0798532767	Nkosana
11. TYHALI SIPHO	078 26 83 639	SIPHO
12. NKOSIMWILE RIGALA	073 37 21 532	Rigala
13. Sizabhe NKORANA	-	Nkorana
14. THOZAMILE TYHALI	073 93 46 883	Tyhal
15. Sijabonga Ntongenge	-	Ntongenge
16. Bhekinko MOKA	-	MOKA
17. VADYISILE MADUKHA	-	MADUKHA
18. LIZO SAJANA	-	SAJANA
19. BOOI	-	BOOI
20. T. ndekene	-	ndekene
21. VICTOR	-	NOSWILI
22. Mankwala Rigala	Mapube	Rigala
23. NOSEMI NOSWILI	Mapube	NOSWILI
24. NOLHAWENA NOSWILI	Mapube	NOSWILI
25. NI RIGALA	Mapube	NI RIGALA
26. THANBEKA JAME	Mapube	T JAME
27. NOKHAYE TYHALI	Mapube	N. P. Tyhal
28. NOLHAWENA NOSWILI	Mapube	N. NOSWILI
29. MANZOLA BLEMI	Manzola	M. BLEMI

20
D
65

PRINCE GOBOZI



"E" 66 21

Shepstone & Wylie ATTORNEYS

Durban • Cape Town • Johannesburg • Pietermaritzburg • Richards Bay • London

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Province of the Eastern Cape
Private Bag X0026
BHISHO
5605

PER FAX : 040-609 5218

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Local Government & Administration:	+27 31 575 7500
Conveyancing & Property:	+27 31 575 7100
	+27 31 575 7101

Your Reference	Our Reference	Date
	VMM/mg/NKOS22098.1	23 August 2011

Dear Sirs

HEADMAN - THEMBANI JOSEPH TYHALI

1. We act for Mhlabuzolile Alfred Nkosana ("our client")
2. Our client is the headmen of the NKOSANA administrative area in Matatiela, which falls under the Matatiela Traditional Council. He has been recognised as such in terms of Provincial Notice No 380 dated 29 October 2009 published under Government gazette No 2225. A copy of the said notice is attached hereto marked "A".
3. This letter relates to the position of THEMBANI JOSEPH TYHALI.
4. The following issues have been referred to us for our attention and advice:
 - 4.1 The leadership status and the Recognition of Thembanani Joseph Tyhali;
 - 4.2 Allegations of misconduct against Thembanani Joseph Tyhali.
5. The Background to the issues in Paragraph 4 above is as follows:

S.S. NXASANA

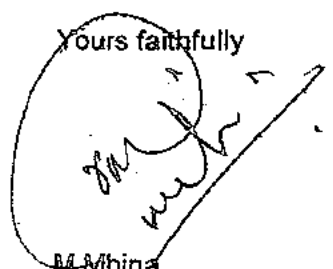
A M N

Durban: Partners: R B Armstrong, C L Bode, S F Oshwinyd-Palmer, W P Coetzee, S Davidson, E de Wet, A F Donnelly, S M S Dwyer, A B Edwards, I A E Esat, J L Finnigan, A W Lockem, M G Maeso, M Mbina, M S Msomi, B D Nelson, M E Nkosi, D Norje, E C Petersen-Holmes, P Prinsloo, K Reddy, I R Sampson, H N Theunissen (Chairman), Q van der Merwe, J M von Klemperer, D J Warmback, N P Woodroffe (Managing Partner).
 Associate Partners: M J Bagwandeen, C Eve-Friss, A L Holder, P G Leyden, P C McGee, V M Oosthuizen, S Viljoen. Associates: M Beavon, G J Cousins, C J Field, T K Luthuli, A B Mhlongo, V G Mowibiso, M Myhardt, Z Pretorius, C R Reynolds, M J Rowley, J C Smith, S Subroyen, B A Walker, J L Waker.
 Cape Town: Partners: G D Breytenbach, H J Gemeke, E C Greiner, J Swart, A E Viljoen. Associate Partner: J M D'Unienville.
 Johannesburg: Partners: C S Dullin, L M Kotze, I R Sampson, F van Rooyen. Associate: K J Robinson.
 Pietermaritzburg: Partner: L A Malby. Associate: E M Bassage.
 London: Shepstone & Wylie UK: J P Herholdt.
 Consultants: Durban: A J J Chadwick, R A P Gifford, O M Oosthuizen.

- 5.1 Allegations of misconduct have previously been levelled against Thembani Joseph Tyhali. In terms of Section 20 of the Traditional Leadership and Governance Act 2005 (Eastern Cape) (Act No 4 of 2005) read with section 12 of the Traditional Leadership and Governance Framework Act 41 of 2003, such allegations could if proven lead to the removal from office of the said Thembani Joseph Tyhali. A copy of the correspondence relating to such allegations is annexed hereto marked "B".
- 5.2 To the best of our client's knowledge, these allegations have neither been investigated nor attended to.
- 5.3 It has been brought to our client's attention that there is a process underway to Recognise Thembani Joseph Tyhali in a traditional leadership position other than that of headmen. The effect of such recognition would place the said Thembani Joseph Tyhali in a superior position to that of a headman.
- 5.4 An objection to such recognition has been made. Copies of two letters objecting to such recognition are attached hereto marked "C" and "D" respectively.
6. In order to advise our clients fully and to enable our client to take the necessary steps as an interested party, our instructions are to request your written responses to following questions:
- 6.1. In terms of your records, is Mr Thembani Joseph Tyhali recognised in any capacity other than that of headmen? If so
- 6.1.1 When was he so recognised?
- 6.1.2 How was he recognised?
- 6.1.3 What process was followed leading to such recognition?
- 6.1.4 In which of the following capacities is he recognised?
- 6.1.4.1 King or a queen;
- 6.1.4.2 Principal Traditional Leader;
- 6.1.4.3 Senior Traditional Leader;

- 6.2. If he is not recognised in any other capacity other than that of headmen, is there a process that is, either intended or has been commenced with to recognise him in any of the capacities referred to in 6.1 above or any other traditional leadership capacity? If so, at what stage is such process?
- 7. In the event of there being a process pending before you to recognise the said Thembani Joseph Tyhali in any of the said capacities, we are instructed to place on record as we hereby do that our client intends to make written submissions against such recognition. These will be made immediately upon receipt of your response hereto.
- 8. We accordingly request your written undertaking that any process towards recognising the said Thembani Joseph Tyhali in any of the capacities aforementioned (if such there be) will not proceed until such time that our client and all interested parties have been afforded an opportunity to make submissions.
- 9. Due to the urgency of the matter, our instructions are that in the absence of an undertaking in terms of paragraph 8 above, our client will make the assumption that the information before him is correct and will act on the basis of such information.
- 10. The steps that our client will take advice on are inter -alia, seeking relief from the High Court against you and any other person as he may be advised with an appropriate cost order. In this regard our clients' rights are fully reserved.
- 11. We await your response hereto.

Yours faithfully



M Mbina
SHEPSTONE & WYLIE
 Personal e-mail address : mbina@wylie.co.za
 Direct telephone number : (031) 575-7518
 Direct Fax No. : (031) 575-7500

cc. The Office of the Premier
 Eastern Cape Provincial Government
 Fax no: (040) 639 1419



A M N
 S.C. NUNO

MISCELLANEOUS
DOCUMENTS
ATTACHED HEREIN

" F "



*Fundiswa
Make a
copies for
Mr. [unclear]
[unclear]
[unclear]*

HOUSE OF TRADITIONAL LEADERS

IPHONDO LEMPUMAKOLONI ◊ PROVINCE OF THE EASTERN CAPE ◊ PROVINSIE VAN OOS-KAAP
Ingxowa eyodwa / Private Bag / Privaatsak X 0035, Bisho, 5608, SOUTH AFRICA

Reference No:	Enquiries: Mr N.J.Qamata	Telephone: 040 609 2845
Date: 18 December 2009		Fax: 040 - 609 2832/ 8
		Cell: 071 9816 071

Honourable MEC S. Gqobana
Department of Local Government and Traditional Affairs
P/Bag x 0036
Bhisho
5605

Dear Honourable MEC

SUBMISSION OF TRADITIONAL LEADERSHIP CLAIMS AND DISPUTES REPORT.

Attached herewith please find the consolidated traditional leadership claims and disputes report as approved by the House.

Hoping you will find it in order.

Yours truly,

Chief Ngangomhiaba Matanzima

Chairperson: Eastern Cape House of Traditional Leaders

Date: *21/12/2009*

received
21/12/09

[Handwritten initials]

*Hand delivered to the
office of the MEC on 21/12/09*



EASTERN CAPE HOUSE OF TRADITIONAL LEADERS

REPORT ON THE HEARING OF THE TRADITIONAL LEADERSHIP CLAIMS
AND DISPUTES

REPORT NO.5

AMAVUNDLE CHIEFTAINSHIP CLAIM – MALUTI(MATATIELE)

Nkosana Traditional Authority has no chief and so it is headed, on a rotational basis, by ooNkosana Them bani Tyali, Mhlabuzolile Nkosana and Makhethela who are members of this traditional authority.

Nkosana Them bani Tyali and nkosana Mhlabuzolile Nkosana belong to the amaVundle Royal Family. They are both claiming the chieftainship of the same area hence the hearing took place at Nkosana Traditional Authority.

Nkosana Makhethela does not form part of this chieftainship claim.

He was elected by the Community of Thabanatsoana to be inkosana after the death of nkosana Matabana who had no progeny and no royal blood.

Whilst Nkosana Tyali had oral and documentary evidence to prove his claim, nkosana Nkosana relied on maintaining that he had arrived in the area earlier than nkosana Tyali. Headman Nkosana became inkosana after taking over from his uncle, the late nkosana Makeke Nkosana, who had two daughters.

FINDINGS: Nkosana Tyali had proof of documents accompanied by genealogical tree which shows that he is from the Great House of amaVundle which headman Nkosana did not dispute. Headman Nkosana took over from the late Makeke Nkosana, his uncle who had two surviving daughters who had a right to the crown if they so wished.

RECOMMENDATIONS: The Committee recommends that headman Tyali be recognized and restored to the chieftainship of amaVundle.

Chairperson: 
Nkosi Zanzolo Matanzima

Date: 17/12/2009

Co ordinator: 

Date: 17/12/2009

Mafube A/A

P.O Box 94

Matatiele

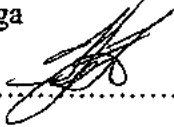
4730

05/ 01/ 2009

Ngalomhla ungasentla aMAvundle ayedibene

Mna Thembani Tyhali ndiyavumelana nesigqibo esithathwe kulondibano yawo esithi mandibuyiselwe ubukhosi obabu cithwe ngamangesi ngexesha lamandulo, mna ndibamkele ubukhosi nokukhokela kumasiko soloko ndibambisene nabo kuzozonke izinto ezichaphazela wona

Ndiyabonga



TO WHOM IT MAY CONCERN

20/03/04

We, as a family of Tyhali to confirm that we met as a family and discuss to allow our brother Thembile^{eni} Tyhali to obtain a chieftainship position as its our birth right of the Amavundle (Tyhali) tribe as a royal family as known through our geneology.

We would also like to apologize for any inconvenience if is there any but we as a family of Amavundle (Tyhali) do not have any objections about this matter

We thank you in advance

You're sincerely

1. Vuyani Daniel Tyhali
2. Vuyiswa Tutu Tyhali (Mvinjelwa)
3. Nomsisi Elizabeth Tyhali (Sekalane0)
4. Matima Richard Tyhali
5. Noxolo Constance Tyhali
6. Nombulelo Primrose Tyhali
7. Thozamile Tyhali

P/S during our discussion we had some witnesses that are also our Family (Vundle)

1. Simon Khafule
Sixaba Rigala
Zamakulungisa Nikelo
Andile Tyhali
Thozamile Tyhali
Sandile Gqojana
Sizwe Ndleleni
Mdakane Noswile
Alfred Noswili
Lizo Ashar Livingonte Gqojana

TO L.G.B Officer

Maluti

Sir/ Madam

This serves to certify that this traditional authority has received an application letter for chieftancy of headman thembani Tyhali of Mafube administrative area. He says he is applying due to his geneology. This traditional authority had even got a letter from his royal family.

Thank you .theree is no objections at this traditional authority

Yours Faithfully

REF NO 10/18/3

DEPT OF LOCAL GOUT TRADITIONA AFFAIRS

MAGISTRATE OFFICE

MALUTI

08-11-2004

ENQ; MR M. MAKHAMB

CELL: 072 9253 373

THE SECRETARY

MALUTI REDGIONAL AUTHORITY

MT. FLETCHER

DEGNATION OF CHIEF: T.J TYHALI I.D 540713 5690 081

IN connection with the above matter is a confirmation to be stamped and sign by the regional authority. He is under nkosana traditinal authority.

The following documents are attached:

- a) Copy of his i.d 540713 5690 081
- b) Letter from the traditional authority
- c) Letter from the family



- d) Geonology tre^e of the afficial
 - e) For your attedntion please
- l.g.b.geark: Maluti

9-08-2006 I

Amavundle ayintloko eliSotho AFrica aph^oeMAFUBE ekhokhenlwe nguNokhaya Tyhali oyinkosikazi obamb ele unyana wakhe oyintloko uthembikhaya, ongunyana ka Zwelidumile, ongunyana ka Vova (Mdayidabuki) ongunyana ka Sitokhwe (hlathikhulu ongunyana ka TYHALI ONGUNYANA KA GOBHOZI.

Uvule intlanganiso yaMavundle eMafube iyenye yendawo zobuvundle buka Tyhali ezaziphantsi koTyhali ukuya kutsho emdeni wohlulelana neNatala neFree State ko Alwal ne Grey Amavundle afumanen uThembani Tyhali ongunyana ka Thawuzeni ongunyana ka Kruqula ongunyhana ka Tyhali.

UKruqula lowo uStokhwe olowo uSitokhwe xa wayesetlongweni kwixesha lamangesi evalelwe eKokstad ngeyalelo yamangesi ekapa wayesebenza ngaye kwi East Griqualand Nobebeza e Herchel yonke okuhlulelana neFree State kakho neNatala ngaseMpumalanga Nomateyase eliSotho.

AMavundle eze nonkosikazi uNokhaya Tyhali okulandela imbali (HISTORY) afumana uThembani Tyhali kwizizwe ezise Mpumalanga kumda kaBhebheza inguye intloko kumakhosi alapho afike emveni kukaTyhali abekwe ngamangesi okanye amabhulu ebukhosini

NAKWI MVELA YAMAVUNDLE EMASIKWENI ABENZA ESISIGQIBO NGABA BALANDELAYO BASUKA EQUthing. KUQINISWA ISIGQIBO SONYANA BAKA THAWUZENI

1. Nokhaya Tyhali
2. Thembikhaya Tyhali
3. Zwelixelile tyhali
4. Vuyani Tyhali
5. Thamsanqa Tyhali
6. Welile Spele
7. Phillip Dedaniziwe Tyhali
8. Zamile Ttyhali
9. Robert. Tyhali



TRIBAL AUTHORITY – NKOSANA 0

05 MQUNU 2009

Ngenyanga ^YMsintsi kulo nyaka uphelileyo, 2008 amavundle ahlala intlanganiso eyayiquka neendwendwe ezazisuka eBhisho. Intlokondaba yayingu mnombo ~~le~~ amavundle njengoko amavundle ayefuna kubuyiselwe ubukhosi bawo. Ngonyaka ka 1997 aMavundle avumelana ukuba uNkosi uMhlabuzolile abhale incwadi yobango bobukhosi bamaVundle. Ngonyaka ka 2000 uphinde wabhala enye incwadi eyatsho ^{REGION} iBhisho yanemibuzo kuye ethi balahlekaphi obu bukhosi ababubangayo.

Ngomnyaka ka 2003, unkosi Uthembeni wabhala incwadi, nonkosi uMhlabuzolile wabhala eyakhe apho basayinela wonke lo gama bebanga okanye benza ibango ngobukhosi baMavundle. Ngonyaka ka 2006 kwafumaniseka ukuba aMavundle adlala indima enkulu ezinkosi esilwelwa umhlaba ^K woba womhlulu bawo kumabhulu (abamhlophe). Ngenyanga yesilimela iBhisho yavakalisa ukuba aMavundle ngokwembali anobukhosi, unkosi uMhlabuzolile wabanesikhalaza xa aMavundle enika unkosi uThembeni ubukhosi kungexa yalo ndawwo ethe iBhisho yacela aMavundle wonke nawase-liSotho adibane anike isikhokelongendlu efanelwe kuthatha ubukhosi. Aye acela lo ntlanganiso ibenosihlalo nonnobhala apho kubhalwa ngomnombo waMavundle- Inxelo kankosi uThembeni.

AMAVUNDLE AYEKHO NGALE MINI

05-01-2009

Amavundle aseMjanyane ekhokelwa ngunkosi uMthuthuze ayekho, awaseQhalo, ayekho awase Hershel wona ayengaphumelelanga, ayekho nawakwa Tlali aMavundle. Mhla aMavundle ayehleli intlanganiso ngaseMlanjeni, unkosi uMhlabuzolile wathi akanangxaki nobukhosi bukankosi uThembeni, kaloku yena ubanga ubukhosi buka – Nkosana. Enye into wacghaza ngesililo sakhe apho wayesithi udikwa ligama elithi bona bangabantwana bedikazi, gama elo kungazange kuvele umnt^Kwalitshoyo. Unkosi uNkosana yena wabhala iin^Cwadi ebanga ubukhosi buka Nkosana obalahleka ngexesha apho uMakeke wayebanjelwe nguPangumpu de yena wagqibela esisibonda- Inxelo kankosi uMhlabuzolile.

INQILO OKANYE –EBUKHOSINI

Le yinkundla elawulwa ngunkosi enezibonda kunye noonozithetyana phantsi kwakkhe. Unkosi akafani nesibonda, akonyulwa uyabuzalelwa ubukhosi abekwe luhlanga olo lilandela umnombo wokuzalwa.

UMNOMBO NGEMBAMBANO

Unkosi uTyhali wayephethe eyinkasi waze umhlaba wakhe wawunikela kunyana wakhe uStokwe. Ustokwe wahlaselwa ngamabhulu kuba wayengafuni ukuba bhathe umhlaba wakhe. Emveni kokuba uStokwe etshise iMatatiele washiya unyana wakhe uKruqula. Ustokwe wabanjwa ngamaBhulu waze uKruqula waleqwa ngamaBhulu amtshonisa eliSotho ngomyaka ka 1879. ngomyaka ka 1883 uNkosana wabongwa ngesiqingathana somhlaba ka Tyhalil. ~~Ustokwe~~ kuba wanelisa amaBhulu ukoyisa ubukhosi buka Tyhali. UTyhlali ngumkhuluwa kaMatybeni owalekelwa nguNkosana bezalwa ngugobhoza. Emveni kwempi uKruqula wabuyela emhlabeni wakhe, wafika ucandwe waba ngamafama amaBhulu yze isiqingatha sabelwa unkosi uNkosana. AmaBhulu enza umda oyitele besehlula uBhebheza (Hershel), Matybeni (Qumbu) kunye nonkosi uNkosana (Materiel)

IMBAMBANO

Unkosi uTyhali ubanga umhlaba wamavundle owawungumhlaba ka Tyhali nowathathwa ngokuhluthgwa ngabaMhlophe. Unkosi uNkosana yean ubanga ubukhosi buka Nkosana obalahleka ngomnyaka ka 1937.

UMHLABA OWATHATHWA KUMAVUNDLE

Lo mhlaba uquka iHershel, Judy Grey, barklyey East, Elliot, Ugie, Maclear, Mount fletcher kunye neMatatiele apho abanjwa ngamaBhulu khona uStokwe.

ISISOMBULULO

Kuphakama isithethi bsathi ubukhosi ngokomnombo bobuka nkosi uThembani. Kobo byathuba intlanganiso inikwe imizuzu elishumi ikhe inqumame. Kubuzwa nje unkosi uMhlabuzolile ucela ukuba unkosi uBhebheza oseHershel nowayengaphumelelanga. Isithethi zisichithile zibalula ukunka kwexesha, indleko zokumana kusiziwa eliSotho, kwavelelwa nento yokuba zange abantu baphela kosuke abanye bangabikho ngenjongo kwasele kukho nababengakwazanga kuphumelela kodwa babekho ngaphambili. Kuphinde kwaphakama esinye isithethi satyumba unkosi uThembani njengenkosi nesesithathu isithethi sixhaxile sisithi makanikwe ilungelo lakhe kuze emva kobonelelwa omnye njengoko kungabantwana bomntu. (2)

Kwakho esinye isithethi sinike unkosi uThembani ubukhosi njengoko umnombo walatha . Kubekho isithethi esithe unkosi uNkosana (Mhlabuzolile) makangabanggiswa apho etribal kuba lo mhlab wawuphiwa. Isithethi sokugqibela sigxinise ukuba ubukhosi buyazalelwa ke le ndawa ngekankosi uThembani (Tyhali). Kwalapho sakho isithethi esiphakamise igama likankkosi uMhlabuzolile njenge Nkosi emayiphathe kuba lo mhlaba wawuphiwa

ISIQIBO SAMAVUNNDLE NGOKULANDELA ISISOMBULULO

Ekuqaleni umhlaba waMavundle wawuphantsi kwenkosi yawo uTyhali owathi wawuhluthwa ngamaBhulu (abaMhlophe) banika unkosana isiqingatha kuba omninzi bacanda yonke amaplasa abo kkuwo. Kungoku urhulumente ubusele yonke imihlaba eyohluthwayo kubaniniwo. Nalo kaTyhali uyabuyiswa, ngoko ke amavundel athi umhlaba wawo mawubuyele kuwo uphathwe ngunkosi uThembani osisizukulu kuTyhali, ukuqula , uThawuseni, uNkosana ngumninawa ka Tyhali, xa kea the unkosi uThembani wayifumana inkomo yakowabo aze aphawulele unkosi uMhlabuzolile angabi sisibonda naye abeyinkosi kwakumhlaba wakowabo. Unkosi uThembani akubasendaweni awabize wonke aMavundle ukuze kubonelelwe unkosi uMhlabuzolile umninawa wakhe. Amavundle asithasthe esi sigqibo kuba isininzi besivumelana ngamxhelomnye lo gama bekukwa nezithethi ebezingoneliseki sisigqiba esithathwa ngokomnombo.

17 hr 03- kwavalwa ngomthandazo

- 1. *Nogengca* (Usihlalo)
- 2. *Bata* (Unobhala)

ATTENDANCE REGISTER

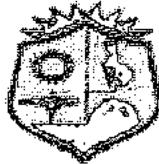
05-01-2009

TRIBAL AUTHORITY

IGAMA	INDAWO & IFOWUNI	UMSAYINO
1. Mthuthuzeli Tyhali	liSotho – No 4266585683355	
2. Thembani Tyhali	Matat- No 07315355360	
3. Ndoyisile Tyhali	LiSotho	
4. Mahlakwana Mhleni	LiSotho	

80

5. Thinithini Tyhali	LiSotho- No 0726445850	
6. Dukuza Tshatsheni Tyhali	LiSotho	
7. Sigeqe Thandani	LiSotho	
8. Dambile Nxakaza Tyhali	LiSotho	
9. Bangilifa Nikelo	Nkosana	
10. Silulami Nkosana	0798532767	
11. Tyhali Sipho	0782683639	
12. Nkosivumile Rigala	0733721532	
13. Sizakele Nkosana		
14. Thozamile Tyhali	0739346885	
15. Siyabonga Nogenge		
16. Bhekuka Nkohla		
17. Vuyisile Maduna		
18. Llizo Gqojana		
19. J. Boo		
20. T. Ndzeke		
21. Victor		
22. Mankwali Rigala	Mafube	
23. Nosemi Noswile	Mafube	
24. Nokaweni Noswili	Mafube	
25. N. Rigala	Mafube	
26. Thandeka Yame	Mafube	
27. Nokhaya Tyhali	Mafube	
28. Nothaweni Noswili	Mafube	
29. Manzolo Blom	Mafube	
30. Nonembile Gqojana	Mafube	
31. Mamosala Seroke	Mafube	
32. Elizabeth Ngcobo	Mafube	
33. Mamkweana Ngcobo	Mafube	
34. J. Mkhonto	Mafube	
35. Nombulelo Tyhali	08524353219	
36. William Rigala	Mafube	
37. Nkondela Dube	Mafube	
38. Nokhawudele Mayis	Mafube	
39. Nofirst Rigala	Nkosana	
40. Faniswa Rigala	Nkosana	
41. Nondumiso Blom	Mafube	
42. Lindelwa Mtshayelo	Nkosana	
43. Zandile Blom	Mafube	
44. Lungiswa Blom	Mafube	
45. Nowenele Mhlakule	Mafube	
46. Nowenele Kula		
47. Bamlase	Nkosana	
48. Nombeko Mtshayelo		
49. Lungelo Nogenga		
50. Masoka Tyaphile	Khaue	
51. A.M Nkosana	Nkosana	
52. Mandlenkosi Gqola	0764805191 (Nobhala)	
53. Nkosinani Nogenga	0794161657 (Usihlalo)	



Bafokeng
BU MUTLA O JEQA TALA
AMAVUNDLA

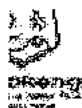
THE RESPONDENT

BAFOKENG

BA-MMUTLA-O-JEOA-TALA .."AMAVUNDLA-
AMAVUNDLE CLANS EMPIRE

ROYAL FAMILY (EXECUTIVE)

On the Nkosana Case



AD. RESPONSE TO QUESTIONS

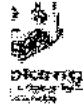
(ANSWERING AFFIDAVIT)

I the undersigned

Ntsukunyane Motseki Matete
also known as **David Mofokeng**

Do hereby make an Oath and state that :-

- 1) I am an adult male, King as Sovereign of the Bafokeng Ba-Mmutla-O-Jeoa-Tala Tribes Empire.
The Name of the Empire in other official languages of the Republic of South Africa and Lesotho is:
Amavundla-Amavundle Tribes Empire
The shortened form of the name of the Empire Tribe Posterity is :-
Bafokeng-Amavundla-Amavundle Tribes Empire
And I am the Sovereign / King of the Respondent and I am duly Authorized to make this affidavit and launch these proceedings on its behalf as evidence by a resolution to this effect, attached hereto and marked
Annexure N.M.M. 1
2. The facts contained herein are, save where otherwise stated or may appear different from the context, to the best of my knowledge and belief, true and correct.
3. I have read the interview guide for Mr. P. Garikayi on the Nkosana case : Respondent being the key informants supporting Amavundle Clan Chieftainship respondent, Chief Them bani Joseph Tyhali of Mafube County Chieftdom and wish to reply thereto as follows :-



4. (a) Questions of Fact

ADD Question 1 :

By answering affidavit as mentioned above.

ADD Question 2 :

By the **Bafokeng-Amavundla-Amavundle Empire Clans** within their Nation : -

Empire and its Constitution

"Oath or affirmation of allegiance" and

"Judicial Oath of Affirmation"

Done and signed by the Senior Traditional Leadership and or Chiefs of the Realm / Kingdom Royal Family Council of the :

Bafokeng-Ba-Mmutla-O-Jeoa-Tala Amavundla-Amavundle Clans Empire in the Republic of South Africa and Lesotho.

Annexure N.M.M. 2

ADD Question 3 :

Find genealogy tables of **Bafokeng-Ba-Mmutla-O-Jeoa-Tala Amavundla-Amavundle Clans Empire** with the estimated dates by historians' recordings and backdated by the Archaeologists reports. etc.

Attached and marked hereto Annexure N.M.M. 3

ADD Question 4 :

About Chief Thembani Joseph Tyhali

see the **Bafokeng-Ba-Mmutla-O-Jeoa-Tala Amavundla-Amavundle Tribes Empire / B.A.M.T.E.** page 2 to page 3

Attached and marked hereto Annexure N.M.M. 4

@ *Bafokeng Amavundle-Mavundla Empire*



ADD Question 5 :

See the Original Basotho, Bafokeng-Amavundla-Amavundle Empire, the Original Inhabitants of Ntsoanatsatsi Country of their Origin and its Counties among grouping and Ethnic history, social organization, political institutions, the Chieftainship succession and the Kingship etc.

Document attached hereto Annexure 5

ADD Question 6 :

The allegations contained herein are vehemently denied.

See page on Annexure N.M.M. 3 in conjunction with B.A.M.T.E. page 6 attached and marked hereto Annexure N.M.M. 6

ADD Question 7 :

See page B.A.M.T.E pages 8 to 13

Attached and marked hereto Annexure N.M.M. 7

ADD Question 8 :

See Bafokeng

Ba-Mmutla-O-Jeoa-Tala Amavundla-Amavundle Clans Empire and its Constitution.

Marked Annexure N.M.M. 2.

ADD Question 9 :

See Annexure N.M.M. 7 above

ADD. Question 10 :

See page 7, attached and marked hereto Annexure N.M.M. 8



ADD Question 11 :

Bafokeng-Amavundla-Amavundle Empire, Home Owners' Association members in the Republic of South Africa and Lesotho consists of one million home owners "breadwinners" with an average of seven (7) million family members per house estimated at seven million population and others not yet on home owners' association membership of Communal Property Association of Ntsoanatsatsi Country and Counties.

ADD Question 12 :

The allegations contained herein are admitted.

ADD Question 13 :

See Annexure N.M.M. 2 and N.M.M. 5



B) Questions of Law :

- o The **Bafokeng-Amavundla-Amavundle Tribes Empire**, being the Original Basotho of Ntsoanatsatsi Kingdom / Territory.

- o See the Empire and its Constitution chapter 2 section 5, 6 and 7.
- o In conjunction with Kingdom Realism Institutions page 4

- o Yes

- o Yes

- o See kingdom realism Institution on the Kingship page 4 as recorded according to Legend Ntsoanatsatsi Kingdom Dynasty was founded by a Spirit King, named Napo Mofokeng at Ntsoanatsatsi Realm Hill, Lehlakeng Capital Villages of their birth place. Its customary law never changed as it was before.

BAFOKENG-AMAVUNDLA-AMAVUNDLE TRIBES EMPIRE

Date 5th July 2014

RE- RESOLUTION BY THE SOVEREIGNTY CROWN COUNCIL

At a meeting held by the Sovereignty Crown Council "Royal Family Executive Board" of Bafokeng-Amavundla-Amavundle Tribe Empire.

Held at : Henderson Guest House

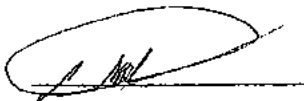
: Senekal Free State Province

It is hereby resolved that :-

King as Sovereign : Ntsukunyane Motseki Matete
Also known as David Mofokeng :-

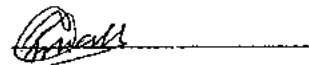
In his capacity as the Sovereign of the Bafokeng-Ba-Mmutla-O-Jeoa-Tala-Amavundla-Amavundle Empire Clans within their Original Basotho Nation authorised to depose to all affidavit and sign document on behalf of the Bafokeng-Amavundla-Amavundle Empire in dispute and claims against Chief Thembani Joseph Tyhali of Nkosana Traditional Council at Mafube County and the legal matter between Claimants and Chief T.J. Tyhali and Mafube Community.

Dated at Kurutlele / Senekal on this the 5th day of July 2014.



N. M. Matete

Also known as David Mofokeng



A. M. Matete

N.M.M.2

"THE CONSTITUTION"

WILL BE PROVIDED.



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ANNEXURE 2

A Genealogical Glance at the Origin of the Dynasty of the Original Basotho, the Bafokeng Ba-Mmutla-O-Jeoa-Tala-Amavundla-Amavundle Empire Royal Family.

Table 1 : 980 -1040 AD (If Not Before) 1st King Napo Mofokeng to 3rd King Mmutla Mofokeng.

Estimate in Years	Ruling King	Comment
980 AD If not before	1 st King Napo Mofokeng	The founder of Ntsoanatsatsi Empire Sovereignty at Ntsoanatsatsi Capitol Hill at Lehlakeng villages coextensive with Ntsoanatsatsi Country and Counties.
1010 AD if not before	2 nd King Setsete Mofokeng	
1040 AD if not before	3 rd King Mmutla Mofokeng	Bafokeng at Ntsoanatsatsi Capitol Hill take their tribal name: Bafokeng -Ba-Mmutla-O- Jeo-Tala from their third recorded generation King Mmutla the Grandson of King Napo Mofokeng by his son King Setsete.

Table 2 : 1070 AD to 1400 AD (If not before) 4th King Phohole 1 Mofokeng to 15th King Ramoroa Mofokeng .

Estimate in Years	Ruling King	Comment
1070 AD if not before	4 th King Phohole 1. Mofokeng	
1100 AD if not before	5 th King Morareli Mofokeng	
1130 AD if not before	6 th King Khulo Mofokeng	
1160 AD if not before	7 th King Molubiane Mofokeng	
1190 AD if not before	8 th King Phate Mofokeng	
1220 AD if not before	9 th King Maphathe Mofokeng	
1250 AD if not before	10 th King Mafole Mofokeng	
1280 AD if not before	11 th King Mokhesi Mofokeng	
1310 AD if not before	12 th King Morapeli Mofokeng	
1340 AD if not before	13 th King Mapuru Mofokeng	
1370 AD if not before	14 th King Tšoane Mofokeng	At Thaba- Tšoane. Now written as Tshwane in Sotho – Tswana Language
1400 AD if not before	15 th King Ramoroa Mofokeng	and his elder brother Mofokeng Mofokeng

Table 3: About 1430 AD to 1490 AD (If not before) 16th King Sekete I to 18th King Ramoroa II.

Estimate in Years	Ruling King	Comments
1430 AD if not before	16 th King Sekete I. Mofokeng and Prince Mphofe Mofokeng	At Ntsoanatsatsi Balemane
1460 AD if not before	17 th King Phokeng Mofokeng Prince MokoJane Mofokeng	At Ntsoanatsatsi Lehlakeng Balemane
1490 AD if not before	18 th King Ramoroa II Mofokeng Prince Mohaila Mofokeng	At Ntsoanatsatsi Lehlakeng Balemane

Table 4: 1520 AD (If not before) 19th King Sekete II

Estimate in Years	Ruling King	Comment
1520 AD if not before	19 th King Sekete II. Mofokeng Prince Nyetsane Mofokeng	At Ntsoanatsatsi Lehlakeng Balemane

Verbal Controversy

The Bafokeng Ba-Mmutla-O-Jeoa-Tala at Ntsoanatsatsi entered into friendly relations with Baroa "Nomadic" race groups and took some of their daughters to wife. This did not matter very much and would not doubt have passed without comment if the Crown Prince, Sekete II to be crowned King of the 19th generation King, had not been ill-advised enough to take the daughter of a San "Moroa" group leader for his principal wife.

This gave great offence and when the Sovereign died and his principal wife's son succeeded him, the majority Tribes of Bafokeng Ba-Mmutla-O-Jeoa-Tala, the Original Basotho Nation refused to acknowledge him for the Crown of their tribe's Empire.

Their objection was reasonable enough: The Original Basotho Bafokeng Ba-Mmutla-O-Jeoa-Tala considered themselves as very much superior to the San Nomadic race and no doubt, they were so in every respect.

Things got to be so unpleasant for them that the supporters of the principal wife, son of the principal wife, son Prince Lesani-Sezani departed with such of their people, as still adhered to them.

They crossed the Drakensburg traversed Natal and after many vicissitudes arrived in Tembuland, where they joined the Abathembu Tribe and became absorbed language wise and culture, but saved their emblem/mascot and their origin that they are Basotho from Ntsoanatsatsi foreland.

The descendant in direct line of these emigrants in aba-Nguni territory who returned with the Tribes back into their Country of origin Counties is Prince Tyhali and his brother Bebeza and others.

They settled at Madadeni / Matateng from Burgersdorp at Prince Gobozi fortress and settled at Mjanyane and lower Bebeza of Quthing County and Herschel County.

Prince Tyhali confirmed to Mr J.M. Orpen who satisfied himself by questioning him and his Councillors that he is, he say in reality a Mofokeng oa-Mmutla-O-Jeoa-Tala. (A Mofokeng of the Hare which is eaten raw) and descended from the Sovereign of Ntsoanatsatsi King Sekete II.

These Tribes of the second branch of Balemane of Prince Mphofe are founded under the Amavundle-Mavundla name by Prince Sezani alias Lesani to his and his son Khetshe ("Prince Khetshe")

During this verbal controversy

The third branch was formed by the house of the third wife "Leriteng Palace" Prince Mohono alias Thekwane also called Sebolela by forming partnership with Bakwena formed a branch of Bafokeng-Ba-Sebolela-A-Kwena.

The Leriteng Palace son wanted to be crowned but lost on majority discussion of the Empire which had already acknowledged Prince Tlopo alias Phohole II from the second wife's house "Lenakeng Palace"

Table 5 : 1550 AD (if not before) 20th King Phohole II Mofokeng

Estimate in Years	Ruling King	Comment
1550 AD if not before	20 th King Phohole II. Mofokeng , also known as Tlopo	At Ntsoanatsatsi.
	Prince Lesani a.k.a Sezani Mofokeng	Founder of Amavundla-Amavundle
	Prince Mohono/Sebolela alias Thekoane Mofokeng	Bafokeng - Rustenburg
	Prince Khoanyane Mofokeng	of Balemane
	Prince Tlanyane Mofokeng	of Balemane

Table 6 : 1580 AD (if not before) 21st King Mare Mofokeng

Estimate in Years	Ruling King	Comment
1580 AD	21 st King Mare Mofokeng	At Ntsoanatsatsi.
if not before	Prince Mallane Mofokeng	At Ntsoanatsatsi
	Prince Sebolela alias Thekoane Mofokeng Nicknamed Mohono	Bafokeng Rustenburg
	Prince Mosoeu Mofokeng	of Balemane
	Prince Mathosi Mofokeng	of Balemane
	Prince Khetshe Mofokeng written "u-Gitje"	of Amavundla- Amavundle
	Prince Mahobe Mofokeng	Bafokeng in Rustenburg

Table 9 : 1670 AD (If not before) 24th King Kata Mofokeng

Estimate in Years	Ruling King	Comment
1670 AD	24 th King Kata Mofokeng	At Thaba-Khoele
if not before	Prince Khalimane Mofokeng	of Bakomane
	Prince Lijane Mofokeng	of Balijane
	Prince Nkoanyane Mofokeng	of Bakhopelo
	Prince Mokebe Mofokeng	of Maja-Poli
	Prince Zembe Mofokeng	of Amavundla-Amavundle
	Prince Liale I Mofokeng	of Bafokeng - Rustenburg

Table 10 : 1700 AD (If not before) 25th King Ntsukunyane Mofokeng

Estimate in Years	Ruling King	Comment
1700 AD	25 th King Ntsukunyane Mofokeng	of Bakhoele at Mohobollo
if not before	Prince Masilo Mofokeng	of Bakomane
	Prince Maleleka Mofokeng	of Balijane
	Prince Mmope Mofokeng	of BaKhopelo
	Prince Ntsuku Mofokeng	of Bakhoele
	Prince Matube Mofokeng	of Bakhoele
	Prince Nalane Mofokeng	of Balemane
	Prince Motlallane Mofokeng	of Balemane
	Prince Gwaca Mofokeng	of Amavundla-Amavundle
	Prince Ramoroa III Mofokeng	of Bafokeng at Rustenburg

Table 11 : 1730 AD (If not before) 26th King Molise Mofokeng

Estimate in Years	Ruling King			Comment
1730 AD	26 th King Molise Mofokeng			of Bakhoele at Mohobollo -
if not before				Butha-buthe
	Prince Selai Mofokeng			of Bakomane
	Prince Sesoane Mofokeng			of Balemane
	Prince Mokhali Mofokeng			of Balemane
	Prince Bhayi Mofokeng			of Amavundla-Amavundle
	Prince Mmutla II	Prince Sekete IV	Prince Katane	of Bafokeng -Rustenburg

Table 12 : 1760 AD 27th (If not before) King Ntshali Mofokeng

Estimate in Years	Ruling King			Comment
1760 AD if not before	27 th King Ntshali Mofokeng			of Bakhoefe at Mohobollo-Butha-buthe
	Prince Masekoane Mofokeng			of Bakhoefe
	Prince Makakane Mofokeng			of Bakhoefe
	Princess Kholu Mofokeng			of Bakhoefe (Lepoqo, Moshoeshoe's mother)
	Prince Motanyane Mofokeng			of Ba Maotoana Finyela
	Prince Makara Mofokeng			of Ba Makara
	Prince Mokhethi Mofokeng			of Balemane
	Prince Mkhupheni Mofokeng			of Amavundla-Amavundle
	Prince Liale II	Prince Nameng/Thethe	Prince Nohe	Bafokeng Rustenburg

Table 13 : 1790 AD (If not before) 28th King Seepheephe Mofokeng

Estimate in Years	Ruling King				Comment
1790 AD if not before	28 th King Seepheephe Mofokeng				of Bakhoele at Mohobollo- Butha-buthe
	Prince Ralefikilane Mofokeng				of Bakhoele
	Prince Rampinane Mofokeng				of Bakhoele
	Prince Letseka Mofokeng				of Bakhoele
	Prince Sekhomotane Mofokeng				of Bakomane
	Prince Selikane Mofokeng				of Balijane
	Prince Tsiu Mofokeng				of Bakhoele
	Prince Mohloheleli Mofokeng				of BaMakara
	Prince Motake	Prince Maima	Prince Khasu	Prince Nkholi	Bafokeng Bamaotoana Finyela
	Prince Damane Mofokeng				of Balemane
	Prince Gobozi Mofokeng				of Amavundla-Amavundle
	Prince Tumahole Mofokeng Alias Mokhatle				Rustenburg



Table 14 : 1824 AD (If not before) 29th King Matete Mofokeng

Estimate in Years	Ruling King			Comment
1824 AD if not before	29 th King Matete Mofokeng			of Bakhole at Thaba-Bosiu to Morija
	Prince Mahao Mofokeng			of Bakhoele
	Prince Khoai Mofokeng			of Bakhoele
	Prince Setlokoane Mofokeng			of Bakhoele
	Prince Mphosi/Ramapepe Mofokeng			of Bakhoele
	Prince Nkhasi Mofokeng			of Bakhoele
	Prince Phatoli Mofokeng			of Bakhoele
	Prince Damanyane	Mahlele-hlele	Chachana	Bafokeng BaMalemane
	Sabina	Maloti		
	Prince Moerane Mofokeng			of Bakomane
	Prince Pulumo Mofokeng			of Balijane
	Prince Bekola Mofokeng			of Bamakara
	Prince Letseka Mofokeng			Ba-Maotoana-Finyela
	Prince Tyhali	Bebeza	Sogwagwa	of Amavundla-Amavundle
	Xhathu	Matyhobeni	Nkosana	
	Sidlayiya			
	Prince Molahlegi viz. Aug Mokhatle Mofokeng			of Bafokeng in Rustenburg



Table 15 : 1824-1870 AD (If not before) King Matete Mofokeng's Sons

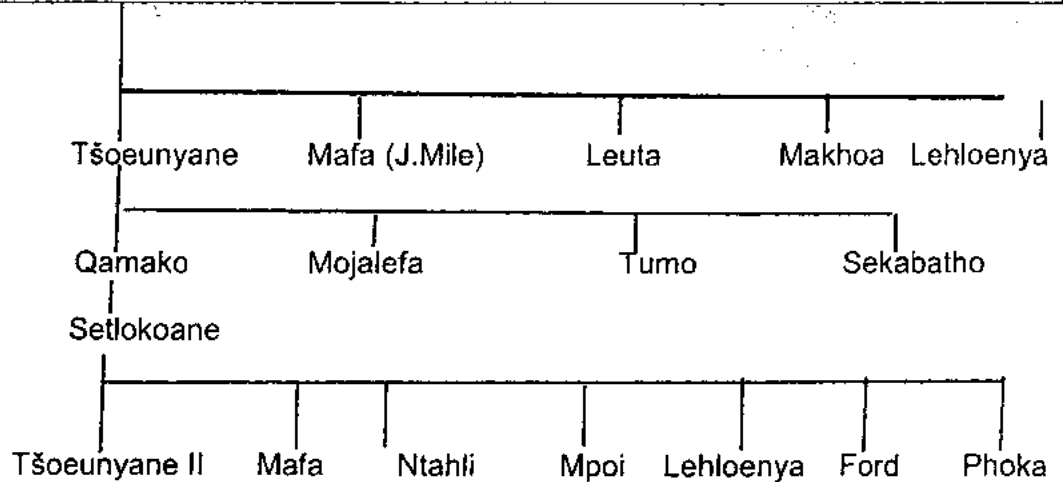
Estimate in Yrs	Ruling King	Comment
	King Matete by his 1 st wife Mmantlibi	at Mathebe
1840 AD	Prince Ntlibi (Ramabilikoe) Matete Mofokeng	of Bakhoele at Mathebe
if not before	Prince Abele Matete Mofokeng -	at Senqunyane
	Prince Tsoene Matete Mofokeng	at Phamong
	Prince Setha Matete Mofokeng	at Morija
	By his second wife Mmantele	at Boluma Tau
	Prince Ntele Matete Mofokeng	at Boluma-Tau
	Prince Matlamukeke Matete Mofokeng	at Boluma-Tau
	Prince Origel Matete Mofokeng	at Matelile
	By His 3 rd wife Mmakemuele	in Mokhotlong
	Prince Kemuele Matete Mofokeng	at Mokhotlong
	Prince Tshepe Matete Mofokeng	at Mokhotlong
	Prince Moroa Matete Mofokeng	at Mokhotlong
	Prince Lechesa Matete Mofokeng	at Mokhotlong
	By His 4th wife Maphoka	at Mathebe
	Prince Phoka Matete Mofokeng	at Morija
	By His 5th wife Mmasekoai	at Ntsoanatsatsi - Lehlakeng
	Prince Sekoai Matete Mofokeng	at Ntsoanatsatsi -Lehlakeng
30 th King	Sovereign of Ntsoanatsatsi, Lehlakeng Prince Matsekenyane Matete Mofokeng	at Ntsoanatsatsi -Lehlakeng
	Prince Setona Matete Mofokeng	at Ntsoanatsatsi -Lehlakeng



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Table 16 : 1810 AD (if not before) Prince Mahao Mofokeng's Genealogy

Estimate in Years	Ruling King	Comment
1810	Prince Mahao Seepheephe Mofokeng of Ba-Mahao	"Bakhoele" At Thaba-Tsoeu



Regent Masetlokoane but the crown Prince Setlokoane, Tšoeunyane Mahau Mofokeng died early with no son. After the death of Regent Masetlokoane Bafokeng appointed Prince Mafa as a successor of his brother

Prince Tšoeunyane.II

Mafa

Khoai Mafa Mahao

Regent Mmamojalefa Khoai, Mafa Mahao "Mofokeng" for the Crown
 Prince Mojalefa Khoai Mahao Mofokeng

Table 17 : 1550 AD (If not before) King Phohole II

Estimate in Years	Ruling King	Comment
1550 AD if not before	21 st King Phohole II alias Mare Mofokeng	At Ntsoanatsatsi.
	Prince Mangole	BaMangole at Bohlokong
	Prince Motale	BaMangole at Bohlokong
	Prince Leseba	BaMangole at Bohlokong
	Prince Matlanyane	BaMangole at Bohlokong
	Prince Potsuoe	BaMangole at Bohlokong
	Prince Khetsi	BaMangole at Bohlokong
	Prince Motsoakhunoane-	founder of Ba-Motsoakhunoane

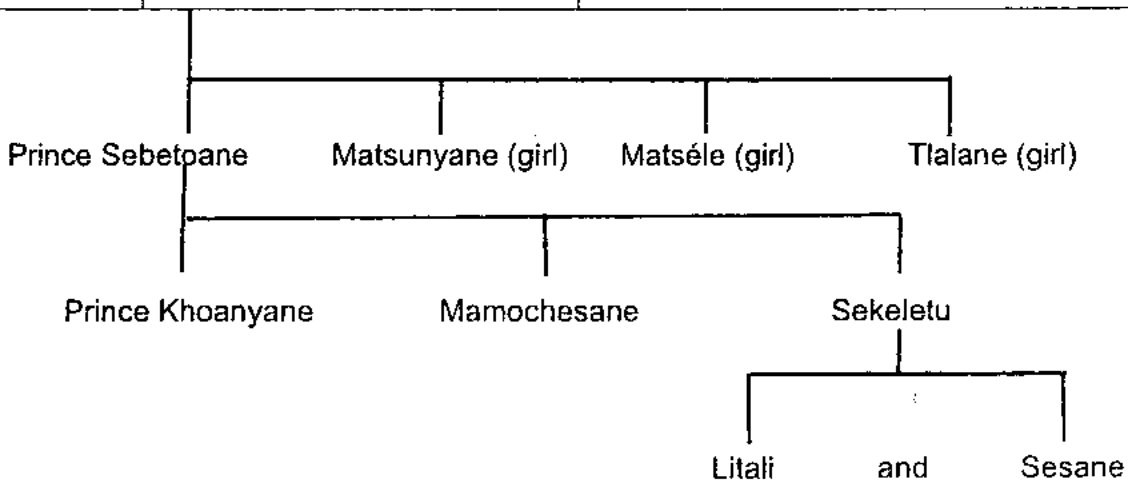
Prince Mangole founder of Bafokeng Ba-Mmutla-O-Jeoa-Tala branch of Ba-Mangole known today by the name Ba-Motsoakhunoane.

Bakwena of Tsulo and Tsuloane sojourned for a time with these Bafokeng of Mangole who lived where the town of Bethlehem now stands.

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Table 18 : 1580 AD (If not before) King Mare Mofokeng

Estimate in Years	Ruling King	Comment
1580 AD if not before	21 st King Mare Mofokeng	At Ntsoanatsatsi
	Prince Mangojane	Founder of Mamphane-A-Patsa at Kurutlele; Senekal district
	Prince Lesoli alias Sebotsa	at Kurutlele; Senekal district
	Prince Ramalingoane	at Kurutlele; Senekal district
	Prince Malingoane	at Kurutlele; Senekal district
	Prince Ramangoane	at Kurutlele; Senekal district
	Prince Mangoane	at Kurutlele; Senekal district

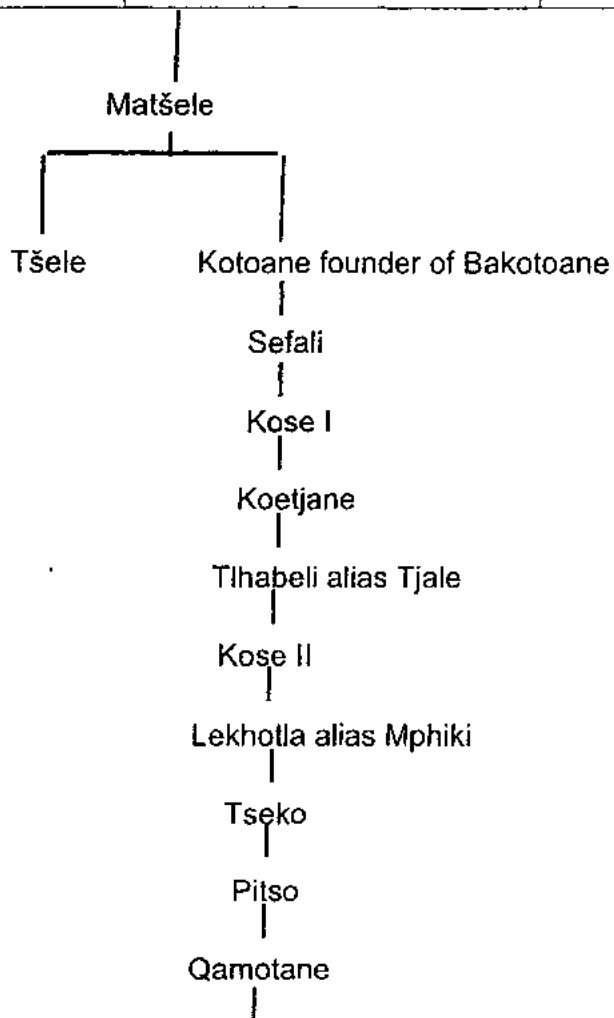




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Table 20 : 1780 AD (If not before) Prince Mangoane

Estimate in Years	Ruling King	Comment
1780 AD if not before	Mangoane	At Kurutlele; Senekal

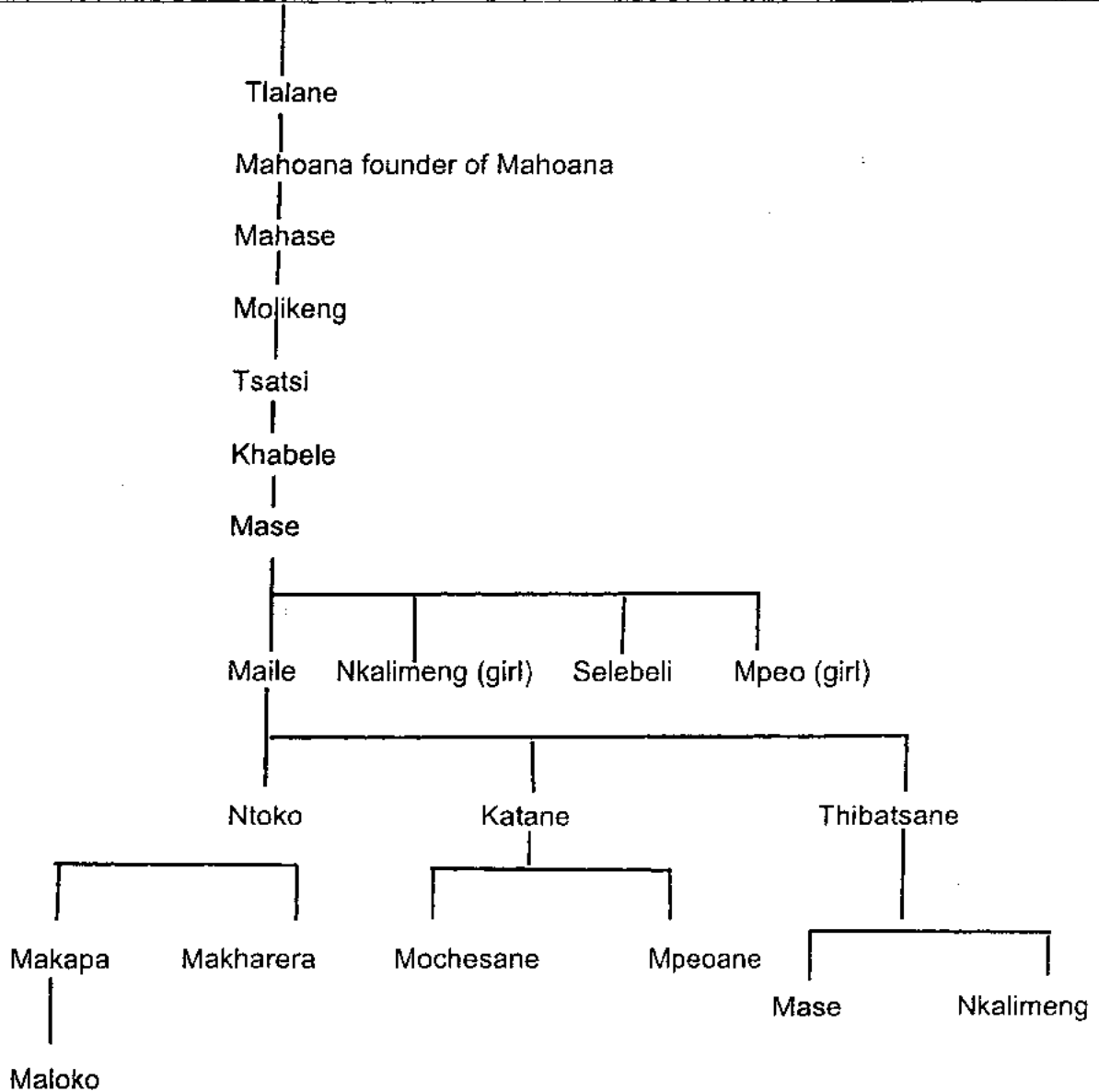


Ntja Philemon Kose the present Morena (Lord) at Kurutlele County
Administrative Authority (Free State)

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Table 21 : 1780 AD (If not before) Prince Mangoane

Estimate in Years	Ruling King	Comment
1780 AD if not before	Prince Mangoane.	at Kurutlele; Senekal



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Para. 185

Table 22 : Prince Gobozi Written U-Gopozi

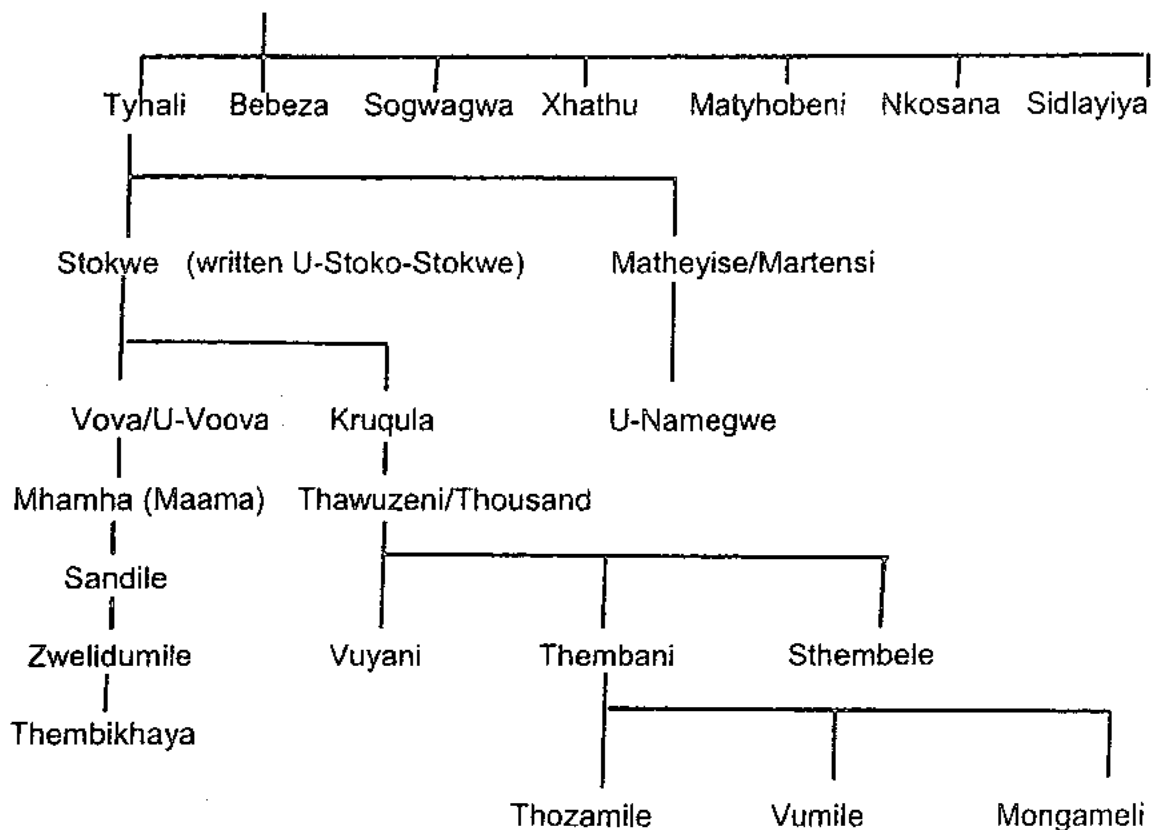


Table 23 : Bebsza Clan Genealogy

At the valley of Tele River in Herschel Territorial area of the Amavundla-Amavundle

1. Prince Gobozi

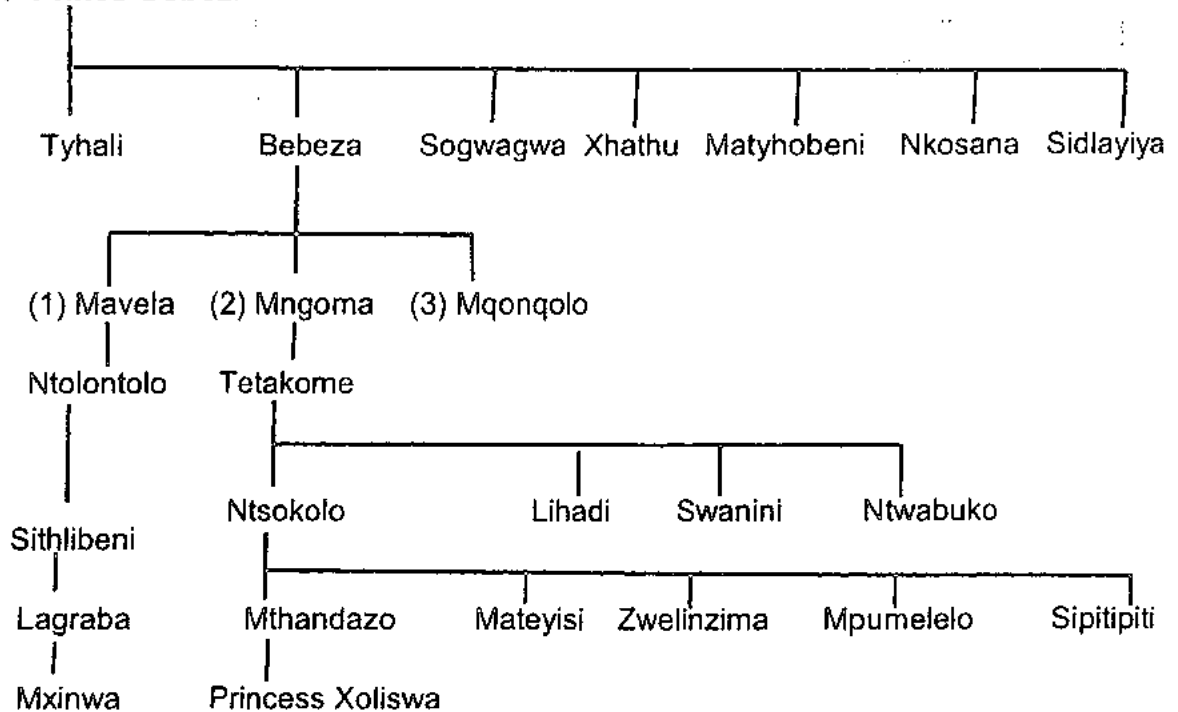
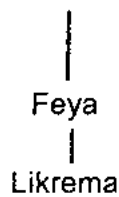


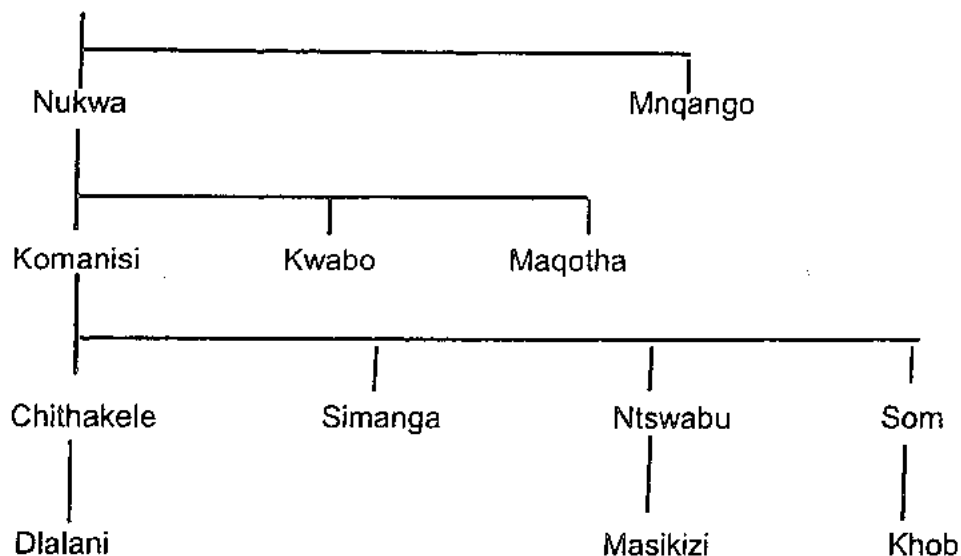
Table 24 : Bebeza (2nd House)





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Table 25 : Bebeza (3rd House)



Makeke claims to be of Aba-Thembu Royalty but has failed to prove it genealogically

He says that he recognizes Sabata Dalindybo as his paramount, but that he has close ties with Kaizer Mathanzima

His tribal Authority does not have a Chieffy lineage and is therefore headed by an elected headman



Nkosana and Williams' great-grandfather supported British Cape Colony Government in the Hope War for which they were granted a portion of land at Tsolo area for Williams's great-grandfather and a portion of land known as Nkosana 20 in Matatiele area for Nkosana.

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Table 26 : Genealogical Tables of the Crown King of Ntsoanatsatsi King Tlopo (Alias Phohole II)

About 1550 AD if not before

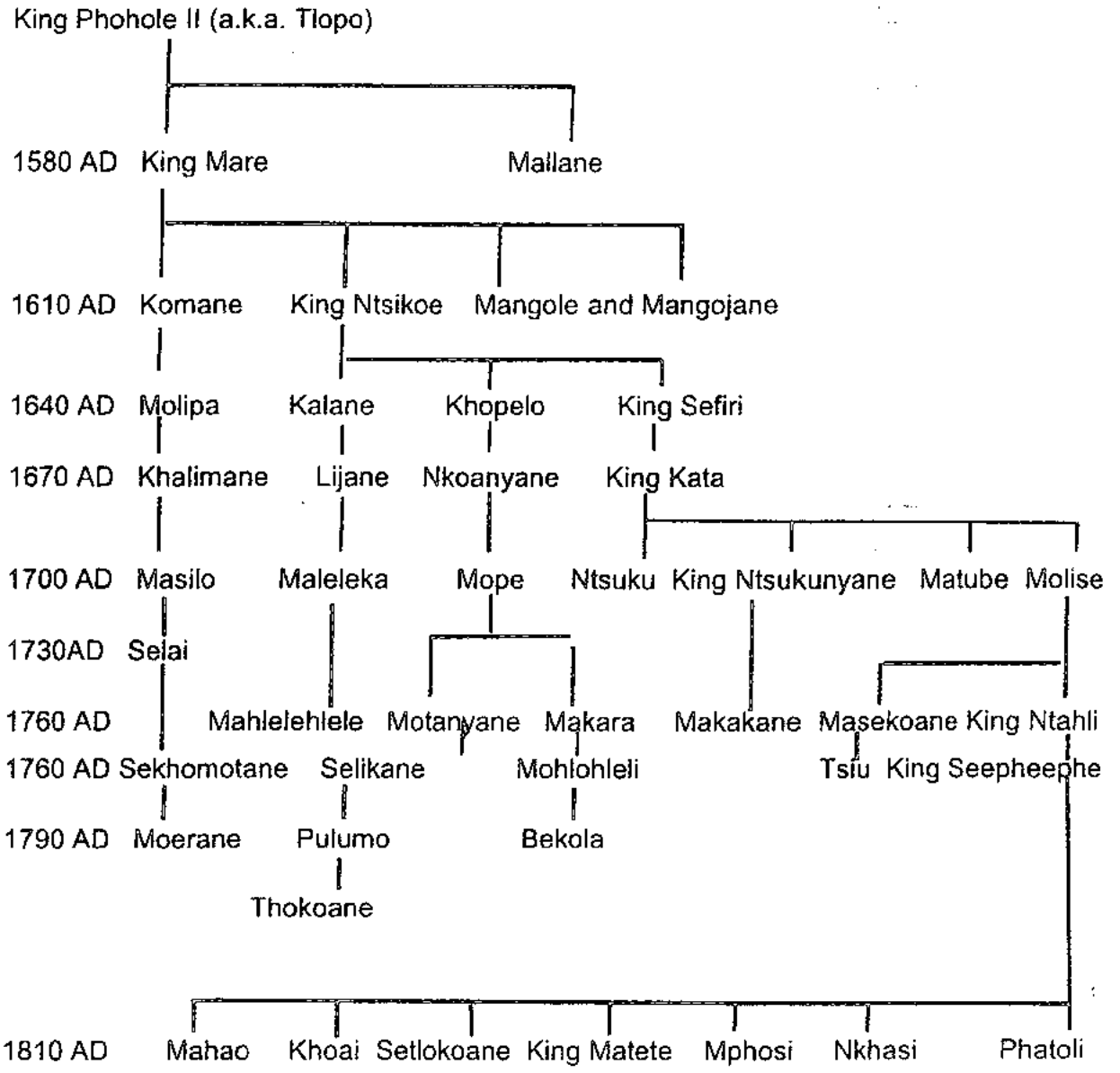


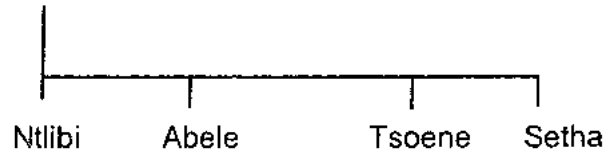


Table 27 : King Matete of King Seephephe

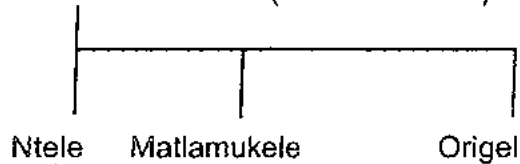
About 1820 (if not before)

King Matete of King Seephephe

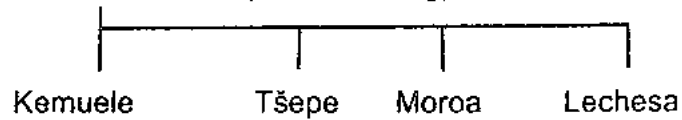
By his 1st wife Mmantlibi (at Mathebe)



By second wife Mmantele (at Boluma-Tau)



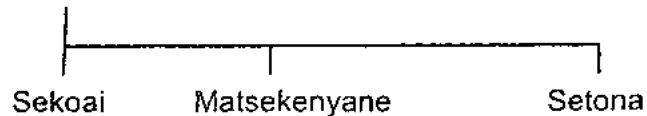
By his third wife Mmakemuele (at Mateanong)



By his fourth wife Mmaphoka (at Mathebe)



By his fifth wife Mmasekoai





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Table 28 : Sovereign Matsekenyane Matete Seepheephe

About 1872 AD (if not before): Sovereign Matsekenyane Matete Seepheephe at Ntsoanatsatsi

1952	Prince	Motseki
1970	Prince	Taole
1977	Prince	Motsoahae

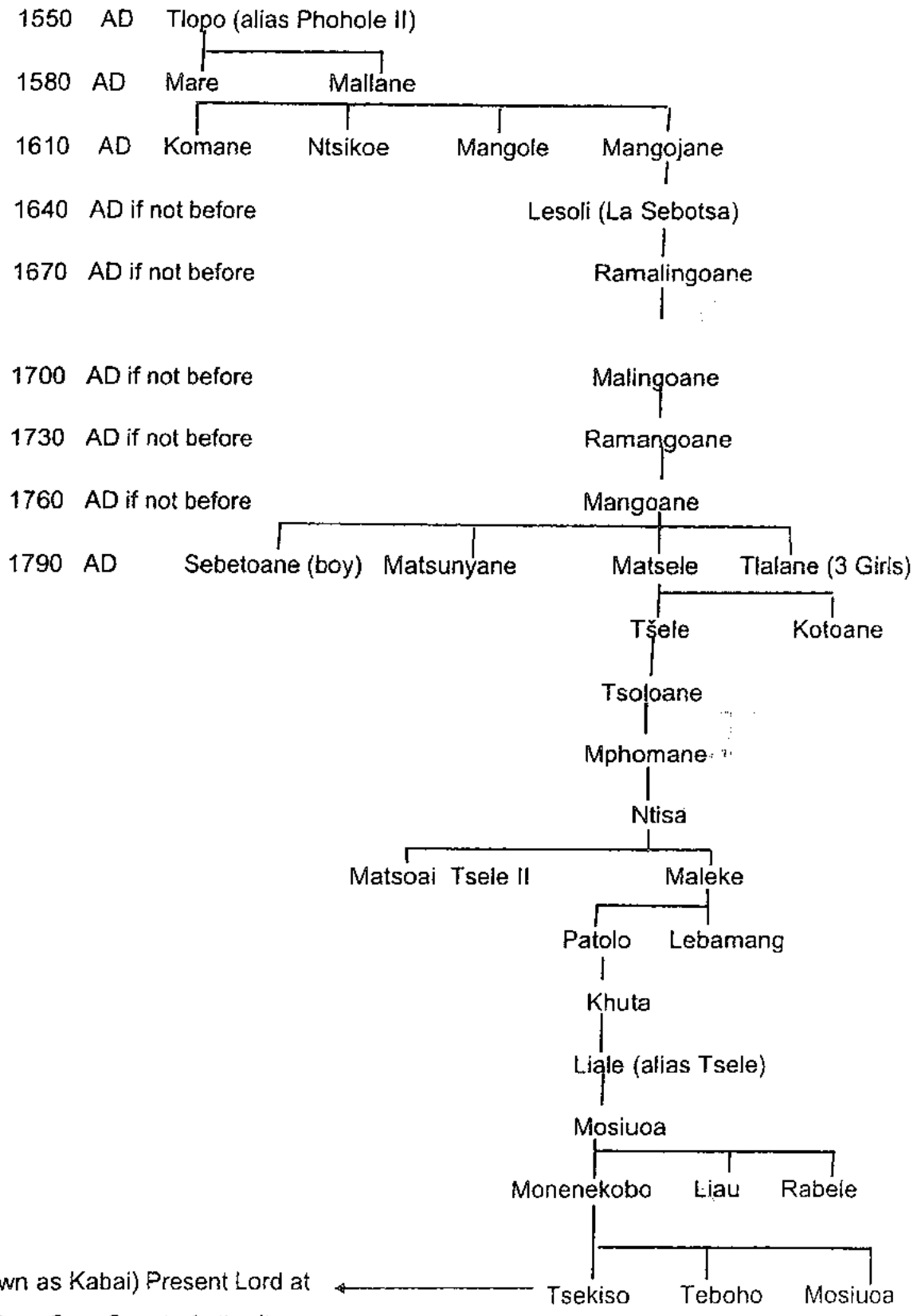
The present King and Sovereign

1987	Sovereign Ntsukunyane Motseki Matete	
	Also known as Lebina David Mofokeng	



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Table 29 : Genealogy of Mamphane



(Also known as Kabai) Present Lord at
 Monontša Qwa-Qwa County Authority



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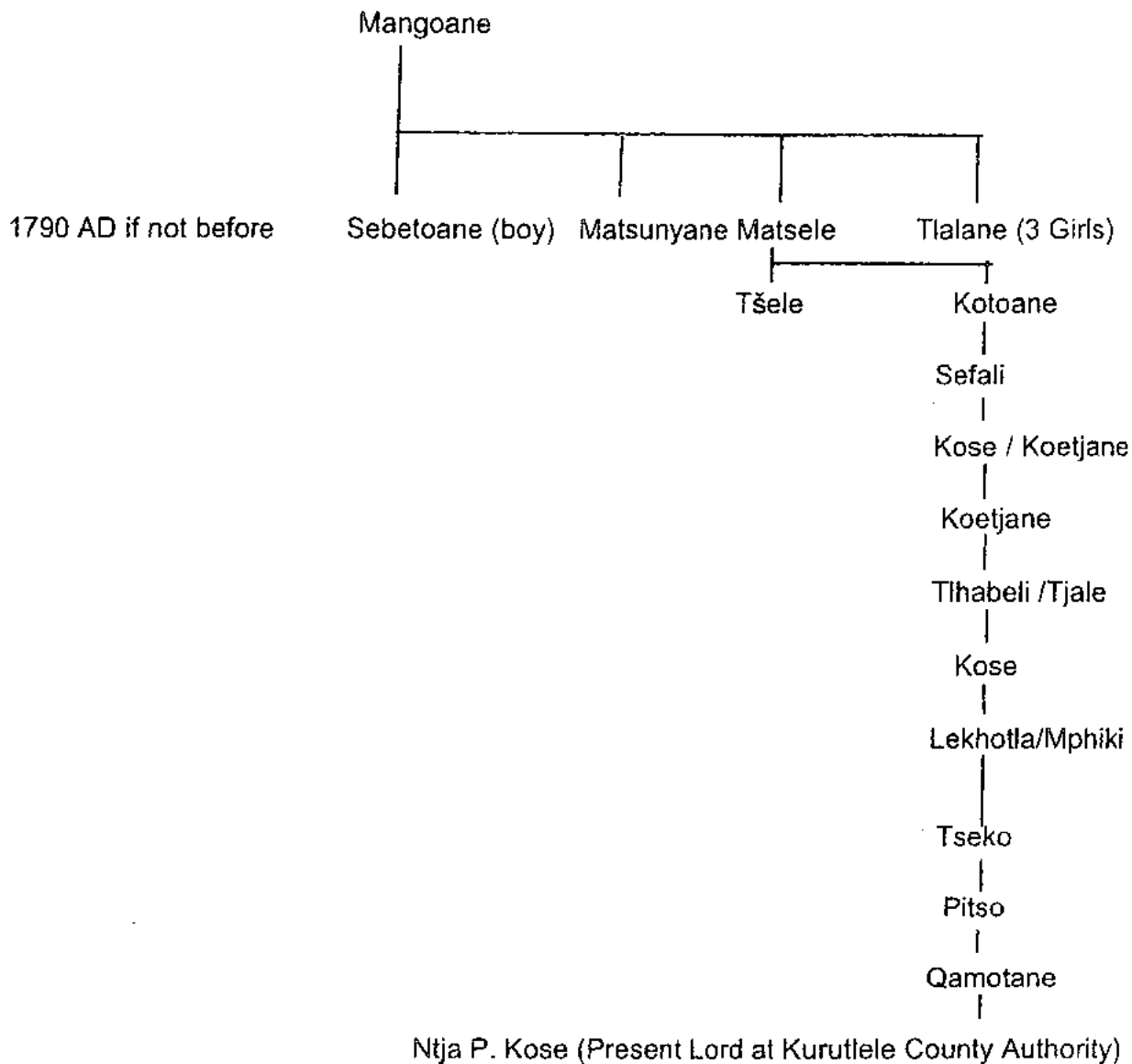


Table 30 : Genealogy of the Bafokeng of Mahoana

1550 AD if not before

1580 AD if not before

1610 AD if not before

1640 AD if not before

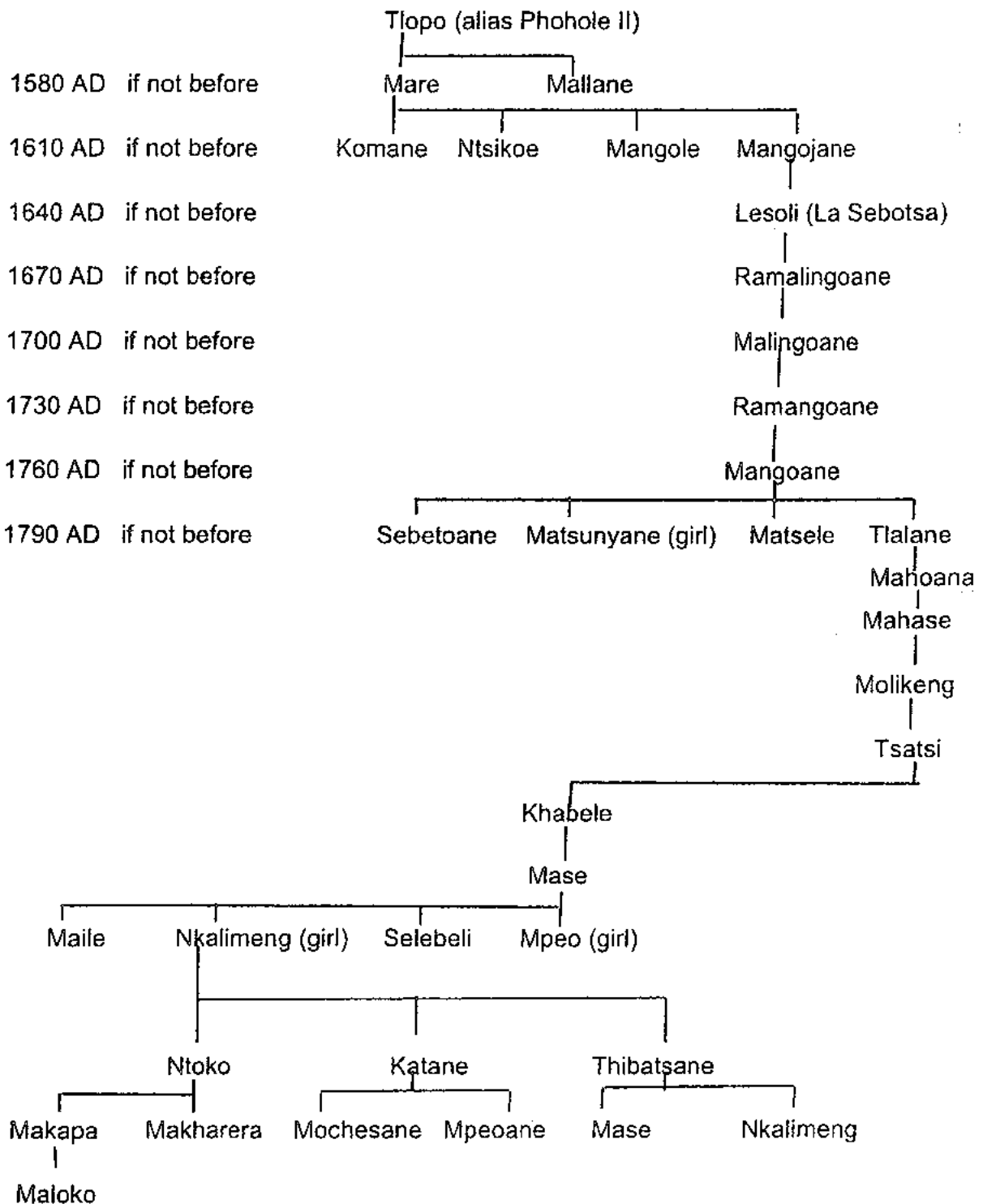
1670 AD if not before

1700 AD if not before

1730 AD if not before

1760 AD if not before

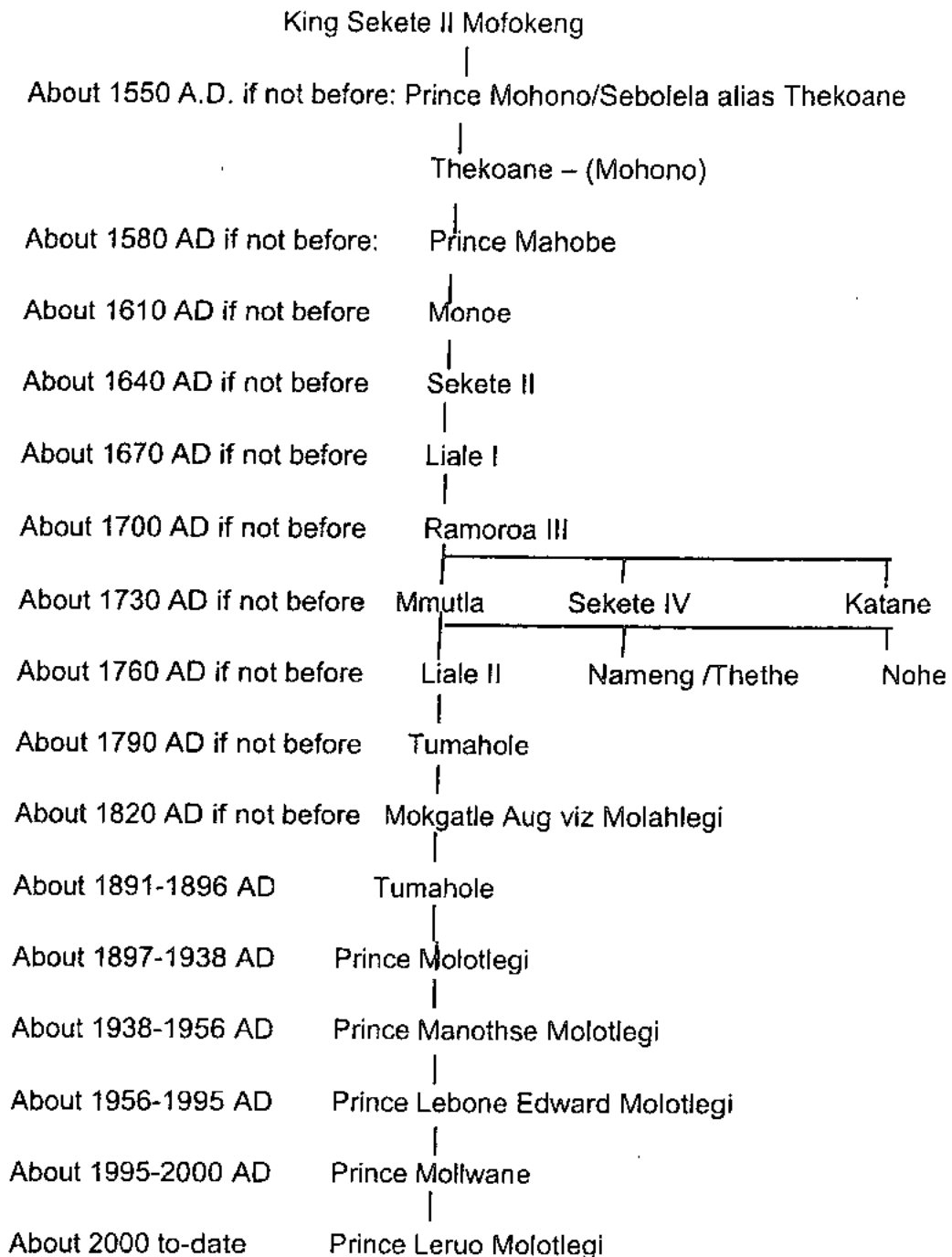
1790 AD if not before



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Table 31 : The Genealogy of Bafokeng Ba-Thekoane

Also known as Bafokeng Ba-Sebolela-a-Kwena



The leader of the Royal Bafokeng based in Rustenburg North West Province



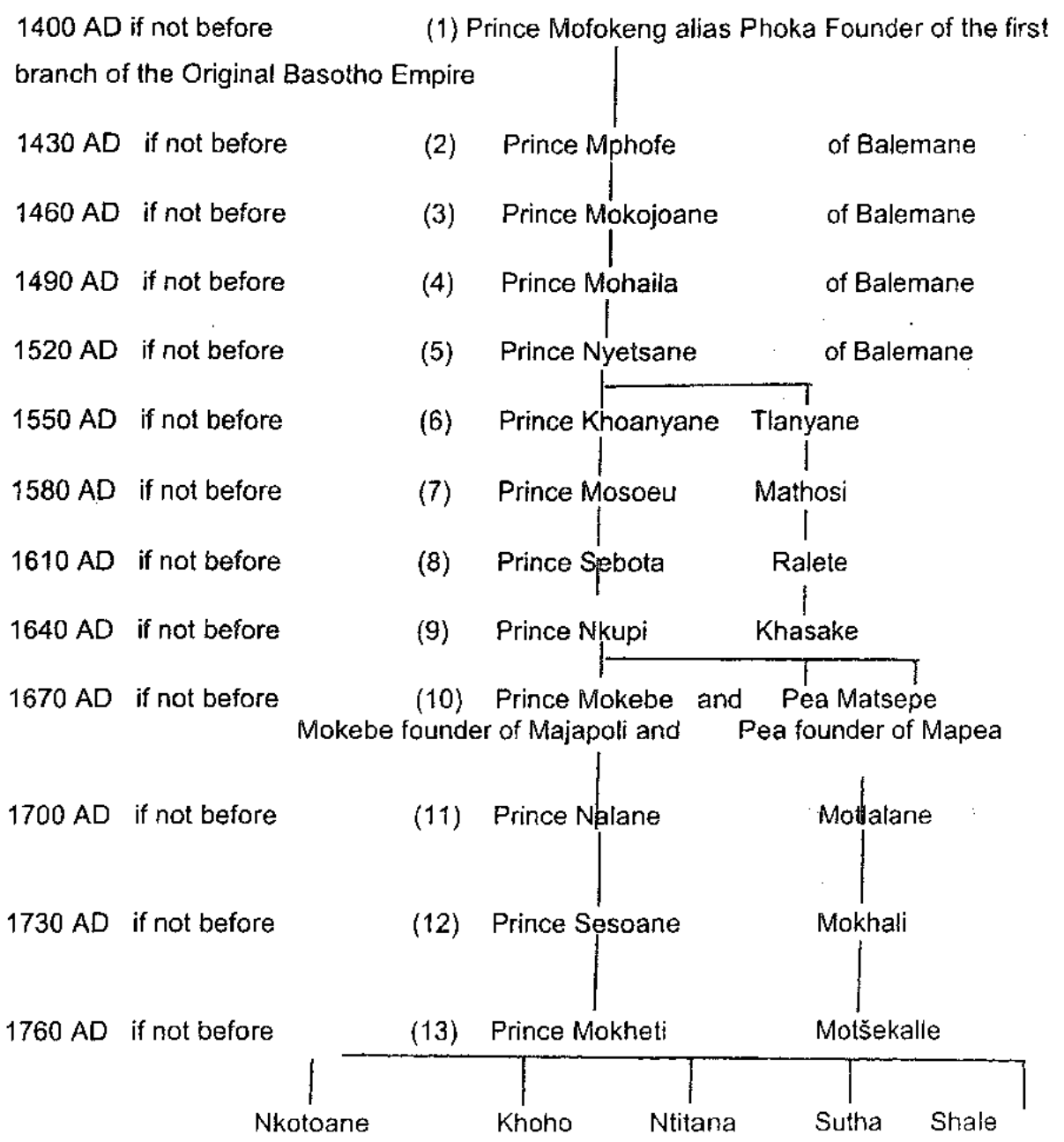
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Table 33 : Genealogy of the First Branch of the Bafokeng Ba-Mmutla-O-Jeoa-Taia Empire

Remarks :

It is possible that this branch is connected with the former branch, in the person of Phoka written Mofokeng which is the same name as Fokeng which appears in the other, the prefix "Mo" being of little importance and our dates being approximate only.

About





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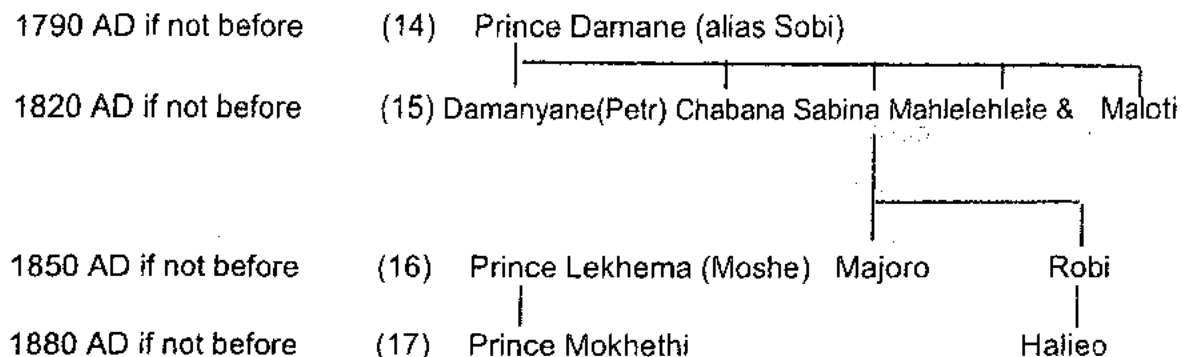
About

Table 34 : Genealogy of the Second Branch of the Bafokeng Ba-Mmutla-O-Jeoa-Tala.

Remarks

These are the branches of Bafokeng Ba-Mmutla-O-Jeoa-Tala of Ntsoanatsatsi who having lived for eight or nine generations among the Abathembu of the Fish River from Ntsoanatsatsi. They became identified with them and they were called Tambokies by the Griqua- Burghers.

The genealogy of this branch of Amavundla-Amavundle is as follows:-

About

1540 AD if not before

(1) Prince Lesani written –Sezani in Ama-Nguni language / isiXhosa- founder of Amavundla-Amavundle Tribe.

1570 AD if not before

(2) Prince Khetshe (Mofokeng) Amavundla-Amavundle

1600 AD if not before

(3) Prince Siquungele (Mofokeng) Amavundla-Amavundle

1630 AD if not before

(4) Prince Msali (Mofokeng) Amavundla-Amavundle

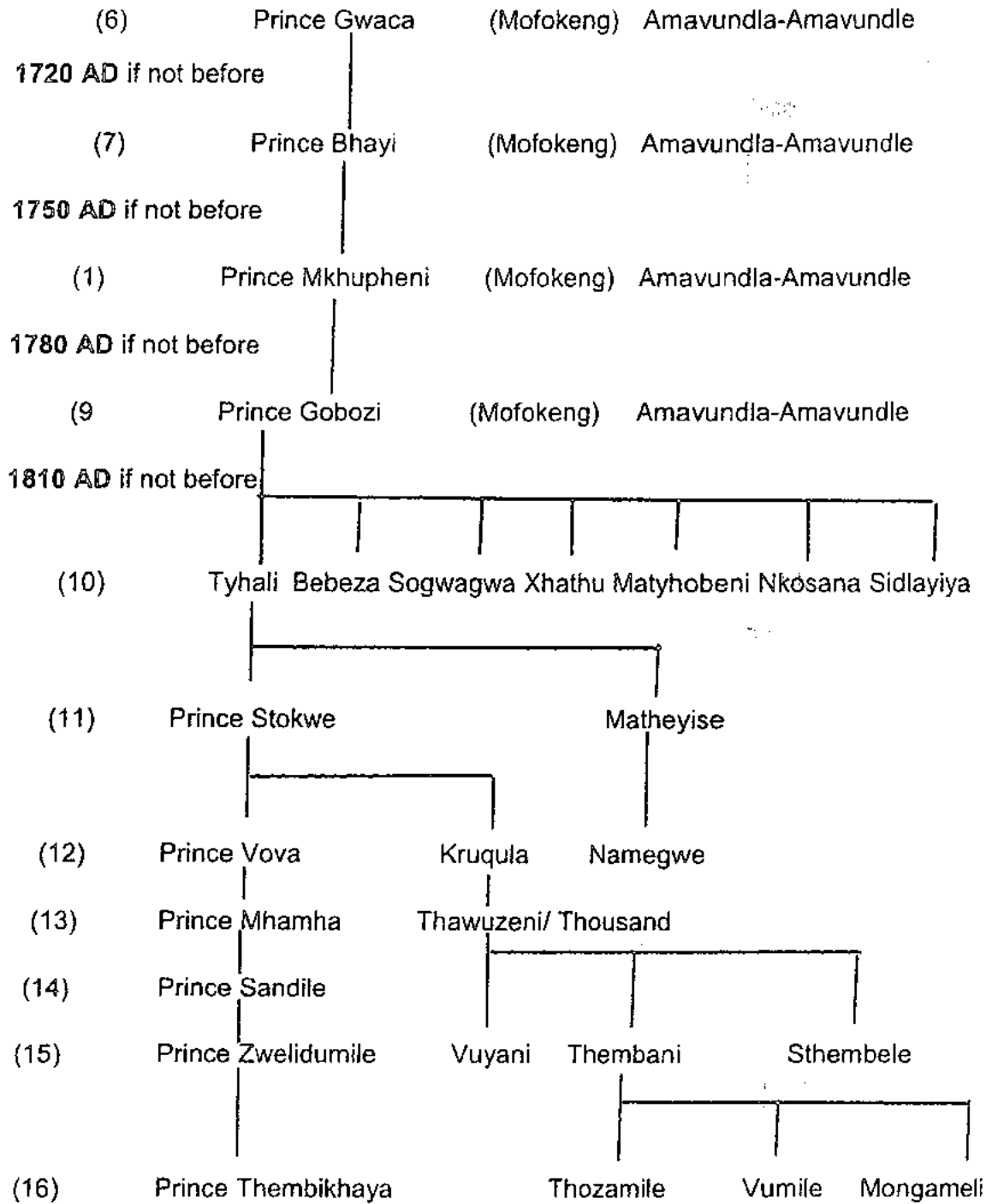
1660 AD if not before

(5) Prince Zembe (Mofokeng) Amavundla-Amavundle

1690 AD if not before



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Prince Thembikhaya Tyhali

Bafokeng Amavundla-Amavundle-
Empire

Administration Area

Mjanyane Lesotho

Prince Thembani Tyhali

Bafokeng Amavundla-Amavundle- Empire
Administration Area

Mafube-Nkosana-Traditional Council

Matatiele Eastern Cape

About

1780 AD if not before

(9) Prince Gobozi (Mofokeng) Amavundla-Amavundle

1810 AD if not before

(10) Prince Bebeza (Mofokeng) Amavundla-Amavundle

(11) Prince Mavela Mngoma Mqonqolo

(12) Ntolontolo Tetakome

Prince Sithlibeni Ntsokolo Lihadi Swarini Ntwabuko

(13) Prince Lagraba

(14) Mxinwa

Mthandazo Mateyisi Zwelinzima Mpumelelo Sipitipiti

2013 to date Princess Xoliswa Mandisa Mthandazo

Bafokeng Amavundla-Amavundle Empire

Bebeza Administration Area; Amavundle Traditional Council

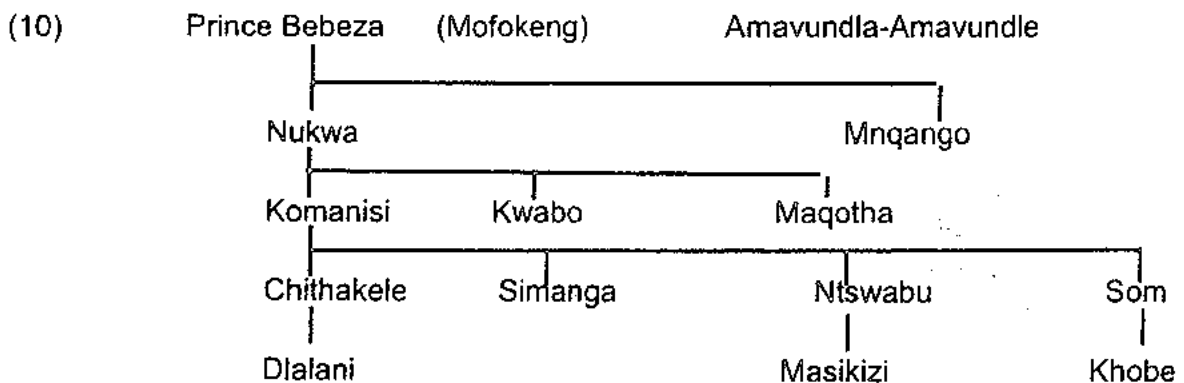
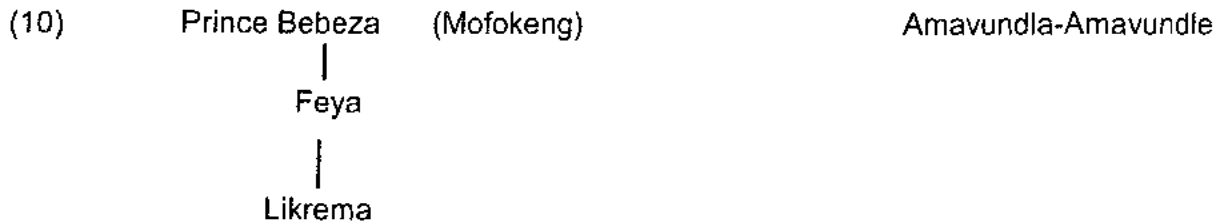
Herschel/Sterkspruit; Eastern Cape





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About 1810 AD if not before



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Table 35 : The Following Branches are an offshoot of Bafokeng-Amavundla-Amavundle Empire Clans.

In the Eastern Cape and Lesotho and some in other parts of RSA

- | | | |
|-----------------|------------------|-------------------|
| (1) Amafola | (2) Amakhumbeni | (3) Amahegu |
| (4) Amangxobe | (5) Amandambane | (6) Amamvulane |
| (7) Amangqosini | (8) Amahaba | (9) Amadudube |
| (10) Amangcwele | (11) Amalu | (12) Amalowe |
| (13) Amanyosi | (14) Amadengwane | (15) Amantlangaza |
| (16) Amandiba | | |

Others to follow soon as the Heritage Institute is still conducting more research on this Original Basotho Originating from Ntsoanatsatsi.



TABLE 36 : GENEALOGY OF THE THIRD BRANCH OF THE BAFOKENG BA-MMUTLA-O-JEOA-TALA .

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Remarks

Ntsoanatsatsi Original Inhabitants: Kingdom controversial.

Marriage between King Sekete II and the San woman (Moroahali / Mthwakazi) of the Nomadic race settled down into Ntsoanatsatsi territory caused controversy amongst the Bafokeng-Ba-Mmutla-O-Jeoa-Tala clans within their Original Basotho Nation kingdom.

Table 37 : Genealogy of This Third Branch Who Mixed With Bakoena Is as Follows:-

About 1550 AD if not before

(1) Prince Mohono (alias Thekwane) also known as Sebolela of Basebolela-A-Kwena

1580 AD if not before

(1) Prince Mahobe Mohono Mofokeng

1610 AD if not before

(3) Prince Monoe Mahobe Mofokeng

1640 AD if not before

(4) Prince Sekete III Monoe Mofokeng

1670 AD if not before

(5) Prince Liale I Sekete III Mofokeng

1700 AD if not before

(6) Prince Ramoroa III Liale I Mofokeng

1730 AD if not before

(7) Prince Mmutla, Sekete IV and Katane Bafokeng

1760 AD if not before

(2) Prince Liale II Thethe alias Nameng and Nohe Bafokeng

1790 AD if not before

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(9) Prince Tumahole Thethe Mofokeng

About

1834-1891 if not before

(10) Prince Molotlegi (alias August) Mokhatle, grandson of Thethe (Alias Nameng)

The annals of the Bafokeng branch was very warlike, many bloody wars being recoded in their traditions against the Bechuana Tribes, Bapo Bamatau and Batlokwa.

Sekwati inflicted severe loss on them and Moselikatse (Mzilikazi) reduced them to subjection for a time, but Mokhatle who was their Chief at the time was of assistance to the boers and received a grant of land as a reward.

Their headquarters of Chief is at Phokeng (Bierfontein 432)

Bakwena-Bamakhopa – These people appear from their traditions to be an offshoot of the Baharutsi, closed connected in early time with the Bafokeng.

About

1891-1896

(11) Prince Tumahole Molotlegi Mofokeng

1896- 1938

(12) Prince Molotlegi Tumahole Mofokeng

1938-1956

(13) Prince Manotshe Molotlegi Mofokeng

1956-1995

(14) Prince Lebone Edward Molotlegi Mofokeng

About 1995-2000

(15) Prince Mollwane Lebone Molotlegi Mofokeng

About 2000 to-date

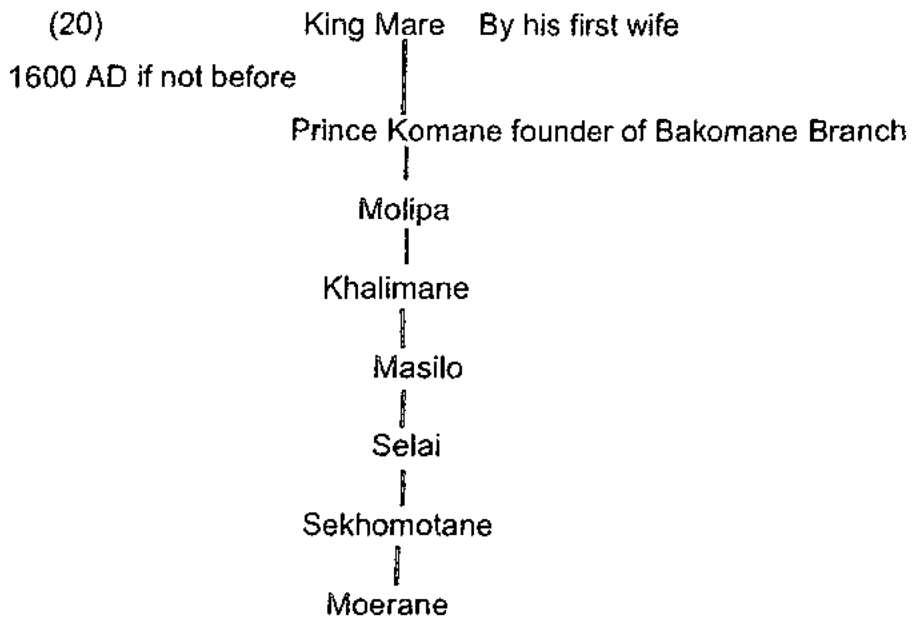
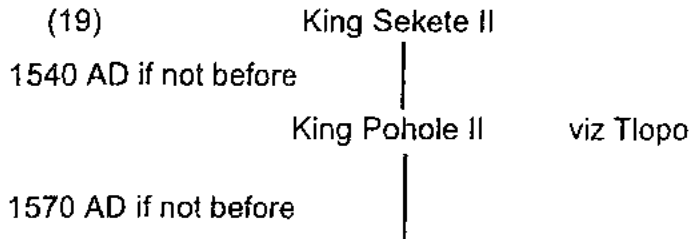
(16) Prince Leruo Mollwane Mofokeng



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Table 38 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Bakomane Branch

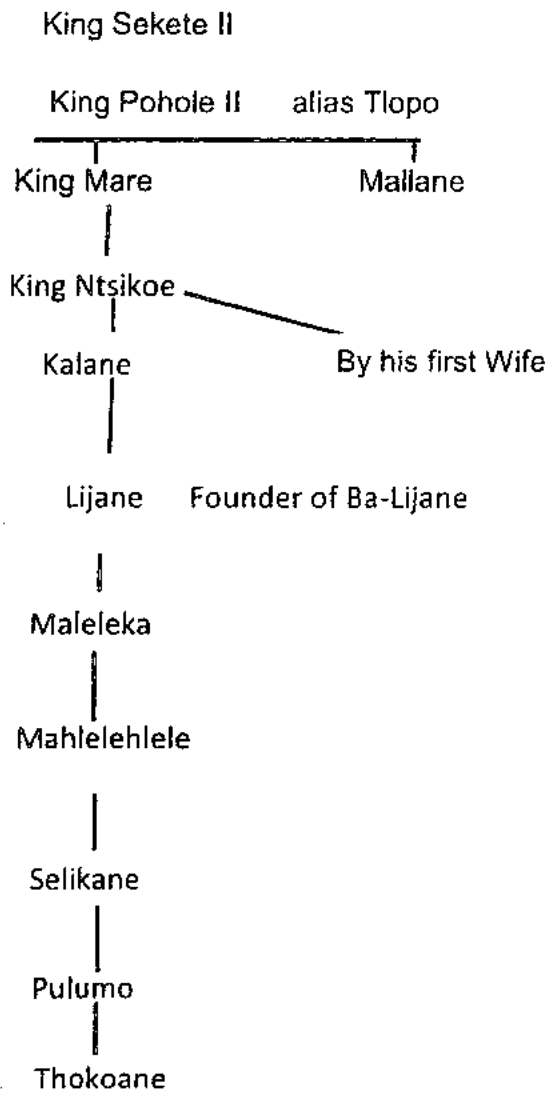
About : 1510 AD if not before



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Table 39 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Ba-Lijane Branch

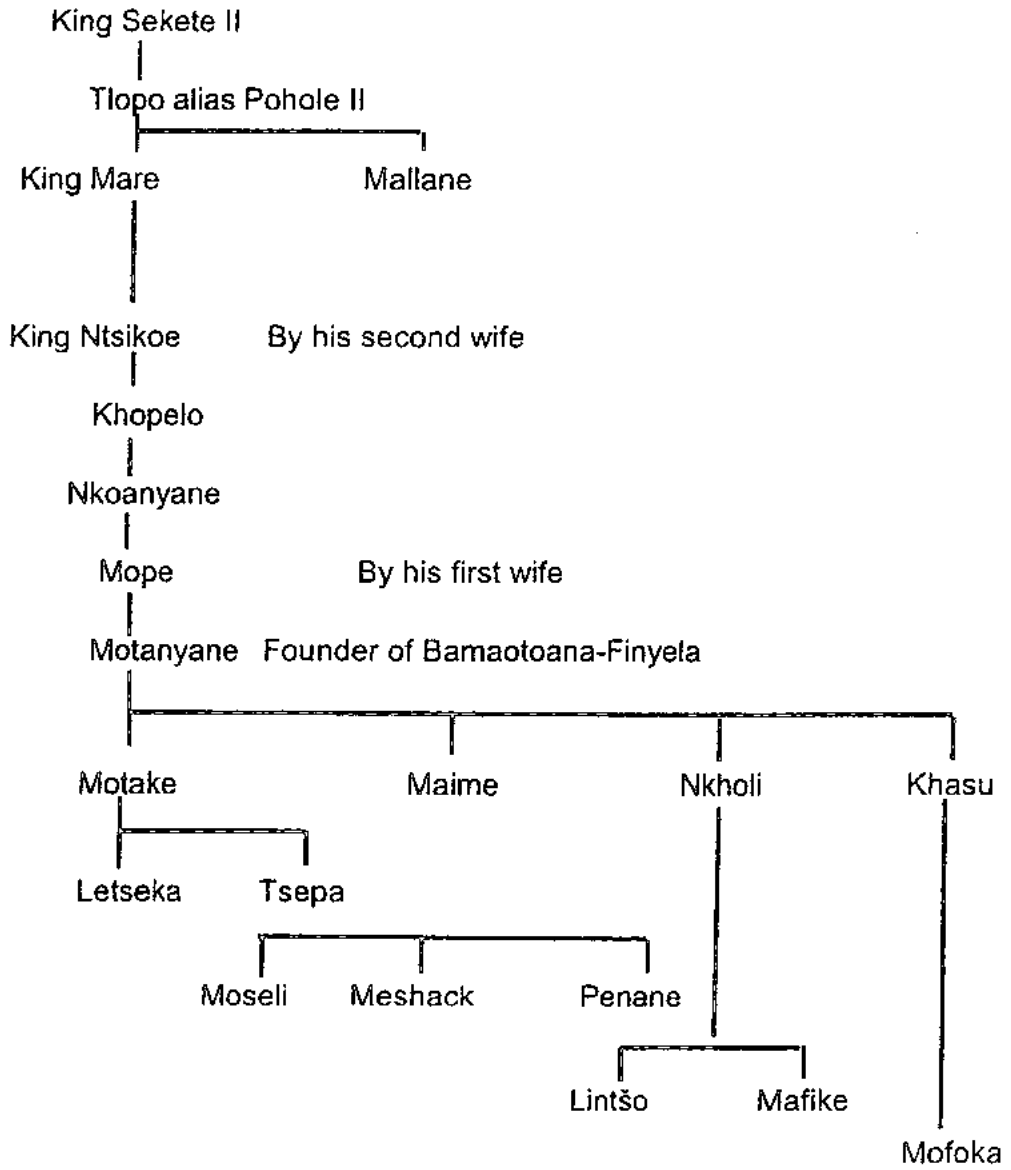
About : 1520 AD if not before



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Table 40 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Bamaotoana Finyela Branch

About: 1520 AD if not before





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Table 41 : Genealogy of Bafokeng Ba-Mimutla-O-Jeoa-Tala Ba-Mohaila Branch

About : 1520 AD if not before

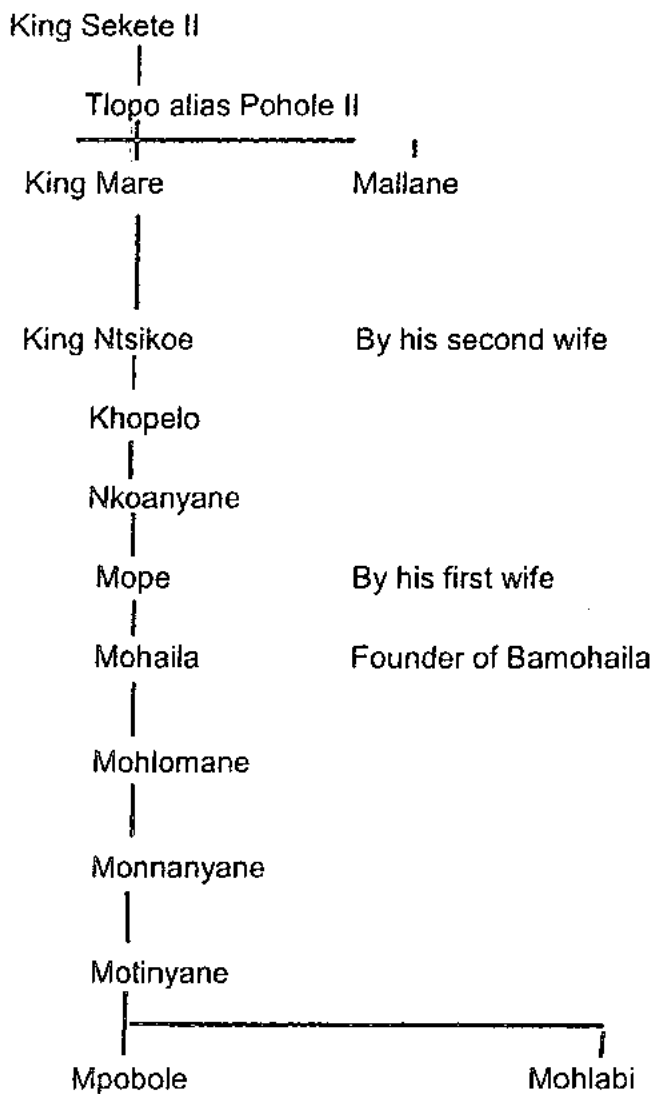
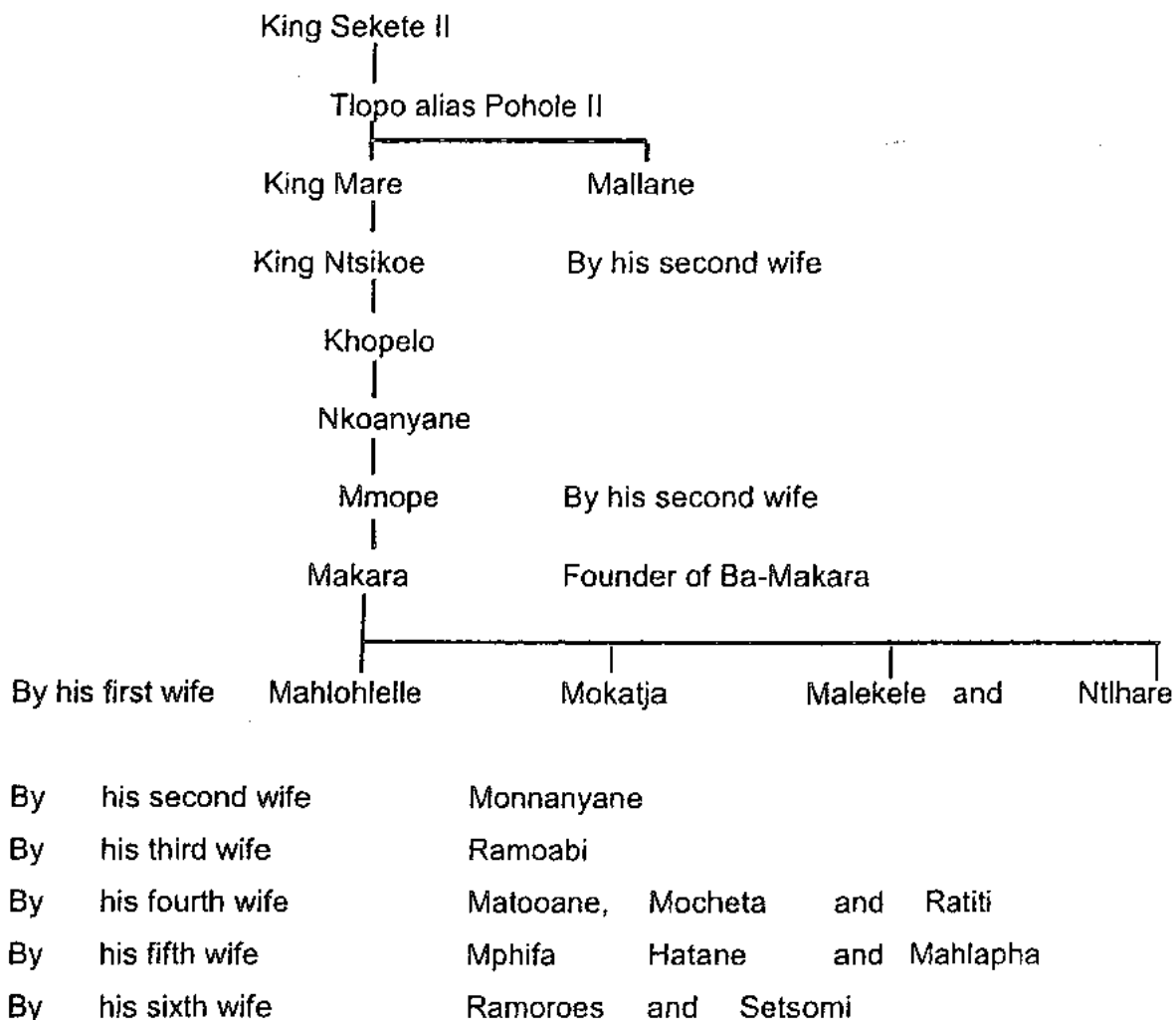


Table 42 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Ba-Makara Branch

About : 1520 AD if not before





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Table 43 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Ba-Mabea Branch

About : 1520 AD if not before

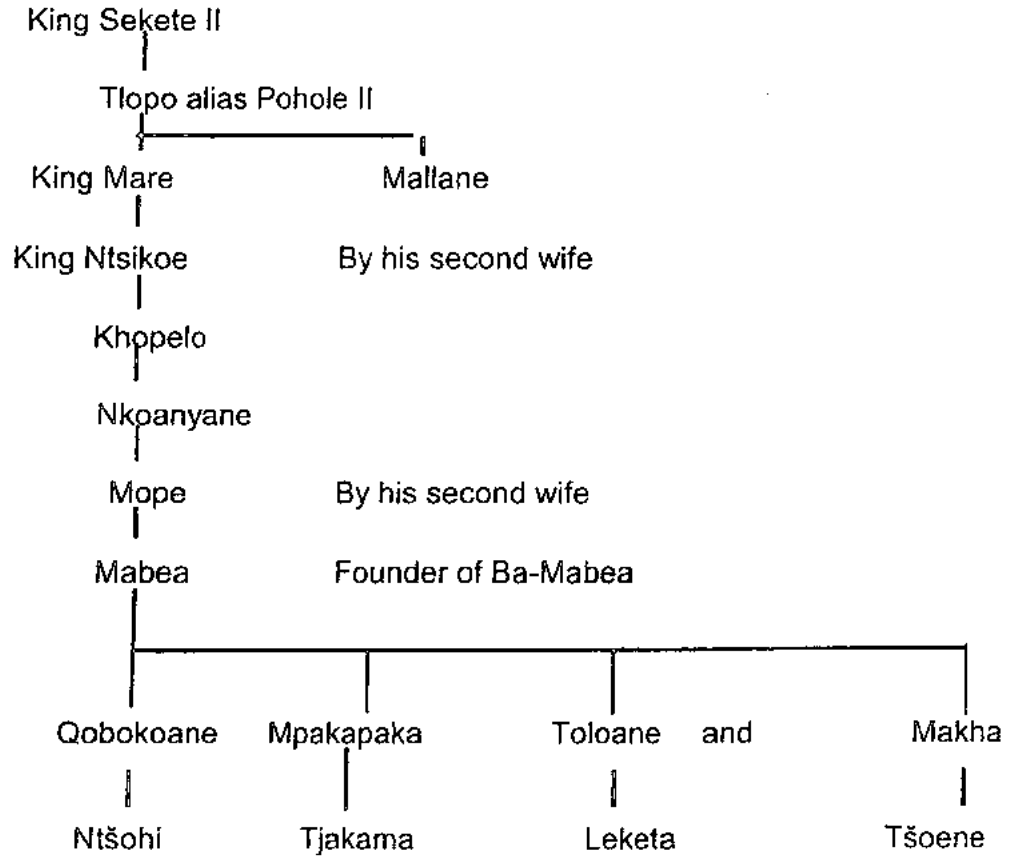
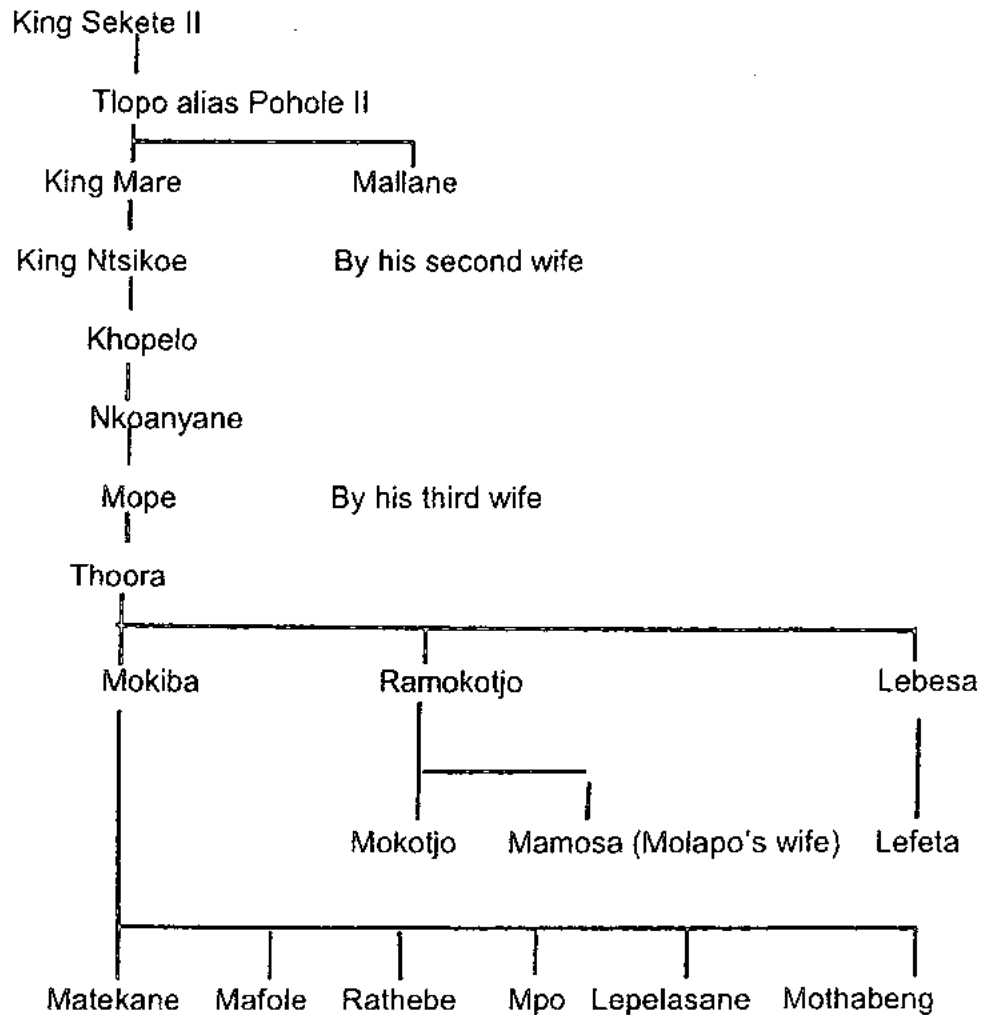


Table 44 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Ba-Thoora Branch

About : 1520 AD if not before





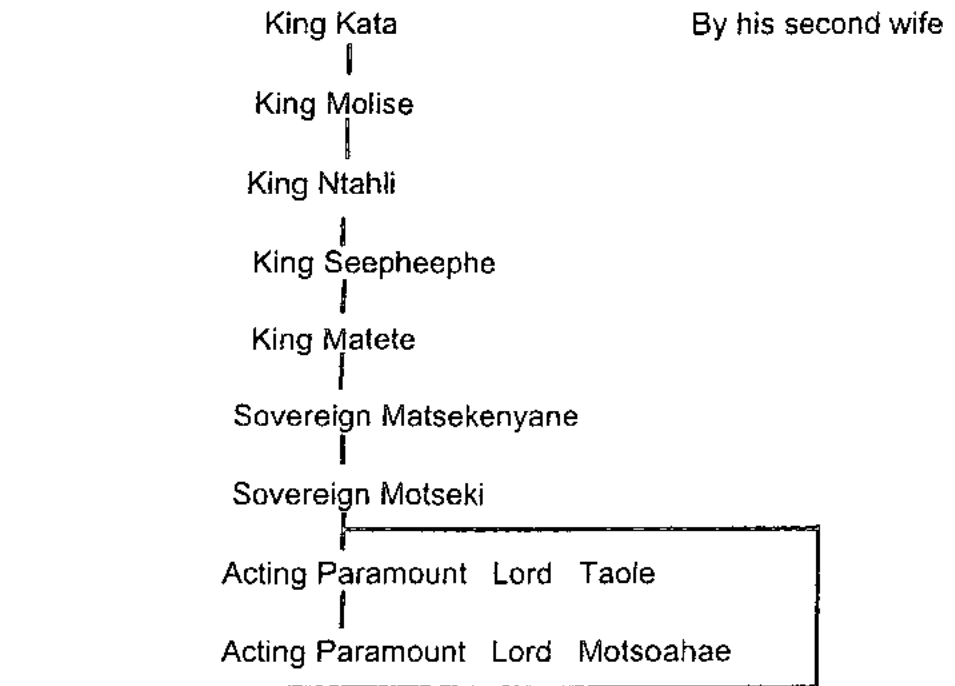
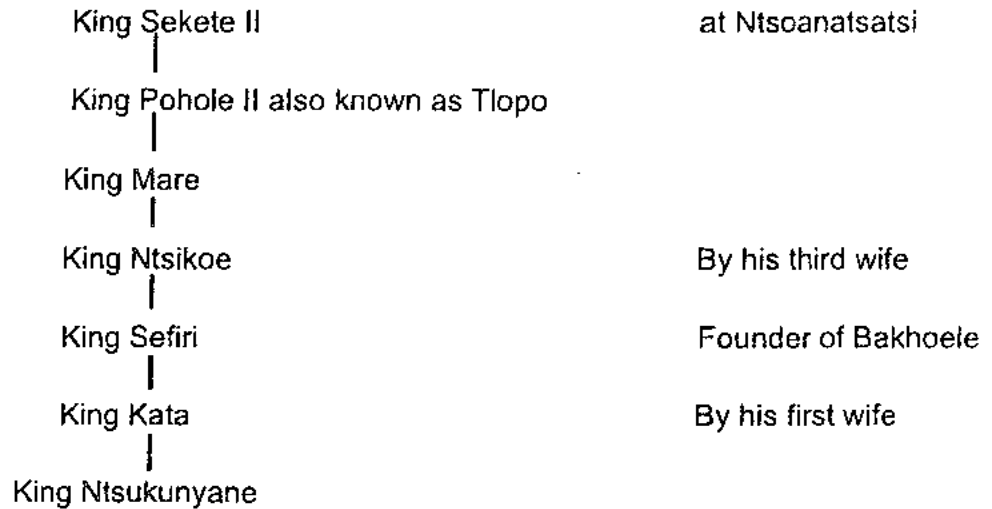
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Table 45 : Genealogy of Bafokeng Ba-Mmutla-O-Jeoa-Tala Ba-Khoele Branch

Bakhoele Branch house of the Royal Family at Ntsoanatsatsi Capitol and all districts in RSA and Lesotho

About : 1520 AD if not before

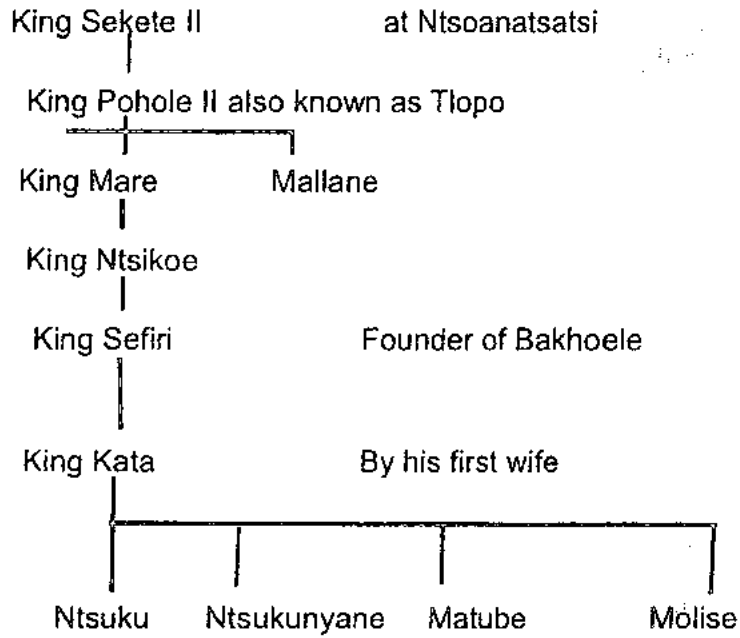


Sovereign Ntsukunyane Motseki Matete Mofokeng also known as David (nicknamed Lebina) Mofokeng the present King as Sovereign of Ntsoanatsatsi Country and Counties.

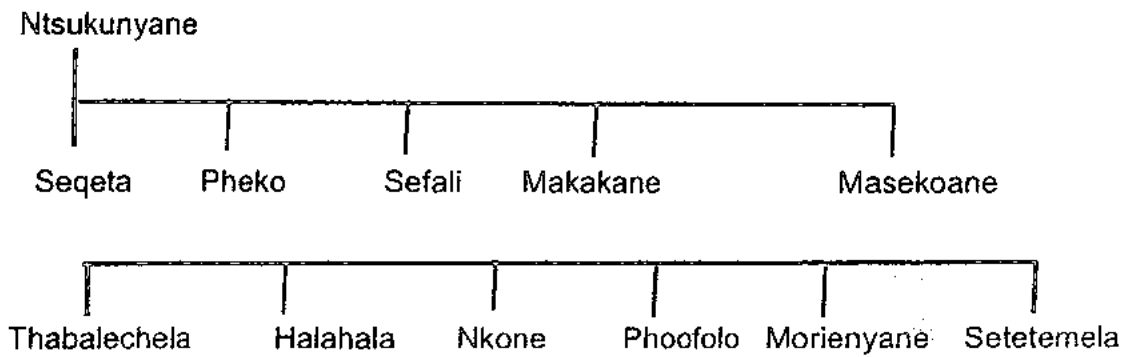


134

About : 1520 AD if not before



By his second wife

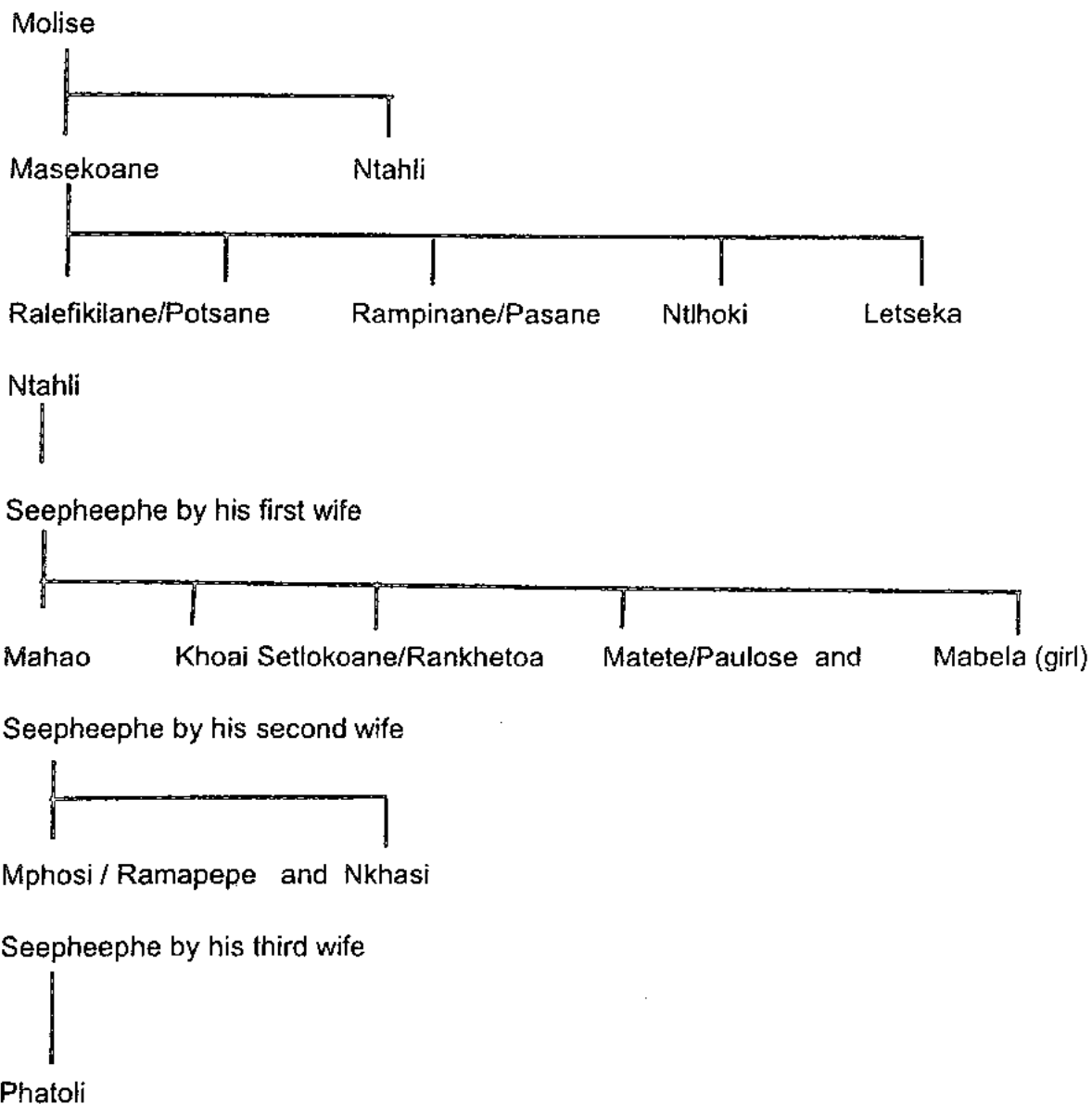


Ntsuku (no issue) and Matube (no issue)

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Table 46 : Genealogy of the Families (Clans) of the Sons of Ntsukunyane to be seen in the History of Bakhoele.



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Ntsoanatsatsi Empire Dynasty- Chronology.

The Original Basotho Nation Kings until King Sekete II to his son Tlopo alias Phohole II is based on Traditional lists of Kings and or Sovereigns of Ntsoanatsatsi Country and Counties.

Genealogy of the Bafokeng- Ba-Mmutla-O-Jeoa -Tala-Amavundle -Mavundla Empire Sovereigns Pedigree and their Posterity.

(Off-Spring to the furthest Generations)

Name :

(1) King Napo Mofokeng

Dynasty of House of
Bafokeng house of the Original Basotho

Reign : 980 AD if not before

The founder of Ntsoanatsatsi Hill-Lehlakeng Kingship, Kingdom.

These Aboriginal Basotho Clans within their Nation had a rudimentary totem or mascot which they held in some veneration.

They venerated that cold dew which is often the source of life in the dry and cold wilderness of Ntsoanatsatsi Country and Counties.

From this dew (Fokeng) they styled themselves the Bafokeng and they settled on the South and North sides of Lekoa (Vaal) River - see their geographical area in the historical and the pre-historic time of the Bafokeng –Amavundle –Mavundla Empire.

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Name :

(2) King Setsete Mofokeng

The son and the successor of King Napo I

Dynasty of house of :

Bafokeng House of the Original Basotho

Reign : 1010 AD if not before

Name :

(3) King Mmutla Mofokeng

These Aboriginal Basotho Nation, took their genealogical tables name from the Royal Family name of King Mmutla and style themselves the Bafokeng Ba- Mmutla-O-Jeoa-Tala in other official language spoken in their neighbourhood area on the Eastern-South wards of Drakensberg Range and Stormberg Range.

Dynasty of House of

Bafokeng House of the Original Basotho

Reign : 1040 AD if not before

Name :

(4) King Phohole I Mofokeng

Dynasty or house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1070 AD if not before

Name :

(5) King Morareli-A-Phohole I Mofokeng.

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign: 1100 AD if not before



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Name :

(6) King Khulo Mofokeng

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1130 AD if not before

Name :

(7) King Molubiane Mofokeng

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1160 AD if not before

Name :

(8) King Phate Mofokeng

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1190 AD if not before

Name :

(9) King Maphate Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign: 1220 AD if not before

Name :

(10) King Mafole Mofokeng

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1250 AD if not before

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Name :

(11) King Mokhesi Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1280 AD if not before

Name :

(12) King Morapeli Mofokeng

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1310 AD if not before

Name :

(13) King Mapuru Mofokeng

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1340 AD if not before

Name :

(14) King Tšoane Written Tshwane (Mofokeng) in 1960 Sotho –Tswana

Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1370 AD if not before

King Tšoane founder of Thaba-Tšoane/Tshwane Castle / Qhobosheane / Ibotwe
(Seqhobo se Hahiloeng)

History of the Basuto Ancient and by D. Fred Ellenberger V.D.M. and written in English by J.C. Macgregor Page 264 has recorded that "when a Kings elder son reached a suitable age he left his father's village with his following and set up a village of his own"



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Prince Mofokeng "(alias Phoka)" Mofokeng left his father village at Thaba-Tšoane/Tshwane along Ntša-Bohloko River, also called Noka-Tshwane (Apies) River to set up his own village at Thaba-Mabula near Bela-Bela" (Warmbaths).

Prince Mofokeng alias Phoka

Founder of Thaba-Mabula and was succeeded by his son Mphofe founder of the Bafokeng Ba-Mmutla-O-Jeoa-Tala the first branch called Bafokeng of Balemane.

Name :

(15) King Ramorooa I Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho

Reign : 1400 AD if not before.

The Original Basotho Nation, Bafokeng Ba-Mmutla-O-Jeoa-Tala interacted for centuries with San Race "Masarooa" also called Barooa, as this this secondary wife of King Tšoane, had a son Ramorooa above who became a successor of his father King Tšoane.

As it happened that the eldest son of a secondary wife had more people than a younger son of the first wife as the latter's maternal uncles would be with his elder brother.

The secondary wife son remained home with more people of his father's Nation as the one called Mosalalapeng (he who remained at home) and his duties were to assist his father in every act of Kingship to represent and act for his father and support him in his old age. So was King Ramorooa I Mofokeng, the 15th King during their father's lifetime his influence was great, greater even than that of the eldest son and second only to that of old King himself.

When King Tšoane/Tshwane died his son Ramorooa I by his second wife, succeeded him at Ntsoanatsatsi Capitol Hill and was acknowledged by the Royal family Crown Council and the Empire Tribes accepted his appointment and acknowledgement and he became the 15th recorded Generation King.



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Name :

(16) King Sekete I Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho

Reign : Dynasty of house of

Bafokeng Ba-Mmutla-O-Jeoa-Tala the Original Basotho

Reign : 1430 AD if not before

Name :

(17) King Mofokeng (Alias Phoka) Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala ; the Original Basotho

Reign : 1460 AD if not before

Name :

(18) King Ramoroa II Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho

Reign : 1490 AD if not before

Name :

(19) King Sekete II of Ramoroa II Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho

Reign : 1520 AD if not before

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Name :

(20) King Tlopo Alias Phohole II Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho at Ntsoanatsatsi Capitol Hill Lehlakeng.

Reign : 1550 AD if not before

This second branch of the Bafokeng-Ba-Mmutla-O-Jeoa-Tala under the leadership of Prince Lesani / Sezani, built their stone walling settlement village in about 1300 AD in the area known today by the name Natal Midlands at a settlement ruins known today by the name Moor Park.

This walling stands in defensive positions on hilltops and spurs. The front-back orientation of these settlements conforms to the shape of the terrain.

The best known are near the Hill Ntsoanatsatsi, the legendary place of Origin of the Bafokeng-Ba-Mmutla-O-Jeoa-Tala-Amavundla-Amavundle Empire Tribes which has given its name to the walling type.

Somewhat later still these Bafokeng-Ba-Mmutla-O-Jeoa-Tala Tribes people moved across the Lekoa "Vaal" River into hilly areas of Zonderborsch rand, Klipriviersberg, Witwatersrand, Zwartkops and Magaliesberg Range and others near Ermelo at Tafelkop, the Hendrina, Carolina, Badplaas, Waterval-Boven, Machadodorp and Lydenburg.

These Bafokeng-Ba-Mmutla-O-Jeoa-Tala Tribe people built stonewalled settlements in the Tšoane-Tshwane area that emphasised the centre side axis.

Name :

(21) King Mare Mofokeng



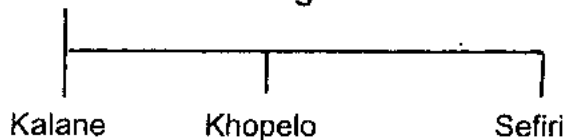
Dynasty of House of

Bafokeng-Ba-Mmutla-O-Jeoa-Tala the Original Basotho at Ntsoanatsatsi Capitol Hill Lehlakeng.

Reign : 1580 AD if not before.

Name :

(22) King Ntsikoe Mofokeng



Prince Kalane born by first wife Queen at Tlhoareng Palace.

Prince Khopelo born by second Queen at Lenakeng Palace

Prince Sefiri born by third Queen at Leriteng Palace

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho at Likhuiting near Mekoatleng in the Mohokare (Caledon) River valley.

Reign : 1610 AD if not before

Name :

(23) King Sefiri Mofokeng Founder of Bakhoele

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; the Original Basotho at Thaba-Khoele

Reign: 1640 AD if not before



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Name :

(24) King Kata Mofokeng

Dynasty of House

Bafokeng Ba-Mmutla-O-Jeoa-Tala; Bakhoele.

King Kata.

By his first wife at Tihoareng, Kata begat Ntsuku and Ntsukunyane

By his second wife at Lenakeng, Kata begat Molise

By his third wife at Leriteng Kata begat Matube

Reign : 1670 AD if not before

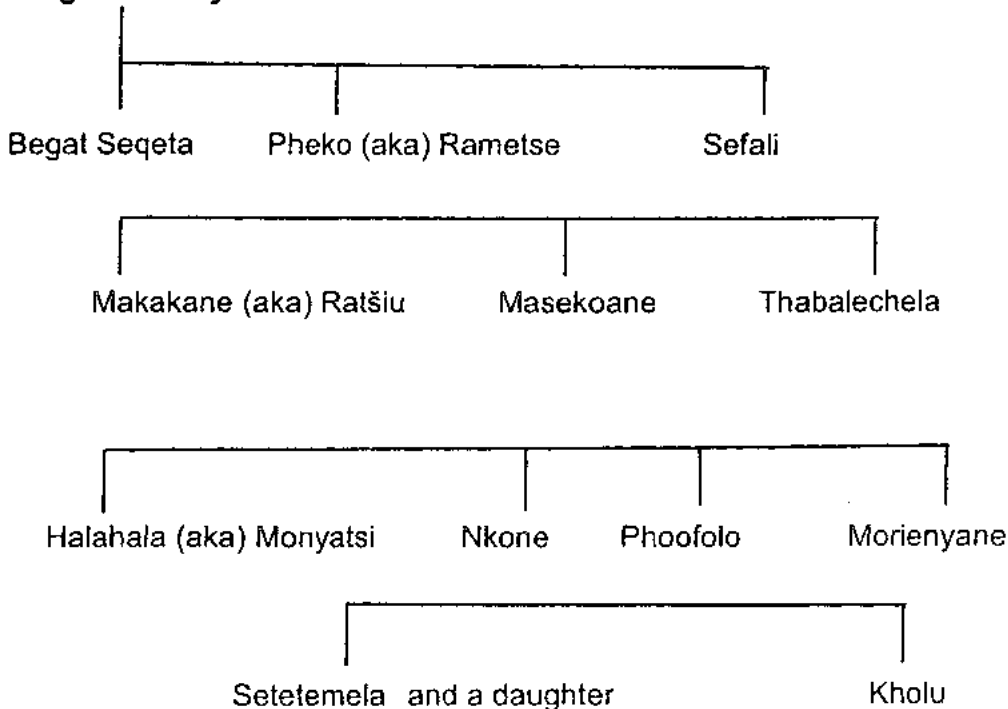
Name :

(25) King Ntsukunyane Kata Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; Bakhoele.

King Ntsukunyane





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Soon after his escape from the Basekake, Mokhachane (alias) Libenyane married Kholu, daughter of Ntsukunyane. She had been promised marriage to one Lesia of her own tribe of Ba-Sefali Sa-Kotoane, but she eloped with Mokhachane. Their eldest child was a girl called Matšuenyane born about the year 1782.

Their second child was a boy called Lepogo, but became known by the name Moshoeshoe.

Reign : 1700 AD if not before

Name :

(26) King Molise Kata Mofokeng

Dynasty of House of

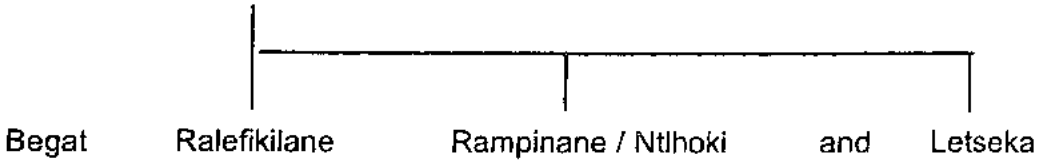
Bafokeng Ba-Mmutla-O-Jeoa-Tala; Bakhoele.

King Molise

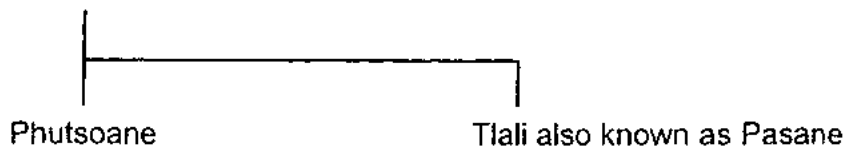
Begat Masekoane by his first wife

Begat Ntahlhli by his second wife

Prince Masekoane



Prince Ralefikilane



Phutsoane / Potsane and Tlali / Pasane died at Matatiele in the service of Nehemiah Moshoeshoe which his family owe Bafokeng an explanation about the death of this two Royal Family sons.

Reign : 1730 AD if not before

Name :

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(27) King Ntali Molise Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; Bakhoele.

King Ntali begat Prince Seepheephe.

Reign : 1760 AD if not before

Name :

(28) King Seepheephe Ntali Mofokeng

Dynasty of House of

Bafokeng Ba-Mmutla-O-Jeoa-Tala; Bakhoele.

King Seepheephe

By his first wife at Tlhoareng Palace

Begat Prince Mahao, Prince Khoai, Prince Setlokoane also known as Rankhetoa, Prince Matete and Princess Mabela who married Moshoeshoe and became known as Mamohato, mother of Mohato/Letsie.

By his second wife at Lenakeng Palace

Begat Prince Mphosi also known as Ramapepe and Prince Nkhasi.

By his third wife at Leriteng Palace

Begat Prince Phatoli also known as Rantšala

Reign : 1790 AD if not before

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THE BAFOKENG BA-MMUTLA-O- JEOA-TALA TRIBES EMPIRE

(The Bafokeng of The Hare Which is Eaten Raw)

The name of the Empire in other official Language of the Republic of South Africa and Lesotho is:-

Amavundle-Mavundla Tribes Empire

The shortened form of the name of the Empire Tribes Posterity is:-

Bafokeng-Amavundle-Mavundla Tribes Empire

B.A.M.T.E

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ANNEXURE N.M.M. 4

**Re-Amavundle Chieftainship claim- Maluti Territorial area Matatiele
The Background of the Bafokeng of Ntsoanatsatsi:
The Original Basotho Tribes Empire**

These Bafokeng-Amavundle-Mavundla Tribes Empire branches' historical background is confirmed by the descendent in the direct line of the Ntsoanatsatsi Ancient Kingdom Royal Family member, Prince Tyhali, Chief of Amavundle of Madadeni, Herschel and Mjanyane in Quthing Lesotho to Matatiele Territorial area, called Griqualand East by the Conquerors.

This old Chief confirmed the story which is recorded in page 19 of history of the Basotho compiled by D. Fred Ellenberger; V.D. M and written in English by J.C. Macgregor that:

He is, he says in reality, a Mofokeng oa Mmutla-O- Jea-Tala ("A Mofokeng of the Hare which is eaten raw") and descended from King Sekete II of the 19th generation of the Original Basotho, Bafokeng the Original Inhabitants of Ntsoanatsatsi Country and Counties.

See the following genealogy of Bafokeng-Amavundle branch of the Ntsoanatsatsi Tribes Empire.

About:

1240 AD King Sekete II

1300 AD Prince Lesani called Sezani in Nguni language who settled his people at Moor Park at the valley of Bushmen's river at Santalobe area in the Lower Loting; Quatlhamba Drakensberg Park (World heritage site today in Natal Midlands)

1350 AD Prince Khetshe

Prince Siqungele

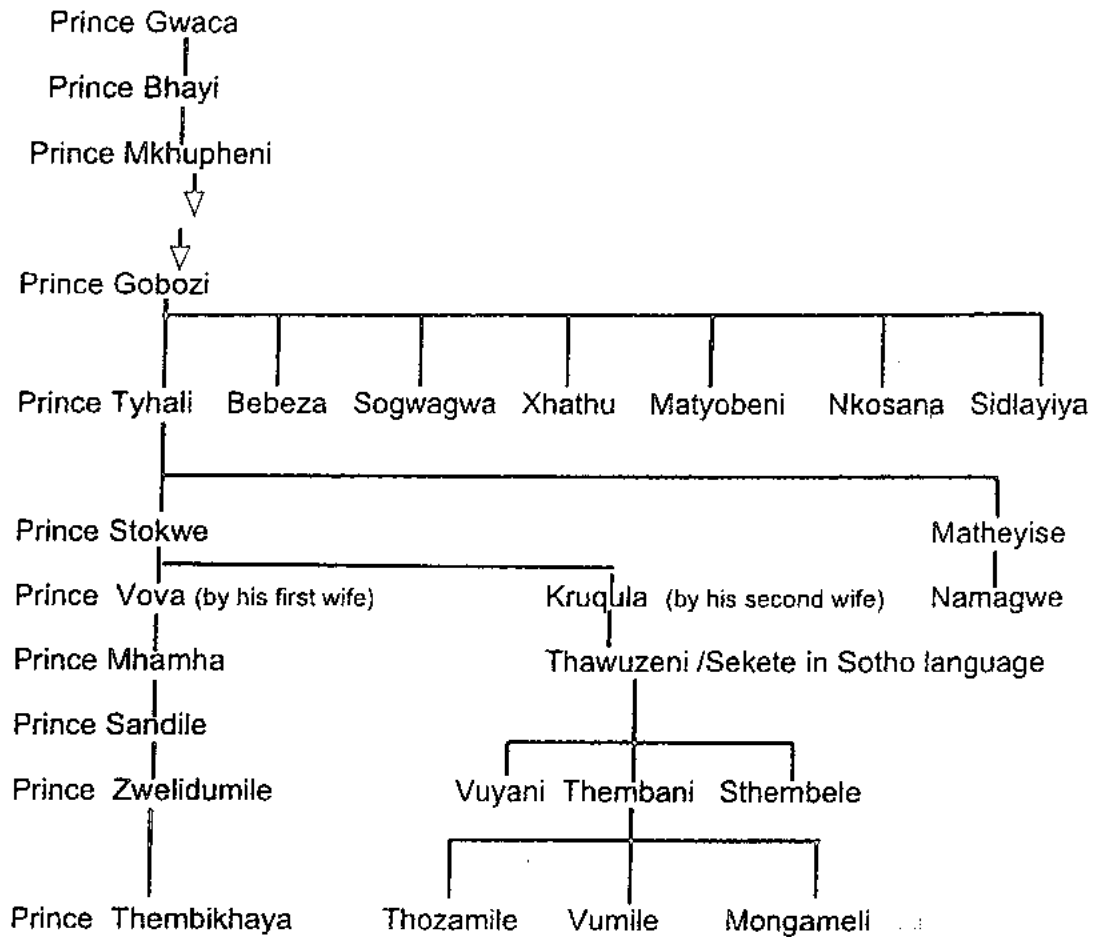
Prince Msali

Prince Zembe

@ Bafokeng Amavundle-Mavundla Empire



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About



Nkosana and William's great-grandfather supported British Cape Colony Government in the Hope -wars for which they were granted portions of the Conquered land of Sotho and Thembus at Tsolo area for William's great- grandfather and a portion at Mafube Territorial area to be called Nkosana 20 in Matatiele.

Makeke Nkosana 's sons claimed to be of Aba-Thembu Royalty but has failed to prove it genealogically. He says that he recognize Sabata Dafindyebo as his Paramount, but that he had close ties with Kaizer Mathanzima.



His Tribal authority does not have a Chiefly lineage as the Chieftainship of Amavundle is with Tyhali house to Prince Stokwe and therefore Nkosana is headed by an elected headman and nothing else.

The resolution to remove the following headmen

1. Mhiabuzolite Alfred Nkosana
2. Rapasa Jeremiah Maketela

and dismiss allegations of Rantai Lepheana who has no locus standi in Amavundle Royal family affairs.

The removal document represents the complaints lodged by a series of grievance committee members representing Nkosana Traditional Authority, Thabana Tšoana Traditional Authority and Mafube Traditional Authority communities as a whole.

Who seek relief from the Bafokeng-Amavundle-Mavundla Tribe Empire Crown Council and the King as Sovereign.

The Traditional Leadership and Governance Frame Act 2003 Act No11 of 2003.

Recognition of Senior Traditional Leaders, Headman or Headwoman.

Whenever the position of Senior Traditional Leader, Headman or Headwoman is to be filled :-

- a) The Royal Family concerned must within a reasonable time after the need for any of those positions to be filled and with due regard to applicable customary-.
 - i) Identify a person who qualifies in terms of customary law to assume the position in question after taking into account, whether any of the grounds referred to in section 12(1) (A) & (B) .

@ Bafokeng Amavundle-Mavundla Empire



Annexure N.M.M 5

Kingdom Realism Institutions

" Mtsoanatsatsi Crown Estate Heritage Institute"

Grouping and Ethnic History

The information concerning the Colonial Period History of the South African Bantu Tribes comes from two sources, Native and Colonial European

The Personal observations of the earliest European explorers and their navigators, and of Shiprecked Seamen , such as Perestrello (1554), the Pilot of the Santo Alberto (1593) following the 1486 when Batholonomew Diaz was blown around the Cape in a storm ,reaching the Point where Bhayi " Port Elizabeth" is now , and he knew what no other European had known, that Africa had a Southern end which a ship could sail around.

On his way home he saw the Cape Peninsula and called it the Cape of storms, a name which either Diaz himself or John II of Portugal changed to the Cape of Good Hope- the Cape which offered a Good Hope of reaching India by sea, and the men of the Stavenisse (1686) established beyond doubt not only that the Bantu (Batho-Abantu) were already dwelling in South- Eastern Africa at that time.

The Native source of History consist of the traditions, legends and tales handed down orally from generation to generation in each Tribe.

Above all , these sources tell us little or nothing about the distribution and names of Tribes, their customs and languages, as they were before the storm broke that all but swept away many of them.

Social Organization

The Native Peoples of Southern Africa Region on the South of Limpopo river from South Eastern Cape to the South of Limpopo river

Or

(a) Nguni group of AmaXhosa



- (b) Nguni group of Amazulu on the Eastern North-wards of Drakensberg Range at the coastal stream.
- (c) Basotho group from Stormberg range, the South and North side of Orange river and the Eastern-part of Drakensberg range on the South of Limpopo river, central Plateau of Drakensberg range and the South and North sides of Vaal river to its junction with Orange river to the South of Molopo river.

(d) Venda group

This group is distinguished by a language peculiar to themselves, though reminiscent of both Basotho and Karanga and by a culture sufficiently characteristic to separate them clearly from other Southern Bantu (Batho-Abantu). The bulk of the baVenda appear to have dwelt in the mountains of the Zoutpansberg from the earliest times as they do to-day.

(e) Shangana- Tonga Group

The Shangana –Tonga form a very large group on the Northern limits of which have never yet been accurately defined. To the South and South –East they have long been in contact with the Nguni but with the Basotho and Bavenda. Further North contact was made only in recent times, by emigrant Shangana- Tonga. The whole of the Original Shangana-Tonga group lives in Portugues East Africa.

Chapter iv Page 67 of Bantu –Speaking Tribes of South Africa

"An Ethnographical Survey

By I. Schapera

Introduction by A. Winifred Hoernle"

State that:-

The Bantu peoples have been divided in the previous chapter, into five groups on the basis of data partly geographical, partly linguistic, partly historical and partly cultural.

Each of these groups has sub-groups within it.

We shall therefore expect to find the greatest degree of cultural similarity between Tribes belonging to the same sub-group, minor cultural differences between one sub-group and another and major cultural differences between the basic groups.



At the same time, even the basic groups have certain types of institution in common though these appear in each group in distinctive forms.

Political Institutions

The basic unit in Nations' political life is the Tribe (in Nguni- Isizwe; Shangana-Tonga-Risaka- Nyimba; in Sesotho- Sechaba, in to-days Sotho-Tswana -Morafe; in Venda -Lushaka)

This may be defined, for all practical purposes as the body of people organized under the rule of an independent King as Sovereign.

Each Tribe has its own name, occupies its own territory, manages its own affairs and acts as a single united body in war.

But it is primarily through their allegiance to the same King as Sovereign that the members of a Tribe are conscious of their unity and indeed the Tribe is most often named after the King himself or one of his ancestors.

So the King as a Sovereign himself is spoken of as Sovereign over his Nation and the Crown Estate "Territory / Land " of their Origin belongs to the Sovereign and held by Sovereign and managed by the Royal Family Crown Board.

Sovereignty Empire Tribes Counties / Chiefdoms' Territorial areas are under the Chieftaincy authority through their allegiance to the same Sovereignty Crown Council / Privy Council.

So, too, the Chief himself is spoken of as Chief over his people and not as Chief of the Territory they inhabit: e.g Graffith Lerotholi is not Paramount Chief of Basutoland " but Morena e moholo oa Basotho" the Great Chief of the Southern Sotho".

The nuclear stock of a Tribe is generally composed of people all claiming descent from the same line of ancestor as King and or Chief.



But even the smallest Tribe contains many alien families or groups, while in the larger Tribes only a small proportion of people may belong to the Original stock.

The Tribes is thus not a closed group, like the clan.

The Tribe is an association into which people may be born or which they may voluntarily join or into which they may be absorbed by conquest; and which they may for one reason or another leave again.

The Chieftainship

Succession

Chieftainship is hereditary, leadership

In the ascension to the Chieftaincy of a Clan and its Clannish (People tending to associate only with other of similar background or Status).

There may be competition between the heirs of the same lineage, but it would be most unusual for an outsider to contest the seat.

The system of voting, as the Western world knows is generally unknown in the social system of Bafokeng Ba-Mmutla-O-Jeoa-Tala, Amavundla-Amavundle Clans of the Original Basotho within their Nation with their own language Sesotho of Origin.

The Kingship

The King is still the Father figure and hereditary of the Sovereignty of Bafokeng Ba-Mmutla-O-Jeoa-Tala Amavundla-Amavundle Clans within their Nation of Origin. The Original Basotho, the Original Inhabitants of Ntsoanatsatsi Country and its Counties.

According to Legend Ntsoanatsatsi Kingdom Dynasty was founded by a Spirit –King named Napo Mofokeng at Ntsoanatsatsi Realm Hill, Lehlakeng Capital Villages of their birth place.

Bafokeng –Amavundla-Amavundle Clans Empire allegiance to the King of course started from the first recorded Original Basotho Nation King Napo Mofokeng who must not be confounded with Napo / Nape grand, grandson of Kwene / Kwena.



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King Napo Mofokeng born at Ntsoanatsatsi Capitoline Hill, Lehlakeng about 980 A.D. if not before while the other of Bakwena was born more than 500 years later in the Kurre-Chueneng (Dwarsberg) the dwelling-place of the Bahurutse "Barotsi" his ancestors.

The Native source of History consist of traditions, legends and tales handed down orally from generation to generation in each Tribe

Genealogy of the Bafokeng –Amavundla-Amavundle Clans with Their Nation

"The Original Basotho, Bafokeng-Amavundla-Amavundle of Ntsoanatsatsi Country and Counties"



ANNEXURE N.M.M. 6

Removal of Senior Traditional Leaders, Headmen or Headwoman.

- (i) A senior traditional leader's headmen may be removed from office on the ground of :-
- a) Conviction of an offence with a sentence of imprisonment for more than a month without an option of a fine.
 - b) Physical incapacity or mental infirmity which is based on acceptable medical evidence made it impossible for that senior traditional leader ,headman or headwoman to function a such:-
 - c) Wrongful appointment or recognition or
 - d) A transgression of a customary rule or principle that warrants removal
2. Whenever any of the grounds referred to in subsection (A), (B) and (D) come to the attention of the Royal Family and the Royal Family decides to remove a Senior Traditional Leader, Headman or Headwoman, the Royal Family concerned must within reasonable time and through the relevant customary structure ;-
- a) Inform the Premier of the province concerned of the particulars of the Senior Traditional Leader Headman or Headwoman to be removed from office and
 - b) Furnish reasons for such removal.

Committee on Traditional Leadership Claims and Disputes

On the 4th of November 2013 chaired grievance meeting at Nkosana Traditional Council, Presentation by affected parties was made and the written grievance letters to the Eastern Cape House of Traditional Leaders was presented.

The exchange of livestock theft between headman Rapasa Jeremiah Maketela and his right hand man called Motaung was also presented and they failed to respond to the allegations.

The case of pointing of firearm to the community was reported and the action of Maluti SAPS was part of the allegation. To date no investigations has been made.

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Mhlabuzolile Alfred Nkosana raised an issue of Amavundle Chieftainship claim-Maluti-Matatiele during the meeting process;

Of which report No. 5 on the hearing of the Traditional Leadership claim and dispute was resolved as follows by the chairperson: Nkosi Zanzolo Matanzima on the 17th December 2009 and forwarded to the honourable M.E.C S. Gqobana and received by his office on the 21st December 2009 .

- 1) Nkosana Traditional Authority has no Chief and so it is headed on a rotational basis by ooNkosana, Themhani Tyhali, Mhlabuzolile Nkosana and Makhethela who are members of this traditional authority.
- 2) Nkosana Themhani Tyhali and Nkosana Mhlabuzolile Nkosana belong to the Amavundle Royal Family.

They are both claiming the Chieftainship of the same area hence the hearing took place at Nkosana Traditional Authority.

- 3) Nkosana Makhethela does not form part of this Chieftainship claim.

He (Makhethela) was elected by the community of Thabanatšoana to be Inkosana after the death of Nkosana Matabana who had no progeny and no Royal blood.

- 4) Whilst Nkosana Tyhali had oral and documentary evidence to prove his claim, Nkosana, relied on maintaining that he had arrived in the area earlier than Nkosana Tyhali.

Headman Nkosana became iNkosana taking over from his uncle, the late Nkosana Makeke Nkosana who had two daughters.



Findings

- 1) Nkosana Tyhali had proof of documents accompanied by genealogical tree which shows that he is from great house of Amavundle which headman Nkosana did not dispute.
- 2) Headman Nkosana took over from the late Makeke Nkosana, his uncle, who had two surviving daughters, who had a right to be crowned if they so wished.

"(Nkosana Mhlabuzolile Nkosana does not form part of the Amavundle Chieftainship claim and does not have anybody from the community who has elected him to the headman position of Nkosana Traditional Authority; even the two of Makeke's daughters out of four daughters of Makeke's daughters whom are alive, did not appoint Nkosana Mhlabuzolile to be the heir on their late father's estate which is of Amavundle Royal family members, to witness and support his locus standi. He does not make any differences to his friend Maketela; the two must prove their genealogy and their Origin, as they don't belong to the Amavundle Royal Family)".

They were wrongly appointed or recognised as headmen in the Amavundle Chieftainship Territorial area.

Recommendations:

The Committee (on Traditional Leadership claims and disputes) recommends that headman Tyhali be recognised and restored to the Chieftainship of Amavundle.

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ANNEXURE N.M.M. 7
IN THE HIGH COURT OF SOUTH AFRICA
"EASTERN CAPE HIGH COURT BHISHO" CASE NUMBER 486/11

BEFORE THE HONOURABLE MR JUSTICE VAN ZYL
ON THURSDAY 19TH JANUARY 2012

IN THE MATTER BETWEEN

MHLABUZOLILE ALFRED NKOSANA **1ST APPLICANT**
RAPASA JEREMIAH MAKETELA **2ND APPLICANT**
RANTAI LEPHEANA **3RD APPLICANT**

AND

THE MEMBERS OF THE EXECUTIVE COUNCIL FOR THE
DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL
AFFAIRS EASTERN CAPE PROVINCE **1ST RESPONDENT**
THE PREMIER FOR THE PROVINCE OF THE EASTERN CAPE **2ND RESPONDENT**
THE SECRETARY OF NKOSANA TRADITIONAL COUNCIL **3RD RESPONDENT**
THEMBANI JOSEPH TYHALI **4TH RESPONDENT**
AMAVUNDLE ROYAL FAMILY **5TH RESPONDENT**
NKOSANA ROYAL FAMILY **6TH RESPONDENT**



**FOUNDING AFFIDAVIT
OF MHLABUZOLILE ALFRED NKOSANA**

ADD. PARAGRAPH 9 the Applicant states that:

The Fourth respondent is Them bani Joseph Tyhali;

An adult male who resides at Mafube

Administrative Area A-A No. 25 and is the Headman in respect of the area known as Mafube which is situated in the Eastern Cape and also falls under the Nkosana Traditional Council.

The Fourth Respondent is a member of the:

Nkosana Traditional Council

Nkosana Traditional Authority / Council is headed on a rotational basis, by oNkosana Them bani Tyhali; Mhlabuzolile Nkosana and Makhethela who are members of this Traditional Authority.

On the letter dated 25-02-2009 marked Annexure D1

Of Mhlabuzolile Alfred Nkosana Founding Affidavit of Case No. 486/11

Mhlabuzolile Alfred Nkosana and Rapasa Jeremiah Maketela stated that:

- Nkosana Administrative Area is comprised of three areas viz. Thabana-Tšoana, Mafube and Nkosana A/A
- In each of these areas there is a Headman, each being independent of one another and heading different communities.
- It is understood that one of these Headmen namely Tyhali has applied for Chieftainship of the entire area falling under the Nkosana A/A.
- Headman Tyhali became a headman not by birth, but through public election process as has been the case with his predecessors.

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- The purpose of this letter Honourable M.E.C. is to draw your attention to the fact that this matter has not been taken to the entire affected communities of Nkosana A/A, instead, family members from Lesotho were invited to decide on this issue, of which they have no mandate on this matter from the three headmen comprising this Administrative Area.
- Furthermore we have noted that Maluti branch of CONTRALESA as well as nominated members of CONTRALESA in Maluti serving at the House of Traditional Leaders in Bhishe are biased and have interest in this matter.

Contact persons on this letter are:

The first Applicant and the Second Applicant.

ADD PARAGRAPH 10 of their affidavit this family from Lesotho are the fifth Respondent and are stated in their case No. 486/11 as well as:-

Amavundle Royal Family 5th Respondent

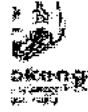
And is cited herein as the body that has identified the fourth Respondent as the Inkosi of the Nkosana Traditional Council.

Page 67 of the later Iron Age in South Africa by Brian Fagan have recorded the following about these Bafokeng-Amavundle-Mavundla Empire Tribes that :-

The early history of the Sotho (Basotho) and Nguni (aba-Nguni > Ama-Xhosa) people appears to extend back further than the frontiers of oral tradition or even the largest genealogies; Archaeology must be the primary source of information on the critical problems of early Origins and precedence in migration.

Both Sotho of Origin, Bafokeng-Amavundle-Mavundla Empire Tribes and Nguni speakers of Aba-Thembu have a long history of contact.

@ Bafokeng Amavundle-Mavundla Empire



- (a) Inform the Premier of the Province Concerned of the particulars of the Senior Traditional Leader, headman or Headwoman to be removed from office as stated above with reasons for such removal.

This resolution was taken in a meeting on the 29th December 2013 and was held by the office of the Amavundle-Mavundla Empire by the King as Sovereign in order to give the office of the Eastern Cape House of Traditional Leaders; who chaired the meeting of the 04th November 2013 for the verdict.

Now therefore we see there is an ongoing problem in the area, hence we are calling for the Office of premier to implement the decision taken by the Community of Nkosana Traditional Council in conjunction with Bafokeng-Amavundle-Mavundla royal Family.

N.M. Matete Also known as
David Lebina Mofokeng

For further information contact us on vuyomolefe@gmail.com



The historical record is rich in accounts interaction of the San-Baroa-Abatwa and Bafokeng-Amavundle, the Original Basotho and the Original Inhabitants of Ntsoanatsatsi Country and its Counties.

In 1872 the Aba-Thembu Paramount Ngangelizwe asked to be brought under British protection.

He did so because he feared the vengeance of the Ama-Gcaleka Paramount Sarili.

Ngangelizwe Chief's wife was Sarili's daughter and he had ill-treated her, causing her to flee to her father.

In 1875 he caused this wife's maid to be killed thereby renewing Sarili's anger.

Although Sarili was prevailed upon not to attack Ngangelizwe, the latter submitted a written request to be received as a British subject together with his Tribe.

The Ama-Qwathi of Dalasile and the Vundle-Amavundle of Stokwe who were his subjects, followed his example. They were accepted as British subjects.

During 1880 the disarmament disturbances broke out in Lesotho. The Mpondomise in Griqualand (Nomansland was annexed under the name Griqualand East and included the districts of Maclear , Mount Fletcher, Matatiele, Mount Currie, UMzimkhulu, Tsolo, Qumbu and Mount Frere. Port St Johns was annexed under that name and included some 10,000 acres of land on the western bank where the village now stands etc.

Griekwaland East followed Lesotho example and took up arms against the British Government.

In this they were followed by the Qwathi, Gcina and Vundla "Amavundle" who were Aba-Thembu subjects of non-Thembu Origin.

Very few true Aba-Thembu took part in this rebellion which was suppressed in February 1881.

The districts of Indwe and Elliot were confiscated in consequence of the rebellion and were set apart for European occupation.





ANNEXURES E1 and E2

A letter dated 22nd June 2011 To :-

The Hon. M.E.C
Dept of Local Gov. and Traditional Affairs Bhisho

RE:- Objection to the elevation of headman Thembani Tyhali to Chieftainship

By the undersigned objectors as follows:-

- (1) R.A. Lepheana being Rantai Lepheana
- (2) Mhlabuzolile Alfred Nkosana
- (3) Rapasa Jeremiah Maketela
 - a. T. Dodo
- (4) M. Khauoe
- (5) T. Skhosana
- (6) P. Sabasaba

Copies to the chairperson
House of Traditional Leaders
Eastern Cape

Paragraph 1

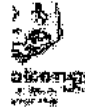
The history of the Amavundle Clan in which headman Thembani Tyhali belongs, reveal that Originally they were the Bafokeng Clan and about 1885 they sojourned at various places in the Eastern Cape where they changed to the Xhosa Amavundle Clan.

Having not found the desired comfort, they went back to Lesotho and were accommodated by the Chief of the Baphuthi Clan near Quthing .His parents were allowed to settle at Mount Pleassier by beneficiaries of that area.

Mount Pleassier and La Grange farms were given as a compensation to soldiers for services rendered during World War II.



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5th Respondent to the Annexure E1 and E2

(1) Amavundle Chieftainship Claim-Maluti (Matatiele)

Is between Thembani Tyhali, Mhlabuzolile Nkosana and Rapasa Maketela the claimants. The 6th respondent Nkosana royal family only reflect in case No. 486 /2011 being a silent party in this dispute which the applicants has nothing to bring against Nkosana Royal family which is a proof that there is no Kingdom or Chieftainship of Nkosana royal family existing in the Republic of South Africa. We will like to see a proof of the sheriff of the court that who received summons on behalf of Nkosana royal family and the response to the applicant's affidavits.

The applicants summonsed the 3rd respondent being the secretary of Nkosana Traditional Council, is cited herein in his capacity and no order is sought against .We would like to see a sheriff of court service that he was served with summons and his response to the matter.

Annexure E1 proves with no doubt that the writer's paragraph one is based on hear saying; they know nothing about the Amavundle Clan history.

Amavundle-Mavundla are Tribes of Bafokeng –Ba-Mmutla-O-Jeoa-Tala ,the Original Basotho of Ntsoanatsatsi Country and Counties, not the emigrant Basotho but the Original Inhabitants who crossed Maluti-Quatlhamba " Drakensberg" mountains range, Pre-historic times and traversed Natal before the Portuguese named their territory Natal. They were the first Inhabitants of Lower Loting eastern side of the range and after many vicissitudes arrived in Aba-Thembu-land and they were already called Amavundla Tribe by the other Nguni-speaking Tribes based on their Emblem of Origin as Bafokeng Ba-Mmutla-O-Jeoa-Tala.

The meaning of the word Mmutla in Sesotho-speaking Tribes of their Empire meaning Vundla or Umvundla in Aba-Nguni language.

"Means a Hare "

This Amavundle-Mavundla branch of Bafokeng Ba-Mmutla-O-Jeoa-Tala are born from Royal family.

@ Bafokeng Amavundle-Mavundla Empire



Traditional Institutions :-

The Bafokeng Amavundle-Mavundla Tribe Empire is administered according to its law and custom and its Traditional Institution is pillars of its Sovereignty /Monarchy as set out in subsection of its Empire Constitution and its by-laws.

This Original Basotho of Ntsoanatsatsi Country and Counties of their Origin as Bafokeng Ba-Mmutla-O-Jeoa-Tala "Amavundle-Mavundla" Tribes Empire, Traditional Institutions are hereby guaranteed and protected.

Marena / linkosi are the paternal uncles and half-brother of the King as Sovereign who exercise functions of Lords / Chiefs over their areas; whose fathers – forefathers were given authority by the Royal Family to oversee and exercise jurisdiction over an area accorded by the King as Sovereign with approval of the Crown Council in accordance with the Original Inhabitants of Ntsoanatsatsi and Counties law and custom.

The membership of Marena-Amakhosi of Bafokeng-Amavundle-Mavundla Tribes Empire includes Commoners as headmen and Senior Traditional Leaders who are members of the Royal Family, determined in accordance with Bafokeng-Amavundle-Mavundla Tribes Empire Law and custom.

The King as Sovereign from time to time consults all or some of the members of the Royal family "Crown Council" on important or sensitive matters or disputes including matters of succession connected with the Monarchy and the Senior Traditional Leaders and their headmen.

Lords /Chiefs "Marena-Amakhosi"

Marena-Amakhosi are the right hand men and women of the King as Sovereign and the Sovereign rules through the Lords /Chiefs.

The King as Sovereign may not just appoint any person to be chief or headman over any area as the Chief /Lords are Lords /Chiefs by legitimate lineage through line of birth from father to son according to the Original Basotho Bafokeng-Amavundle-Mavundla Tribes Empire law and custom.

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The general rule is that every Lord's / Chief's residence is headed by a Chief who is appointed by the Chieftain's family and ratified by the King as Sovereign.

Borametsi – linkosana – Headmen

Traditionally Bafokeng-Amavundle-Mavundla Tribes Empire has a number of Headmen headed by the Senior Traditional leaders "Chiefs" governors in charge of the regiments and the Tribes villages in the Empire Country and Counties.

The position of a headman is strictly not hereditary even though appointment is made within a limited range, leading commoner families.

The Headmen of the Empire residences will normally have a small council to consult before taking a decision.

Bafokeng-Amavundle-Mavundla Empire Tribes Leadership Code of Conduct in Terms of Their Original Sesotho Law and Custom.

Purpose of Code

The Leadership code of conduct seeks to ensure that those in leadership whether elective or appointive:-

- (a) Are transparent in their activities and accountable to the people they represent or serve.
- (b) Are committed to the rule of law and administrative justice
- (c) Adhere to the principles of service for the common good
- (d) Do not abuse office; and
- (e) Do not engage in conduct that is likely to lead to corruption in public affairs.

Conflict of Interest

A person who holds an office referred to in section 241 (2) shall not:-

- (a) Assume a position where personal interests conflict or is likely to conflict with the performance of functions of the office and
- (b) Engage in conduct that is:

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- (i) Likely to compromise the honesty, impartiality and integrity of the office.

Failure to comply with code:

- (i) An officer or Traditional Leader and/or headman who contravenes the code may, after due process of law and custom be dismissed or removed from office by reasons of such breach or abuse and may be disqualified from holding any public office either generally or for a specific period.
- (ii) Any property or assets acquired after the initial declaration under the chapter and which is not reasonably attributable to income Kingdom realm loan, inheritance or any other legitimate source, shall after due process of law and custom, be forfeited to Kingdom realm.

In terms of Act No. 41 of 2003 of
Traditional Leadership and Governance Framework Act 2003.

Dispute Resolution

Section 21 (1) (a) state as follows :-

Whenever a dispute concerning customary law or customs arises within a Traditional Community or between traditional communities or other customary institution on a matter arising from the implementation of this Act, members of such a Community and Traditional Leaders within the Traditional Community or Customary institution concerned must seek to resolve the dispute internally and in accordance with customs.

Following the customary law and customs relating to Bafokeng-Amavundle-Mavundla Tribes Empire Tribes Royal Family which Amavundle Royal Family belongs :-

- The Royal family of Bafokeng-Amavundle-Mavundla Tribes Empire Tribes in terms of failure to comply with code of the customary law and customs after due processes taken up to create peace and following efforts of the committee on Traditional Leadership claims and disputes meeting of the 4th November 2013 at Nkosana Traditional Council Office

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On the 29th December 2013 the Royal Family in their Crown Council meeting held with Community members of Nkosana Traditional Authority , Thabanatšoana Traditional Authority and Mafube Traditional Authority jointly forming Nkosana Traditional Council; it resolved to dismiss and to remove :-

Nkosana Tradition Authority Headman
Mhlabuzolile Alfred Nkosana

And

Thabanatsuoana Traditional Authority Headman
Rapasa Jeremiah Maketela

From Nkosana Traditional Council

Led by the recognised Senior Traditional Leader of Maluti area of Amavundle Royal Family branch of the Bafokeng-Amavundle-Mavundla Tribes Empire.

Removal of Senior Traditional Leaders or Headmen :-

As a starting point, I wish to refer the Premier for the Eastern Cape and the MEC ; Department of Local Government and Traditional Affairs; Eastern Cape Province to the relevant sections of both the Traditional Leadership and Governance Framework Act of 23.01.2009 (the amendment) section 21 of the original Act reads as follows:

(o) If a Provincial House of Traditional Leaders is unable to resolve a dispute as provided for in paragraph (a) , the dispute must be referred to the Premier of the Province concerned who must resolve the dispute after having consulted ~

- (i) the parties to the dispute
- (ii) the Provincial House of Traditional Leaders concerned

Furthermore and in any event, Bafokeng-Amavundle-Mavundla Empire Tribes Royal Family Crown Council dispute the Locus standi of :-

@ Bafokeng Amavundle-Mavundla Empire



- (1) Nkosana Traditional Authority Headman
Mhlabuzolile Alfred Nkosana and
 - (2) Thabana-Tsuoana Traditional Authority headman
Rapasa Jeremiah Maketela
- As they were wrongfully appointed or recognised.

A transgression of a customary rule or principle that warrants their removal should apply in order to avoid community wars, etc. As they both hold no positions in the Amavundle Royal Family that would empower them to act on behalf of Bafokeng-Amavundle-Mavundla Empire Tribes communities at large.

In view of the fact that there is no proof of the Origins of the two headmen, Bafokeng-Amavundle-Mavundla Empire Tribes Royal Family Crown Council is constrained to dispute the assertion that :-

Mhlabuzolile Alfred Nkosana and

Rapasa Jeremiah Maketela are authorized by Maluti area communities as their Annexure C1 a letter dated June 01: 2010 to the General Manager; Local Government and Traditional Affairs – Bhishe.

Re- dismissal of Headman Thembani Tyhali from office as our Headman,

Looks like a grievance letter not a dismissal as it is not clear whether it's minutes of their meeting; more investigation is to be conducted.

The three applicants in case number 486/11 as disposed to their founding affidavit has nothing to show that they are mandated by the community which they claim have dismissed Thembani Joseph Tyhali on its behalf and we put them to the proof thereof .

As stated in section 12 (2) of the Traditional Leadership and Governance Framework Act 2003 that :-

Whenever any of the grounds referred to in subsection (7)----- (a) (b) and (d) come to the attention of the Royal Family and the Royal Family decides to remove from a service a Traditional Leader or Headman or Headwoman, the Royal Family concerned must within a reasonable time and through relevant customary structure –

@ Bafokeng Amavundle-Mavundla Empire

NKOSANA

ROYAL

HOUSE

Nkosana Traditional Council

Nkosana Admin Area

P.O. Box 999

MATATIELE

MATATIELE

4730

E-mail: dicksonnqhome@gmail.com

4730

July 24, 2014

The Chairperson
 Eastern Cape Provincial Committee
 C.T.L.D.C.
 Private Bag X0035
 BHISHO
 5605

Sir,

Re: - Answers to Research Questionnaire.

QUESTIONS OF FACT

1. *What exactly are you claiming?*

I am claiming the chieftainship of the Nkosana Royal Family, the Nkosana Traditional Council and the entire Nkosana Community.

2. *What is the history of your traditional leadership?*

My traditional leadership is founded on hereditary customary law of succession and is supported by the Nkosana Royal Family genealogy.

3. *When was your traditional leadership established?*

My Traditional Leadership was established on the 10th June 1997 to succeed Nkosana/Headman Makeke Nkosana who had passed away.

4. *Is the dispute in question hereditary, please explain?*

The dispute in question is not hereditary because all my predecessors before the regent Phangumpu were Inkosi/Chiefs, see paragraph 6 of the attached *annexure "A"* of page 295 of appendix D - replies by W. G. Cumming the Magistrate of Xalanga District in Thembuland. When Nkosi/Chief Nqayigana died Makeke was still very young, prompting the Nkosana Royal Family to install Phangumpu as his regent and earning the title of Nkosana/Headman. When Makeke ascended the Nkosana throne, he was designated Nkosana/Headman by the government and not Nkosi/Chief, the title also conferred on me that I now require rectified.

5. *What do you know to have exactly happened (events) leading to the claim arising?*

I requested to be elevated to the position of Nkosi/Chief on 03/05/2004 and as testimony I hereby attach *annexure "B"* being my request, together with

annexure "C" the supporting resolution of the Nkosana Traditional Council and *annexure "D"* the letter of acknowledgement of my request from the Department of Local Government and Traditional Affairs, *Ref. No. PM13/010/4/20* dated *20 August 2008*. However, to my surprise and that of the Nkosana Royal Family and that of the Nkosana community at large, we were shocked and taken aback by the information that Headman Thembani Joseph Tyhali was being elevated to the very same position of Nkosi/Chief that I had requested earlier. The unilateral decision by the Dept. of Local Gov. and Traditional Affairs to ignore numerous letters requesting clarity to its decision led to the matter being taken to the South African High Court – Bhisho, *Case No. 486/11* and ultimately to the *Commission on Traditional Leadership Disputes and Claims*.

6. Who are the parties to the claim and are you a legitimate claimant?

The other party to the claim is Mr. Thembani Joseph Tyhali of Mafube Location No. 25, who is the 4th person to be voted into the position of Headman and succeeded *Mr. Maxhwele Ndleleni* who had succeeded *Mr. Rozwayo Zwelonke* that succeeded *Mr. Isaac Kraai*. All those Headmen of the Mafube Administrative Area were people that had been voted into the position of headmen by the community. *I am the legitimate person to be elevated to the position of Nkosi/Chief in accordance with the Nkosana hereditary customary law of succession.*

7. Do you have any supporting evidence for your claim?

I have the support of Headmen of all the surrounding administrative areas and as testimony I attach herewith *annexure "E-1"* and *"E-2"* the letter to the Hon. MEC for the Dept. of Local Gov. and Traditional Affairs - Bhisho, dated June 22, 2011 that objected to the elevation of Headman Thembani Joseph Tyhali to the position of Nkosi/Chief of the Nkosana Traditional Council.

Also, I attach herewith *annexure "F-1"* to *"F-4"* the Title Deed for the area of Nkosana, as testimony that I do own the land, refuting the decision by the Dept. of Local Gov. and Traditional Affairs to elevate Headman Thembani Joseph Tyhali to become Nkosi/Chief over me *in my own land* whereas he does not have land to his name.

8. Are there other members of your family that might be the rightful heir apart from you, the claimant mentioned on the claim form?

No there are no other members of my family that can claim to be the rightful heir to the Nkosana dynasty apart from me.

9. Kindly provide a detailed family tree/genealogy that supports your claim.

My detailed family tree/genealogy is as follows: - From Tjali the Mofokeng wa Mutloa-o-jeoa tala/*the hare that is eaten raw* to me, the line of succession is *Tjali – Mdwayi – Zembe – Khetjhe – Gwaca – Mkhupheni – Gobozi – Nkosana – Ngonyama – Felemtwini – Bangani – Nqayigana – Makeke – Mhlabuzolile Alfred*. Attached is *annexure "G"* reflecting the above mentioned family tree.

10. *Where do you feature in the family tree?*

I am the person that succeeded Makeke Nkosana.

11. *When did the dispute arise including the specific dates?*

The dispute arose when I discovered minutes of a meeting that was held on 05/01/2009 at the Nkosana Traditional Council that was also attended by the Amavundle people residing in Lesotho. These minutes *annexure "H-1" to "H-5"* reveal that a resolution was taken that Headman Thembani Joseph Tyhali was being chosen to be Nkosi/Chief of the land he is claiming that comprises the districts of *Hershel, Lady Grey, Barkley East, Elliot, Ugie, Maclear, Mount Fletcher and Matatiele*. I must mention that these minutes are not the true record of what was discussed as the last sentence says there were other people with different views.

It is my understanding that Mr. Thembani Joseph Tyhali as he was voted into the position of headman for the Mafube Administrative Area, should first of all submit a land claim to the Commission of Land Claims and when successful, it is only then he can apply to be elevated to position of chief. However, I must point out that the information reflected in the minutes (*annexure "H-1" to "H-5"*) of that meeting of the 05/01/2009 is incorrect when it says the land he is claiming was forcefully taken from the Amavundle by the Boers/Amabhulu. The correct history is that due to the hardships and the frontier wars, a section of the Amavundle clan led by Vova and his father Tyali broke away from the main Amavundle clan led by Gobozi and left Thembuland to establish their own kingdom. Attached is *annexure "i-1"* that reflect that they went through Herschel and ended up in Lesotho where they sort and found refuge under Chief Moorosi of the Abaphuthi in Quthing with the permission of King Moshoeshoe I. It is interesting to note that most of those Amavundle later changed their clan name back to Bafokeng and took Sesotho surnames. The Amavundle that remained under Nkosi/Chief Gobozi the father to both Nkosana and Tyali stayed in the land of the Abathembu bakwa Ngubencuka as reflected in annexure "A" from where they were moved to this place in Matatiele by the British Government as compensation for having been of assistance in the battle of Hope in Qumbu. Hope was the British Magistrate who was killed by the Mpondomise at Sulenkama in Qumbu.

Further, I received information that Headman Thembani Joseph Tyhali had applied to the Dept. of Local Gov. and Traditional Affairs – Bhisno that he be elevated to position of Nkosi/Chief. The community, other Headmen of the surrounding Administrative Areas and I, wrote numerous letters to the Hon. MEC for the Dept of Local Gov. and Traditional Affairs objecting to the elevation of Headman Thembani Joseph Tyhali to the position of Nkosi/Chief. My objection is based on the following facts: -

- (a) That Headman Thembani Joseph Tyhali is a commoner born of peasant parents, his father was Thawuseni who worked as (nontente) for the government roads department.

- (b) That the family tree of *Tyhali*, *UKruqula* and *Thawuseni* his father as reflected in the minutes of the meeting held on the 05/01/2009 is founded on fantasy. The last known and recorded Nkosi/Chief of the Amavundle group that broke away from Nkosi/Chief Gobozi in Thembuland was Vova who sort and found refuge under Nkosi/Chief Moorosi in Quthing – Lesotho.
- (c) That he does not own land and even the ancestors of his family tree never owned land. Attached is *annexure "i-2"* the affidavit of Mrs. Nohombile Ennie Bhara detailing the arrival of his family in this land.
- (d) That his application for elevation from the position of Headman has been done secretly outside the Nkosana Traditional Council and that he failed to follow and fulfill the requirements of the Traditional Leadership and Governance Framework Act, 2003

12. Who has current recognized jurisdiction over claimed community and how did he/she ascend to office?

Headman Thembani Joseph Tyhali has current recognized jurisdiction over this community *although* not a single government official has ever addressed the Nkosana Traditional Council and the Nkosana community on this matter. As was his secretive application for elevation to the post of Nkosi/Chief, he ascended to the office of Nkosi/Chief secretly with the unusual help from the government.

13. Have you made any previous attempts to resolve the dispute? If you have, what were the outcomes?

Yes, having comprehended that everything about the elevation of Headman Thembani Joseph Tyhali was done in deafening secrecy, also with a pile of our unanswered letters to the Dept. of Local Gov. and Traditional Affairs (*see annexure "E-1" to "E-2" a letter dated June 22, 2011 signed by Headmen of the surrounding Administrative Areas*) I took steps, sort legal advice and approached the South African High Court seeking relief against the Dept. of Local Gov. and Traditional Affairs and others. Attached is *annexure "J-1" to "J-3"* a letter dated 23 August 2011 from *Shepstone & Wylie Attorneys* to the Dept. of Local Gov. and Traditional Affairs. Subsequently, since the Dept. of Local Gov. and Traditional Affairs did not answer, *Case No. 486/11* was opened in the South African High Court – Bhisho. As the case was always being postponed, all parties agreed that the matter be referred to the Commission on Traditional Leadership Disputes and Claims.

14. How big (in detail) and what is the indication of the size of your 'constituency'?

I attach *annexure "K"* that shows the area under Nkosana jurisdiction. Also, attached is *annexure "L"* a notice *File No. N.1/2/6A* from the office of the Native Commissioner – Matatiele dated October 1958 to Headman Makeke Nkosana *confirming his Civil and Criminal Jurisdiction as head of the Nkosana Authority*. According to the notice, my jurisdiction is limited to the area described in *Government Notice No. 1020 dated 5/7/1957* that is defined as *Nkosana Location No. 20 and the South African Native Trust Farms*. I attach the map *annexure "M"* that is showing the South African Native Farms described above.

15. Are you part of the Royal Family?

Yes I am part of the Nkosana Royal Family.

16. Do you have any other details/information relevant to the case?

According to the customary law of succession of our community, the eldest son of a Traditional Leader automatically becomes the heir to the throne. Therefore, it is imperative for Headman Thembani Joseph Tyhali to clarify why in his Amavundle Royal Family his elder brother *Vuyani* who has three sons *Andile, Siphon and Mzwanele* that these men do not feature anywhere in his story and umnombo/genealogy reflected in the minutes of the meeting of 05/01/2009 annexure "H-1" to "H-3".

I must mention that the way in which Headman Thembani Joseph Tyhali was elected to the office of Headman was very, very unscrupulous. What happened was when the voting took place there were three candidates namely, Mr. Thembani Joseph Tyhali, Mr. Mohlomi Lebeko and Ms. Sibongile Zwelonke. Mr. Mohlomi Lebeko got the highest votes. However, the Chairperson Mr. Mottoli condoned the arrangement whereby Mr. Thembani Joseph Tyhali took Ms. Sibongile Zwelonke's votes to have the highest vote despite vehement opposition from Mr. Mohlomi Lebeko and other voters. He even turned down the suggestion that a second round of voting should take place between Mr. Thembani Joseph Tyhali and Mr. Mohlomi Lebeko. Therefore, Mr. Thembani Joseph Tyhali was declared the winner and the results were hastily processed to government before Mr. Mohlomi Lebeko could take any action.

Also, I must mention that the word "*Kosana*" as recorded in some government documents relate to "*Nkosana*". It is a well known fact that the previous South African Governments misspelt most african words and names, most of which are now being corrected by the present day democratic government e.g. Bisho to Bhisho, Umtata to Mthatha, Tabankulu to Ntabankulu and Moshesh to Moshoeshoe.

QUESTIONS OF LAW

1. What is the cultural identity of your community i.e. tribe?

The cultural identity of my tribe is "*Vundle*" depicting a hare and practicing all "*Abathembu*" customs and rituals like the cutting off the two segments of the left hand second finger.

2. What is the customary law of succession of your community?

The customary law of succession of my community is based on hereditary customs and traditions.

3. *Is the law recognized generally across your community?*

Yes the law of hereditary customary law of succession is recognized across my community.

4. *Is the customary law uniformly applied by your community?*

Yes the law of hereditary customary law of succession is uniformly applied by my community.

5. *How long has it been applied, or since when?*

The hereditary customary law of succession recognized and applied by my community evolved when the cultural identity of my tribe was "Bafokeng" practicing all "Sesotho" customs and rituals. It therefore went from generation to generation till my community met the "Abathembu" practiced their customs and took over their language and rituals to the present day.

I hereby declare that all the answers to the above mentioned questions are true and correct and I have answered them to the best of my knowledge and ability.

Yours truly,

A. M. Nkosana
Mhlabuzolile Alfred Nkosana
Headman - Cell No. 076 623 5658

HEADMAN: A. M. NKOSANA
NKCSANA LOCATION NO 2
2014 -07- 29
MATATIELE 4730
UGUNYAZIWE WAKWANKOSANA

the Mankazana (Bedford district, where there is a considerable native population; and I had frequent opportunities of observing those customs which natives residing in the Colony are not prevented from practising. Being familiar with the Kafir language, I acquired, through conversation with intelligent natives, some knowledge of native laws and customs.

(b.) When serving as Clerk at Engcobo I had often to act during the absence of the Resident Magistrate. On one occasion, when the Resident Magistrate was acting for the Chief Magistrate of Tumbulani, I had the sole charge of the Engcobo district for nearly four months; and during that period numerous cases were brought before me for adjudication, all, or nearly all of which, had to be settled in accordance with Kafir law. Since my appointment to this station, cases come before me almost every day, involving points of Kafir law or custom. Besides all this, I have read most of the books bearing on this subject.

4. The only Government building at this station is a small stone edifice, 30 x 15, covered with galvanized iron. At present this is used as a courthouse. When a proper courthouse (for which a sum of £900 was voted during the last session of Parliament) is erected, the present building will be converted into a gaol. The residency, which is private property, consists of three huts and a bell tent. A sum of £500 has been granted by Government towards the erection of a proper dwelling.

6. A Government post once a week between this and Engcobo. The nearest telegraph station is at Dordrecht distant about forty miles.

8. The area of this district is about 625 square miles, and the present population is approximately 2,500. Before the late outbreak there were 10,500 people in the district. There is only one chief now, the Vundhle Chief Kosana, who was head of Vundhle tribe in this part of the country. The majority of this chief's people, although he himself remained loyal, joined in the late outbreak, and, after being defeated by the colonial forces, fled to Basutoland. Besides the Vundhle there was another tribe called Geina, under a chief named Gecalo. In their case, both chief and people went into rebellion. A number of the people subsequently returned, and, after surrendering, were relocated. Thus at present the country is occupied by individuals belonging to the Vundhle and Geina tribes. There are also a number of Fingoes.

7. In so far as the native laws and customs accord with justice and humanity. If I were not acquainted with the applicable law or custom, I should consult the chief or leading men of the tribe, or indeed any intelligent natives with whom I happened to be acquainted, for almost every native is familiar with these subjects.

I have had only one case of disputed inheritance. In this instance a man, who had a number of sons, and for some time subsequently had been absent in a different part of the country, claimed the property which, he stated, had been taken possession of by one of his half-brothers. The half-brother was the eldest son of the right hand house, while the claimant claimed to be the "great son." It appeared that their father's great wife had had no son; but the claimant (who in reality was born illegitimately) proved that he had been duly adopted as the son of the "great house." The case was therefore decided in his favour.

In general, the dowry cases that come before me are something of this kind. A woman, for some reason or other, incompatibility of temper, disparity of age, jealousy, or, it may be, on account of neglect or ill-usage, leaves her husband and goes back to her friends. Negotiations have failed; she refuses to return to him; the dowry he has given for her is not restored; and he has no alternative but to bring an action for its recovery. He may recover all his cattle or only a portion of them. It will depend upon whether the woman had sufficient cause for leaving him or not; how long they have been married; how many children they have had.

Formerly the rule was that all cases between individuals under the same chief should be taken to that chief; and from his decision an appeal lay to me. Cases brought by persons from another district came direct to the office. At present all cases are brought direct before me.

Fines or imprisonment. Lashes are inflicted, in addition to a fine or imprisonment, in cases of rape, or in cases of theft where there have been previous convictions against the thief.

Prisoners are guarded by the police constables in turn, of whom there are ten on the establishment. They are principally employed in making improvements on the Government Reserve, such as tree planting, building stone walls, quarrying stones for Government buildings, kraals, &c. &c. Their food consists of three pounds of mealies or Kafir corn per diem, and occasionally they get meat. On one occasion they were visited by the native evangelist in charge of the Xalanga Mission Station, who promised to come as often as he could; owing, however, to pressure of other work, he has not yet been able repeat his visit.

I believe that in some cases they do. For instance, a man who is known to have committed murder or rape incurs a certain amount of odium, although the commission of these crimes does not involve social proscription. A man is looked down upon if he steals anything from his neighbours, such as a beast or a sheep, or mealies out of their lands.

ANNEXURE "A"

NKOSANA A/A
 BOX 275
 MATATIELE 473
 03/05/2004

THE SECRETARY OF NKOSANA TRIBAL AUTHORITY

SIR

ISICELO SOBUCHEF

Mua headman yakwaNkosana engu Mhlabuzolile
 Nkosana ndenza isicelo sobuchief bukaNkosana
 owalawa unjaze ngo 1880 waza wawuzwa
 ngalo mhlaba wakwaNkosana no 20 eMatatiele. Ubukho
 balahleka ngo 1937 xa uPhangumpu wayebambele
 uMakheke Nkosana, lo ndithe ndungenisa ezibhangweni
 zekh. Ngokomnombu wamaVundle alapha kwa Nkosana
 ngulo ulandelayo Gobozi, Nkosana Ngengama,
 Pelemntwini, Bangani, Ngayigama, Makheke ne
 Mhlabuzolile lo ayena uphethayo ngokho

Githobileyo
 A. M. NKOSANA

HEADMAN: A. M. NKOSANA
NKOSANA LOCATION No. 20
2004-05-03
MATATIELE 4730
UGUNYAZIWE WAKWANKOSANA

ANNEXURE "C" 2

SECRETARY Nkosana 1/A

ISINYISELO SESICelo SOBUCHIEF Butha Nko
U-ALFRED MHLABUZOILE Nkosana

175 SAHA

Uku kuzigqibisekisa utuba thina susinge
dakwa Nkosana abuye sadibana melunga
netunvusekelwa kwesicelo sobuchief bika
ntosi A.M. Nkosana angane eSikangweni

zomkhuluwa wakhe angu ntosi uMakhe
Nkosana. Ubuthosi bulalakele ngo 1937 ka
uPhangumpu wayebambbele ungesi uMakheke

Nkosana. Ezi sicelo ngakwazi mamba
awathi uNkosana wabika ngakwazi ngo Hebe ngo
1880 waba wawugwa ngomkhaba ayi Nkosana no 2
oMafatjale lamamba kaNkosana uMakhoba

Gobhozi, Nkosana, Nyanama, Felenantun, Baganu,
Ngayigama, Makhe kuuye no Mlabungelile. Thina
nkundla yakwa Nkosana ayakutshuyela ukwamkela
kwesicelo eso. Byithoboleyo wobhala Z. DINI

I. MZETU
M. MNUMENI



Province of the
EASTERN CAPE
LOCAL GOVERNMENT
& TRADITIONAL AFFAIRS

Traditional Leadership Institutional Support Services
Tyamazshe Building · Phalo Avenue · Private Bag X0035 · Bhishe · 5605
Eastern Cape · REPUBLIC OF SOUTH AFRICA
Tel: +27 (0)40 609 5917 · Fax: +27 (0)40 609 5720 · website: www.ecprov.gov.za/lqta/

Enquiries: Ms A Brown

Tel No.: 040 6095917

Ref No.: PM13/010/4/20

Fax No.: 040 6095720

Date: 20 August 2008

Regional Head
Maluti Regional Office
c/o Magistrate Office
Mount Fletcher
4770

Dear Sir

RE: CHIEFTAINSHIP OF AMAVUNDLE ROYAL FAMILY: ^{NKOSANA} ~~MALUBELUBE~~ TRADITIONAL AUTHORITY, MALUTI

Receipt of your correspondence dated 26 June 2008, pertaining to the above stated matter is hereby acknowledged.

Please be advised that the matter has been referred to the relevant authorities and is still under investigation. This office will inform you of the outcome as soon as the matter has been finalized.

Yours faithfully

for 
.....
SUPERINTENDENT GENERAL: LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

DATE: 22.08.08

Mount Pleassier

P.O. Box 1446

MATATIELE

4730

June 22, 2011

The Hon. M.E.C.

Dept of Local Gov. and Traditional Affairs

Tyamzashe Building

BHISHO

5602

Sir,

Re: - Objection to the elevation of Headman Them bani Tyhali to chieftainship.

We the undersigned hereby object to the elevation of Headman Them bani Tyhali to the position of Chief due to the following reasons: -

1. The history of the **Amavundle Clan**, in which Headman Them bani Tyhali belongs, reveal that originally they were a **Bafokeng Clan** and at about 1885 they sojourned at various places in the Eastern Cape where they changed to the Xhosa Amavundle Clan. Having not found the desired comfort, they went back to Lesotho and were accommodated by chief Moorosi of the Baphuthi Clan near Quthing. His parents were allowed to settle at Mount Pleassier by beneficiaries of that area. Mount Pleassier and La Grange farms were given as compensation to soldiers for services rendered during World War 2.
2. When the Matanzima Regime was consolidating its grip over the East Griqualand Region
 - (a) It imprisoned Chief Neo Sibi and Ntate Mosala, who later died in prison, for objecting to Xhosa domination and resisting that this area should not form part of the Transkei.
 - (b) It unilaterally subdivided the District of Matatiele into small localities and installed its favoured people as Headmen.
 - (c) It is from these Matanzima formed localities that Them bani Tyhali surfaces as Headman in other peoples land, **AND** is now being elevated to position of chief **with no legitimate land.**
3. As Headman, Them bani Tyhali has committed many serious crimes that earned him disapproval of the local community, with the result that at a Mafube Community Public Meeting held on the 27 May 2010, the community resolved that he be dismissed from the position of headman. Reasons for his dismissal are tabulated in the letter to the General Manager of the Dept. of Local

Gov. and Traditional Affairs dated June 01, 2010. The copy of that letter was faxed to Mr. Baza of the same Dept., a copy of which is hereby attached as ANNEXURE "A".

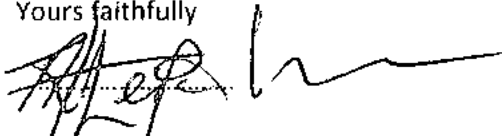
4. In support to his dismissal, attached herewith are letters from the Nkosana Traditional Authority (ANNEXURE "B" and ANNEXURE "C") dated 25 February 2009 and 12 May 2010 respectively.

We humbly request that The Hon M.E.C. must give us a suitable date for a meeting that we will attend with our Legal Adviser to elaborate on this matter. Also, we request that representatives of the House of Traditional Leaders be invited to partake in the deliberations of that meeting.

Further, we reiterate that we vehemently object to his elevation and to him being allowed to continue to practise as headman, enjoying the full state benefits which he does not deserve. In support to this we attach ANNEXURE "D" which is the ATTENDANCE REGISTERS of Community Public Meetings where his dismissal was endorsed.

Therefore, we look forward with interest that we will receive a positive response that will help to avert the horrendous catastrophe that is coming to swallow our beloved community into a disastrous, selfish and senseless morass.

Yours faithfully



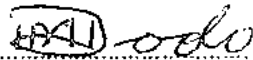
R.A. Leapheana (Cell No. 073 268 0508)

The beneficiary and eldest son of the late Ntate Khotso Leapheana, The first Headman of Mount Pleassier and La Grange Localities named MAFUBE TRADITIONAL AUTHORITY.



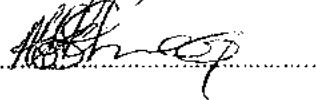
M. NKOSANA (Cell No. 083 492 5702)

Headman of Nkosana Traditional Authority



T. DODO (Cell No. 084 229 9466)

Andias Traditional Authority

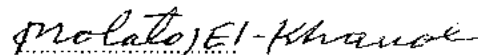


T. SKHOSANA (Ned Traditional Authority)



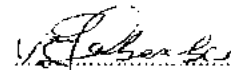
R. MAKETELA (Cell No. 076 291 8146)

Headman of Thabanatsuoana T. Auth.



M. KHAUOE

Khauoe Traditional Authority



P. Sabasaba

Sabasaba Traditional Authority

Copies to: - The Chairperson = House of Traditional Leaders, EASTERN CAPE

LONGF
 28-5-1951
 INGEDIEN

[Handwritten signature]

atatale P. munt.

ORIGINAL
 OORSPRONKLIKE
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DUTY
 SEEKREG
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TRANS R DUTY
 HESERITE 2.....

SERTIFIKAAT VAN GEREГИSTREERDE KI

ISSUED FOR INFORMATION ONLY

DIE DROU
THE LAND
IS REGISTERED AS, AND MUST IN FUTURE BE DESCRIBED AS
DIE PLAAS.
K.D.S.B.N.A. No. 8.P.
AKTELANTOOR.
DEEDS OFFICE.
CAPE TOWN.
13/1/66

MOGELIKHEIT VAN VERVAL
DIT IS BEHOEFTIG
DIESE BEHOEFTIG

Opgestel deur my

TRANSPORTBESORGER

SERTIFIKAAT VAN GEREГИSTRERDE KROONTITEL NR.

Uitgereik ingevolge die bepaling van artikel 18 van die Registrasie van Aktes Wet, 1937 (nr. 47 van 1937).

NADEMAAL die Minister van Lande aansoek gedoen het kragtens artikel 18 van die Registrasie van Aktes Wet, 1937, om die uitreiking aan die Regering van die Unie van Suid-Afrika van 'n Sertifikaat van Geregistreerde Kroontitel ten opsigte van die hierondergenoemde grond, synde 'n gedeelte onvervreemde Kroongrond wat afsonderlik opgemeet en op die hierby aangehegte kaart aangetoon is.

SO IS DIT DAT ingevolge die bepaling van hierdie Wet, ek, die Registrateur van Aktes te Kaapstad, hiermee sertifiseer dat die voornoemde

REGERING VAN DIE UNIE VAN SUID-AFRIKA,
sy opvolgers-in-titel of regverkrygendes,
die geregistreeerde eienaar is van 'n sekere stuk grond genoem

YOSANA/...

KOSANA,

geleë in die distrik Matatiële, provinsie Kaap die Goeie Hoop, groot vyfhonderd ses-en-vyftig (556) morg, soos voorgestel en omskrywe op die kaart (nr. B. 919/1893) hierby aangeheg.

TEN BEWYSE waarvan ek, die voornoemde Registrateur, hierdie Sertifikaat onderteken en met die ampseël bekragtig het.

ALDUS GEDOEN en GETEKEN in die kantoor van die Registrateur van Aktes te Kaapstad, op hierdie 4^{de} dag van Janie in die jaar van Onse Heer eenduisend negehonderd een-en-vyftig (1951).

[Handwritten Signature]
REGISTRATEUR VAN AKTES.

GEREGISTREER in die Munro Hoop
REGISTER van Matatiële
BOEK _____ FOLIO 99 (1)

[Handwritten Signature]
REGISTRATEUR VAN AKTES.

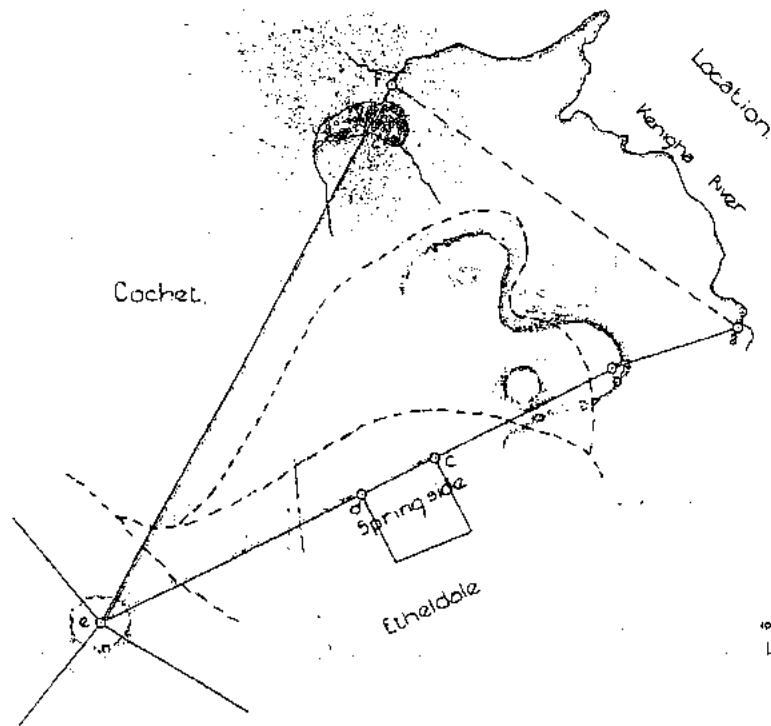
Geëk: *[Handwritten Signature]*

(Lande folio D. 7033).

[Handwritten Initials]

Native

186

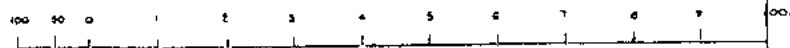


SIDES		ANGLES			CO-ORDINATES		
Cape Roods		°	'	"	y	x	
ab	196 71	a	51	30 40	+ 8884 42	-	8525 19
bc	291 07	b	189	34 40	+ 9080 87	-	8535 24
cd	120 00	c	179	56 30	+ 9369 98	-	8501 53
de	424 29	d	179	56 50	+ 9489 19	-	8487 75
ef	889 89	e	35	9 0	+ 9910 72	-	8439 42
fa	622 12	f	83	52 10	+ 9246 21	-	9031 28

Area Rect. figure 436 Morgen 193 Square Roods.

THE FARM Kosana No. 20

MATATIELE



Scale of 200 Roods to one Inch.

FOR INFORMATION ONLY

The above Diagram a b c d e f inner bank of river a, represents 556 Morgen of Ground, situated in the District of Matatiële in East Griqualand called Kosana.

Bounded North West by Cochet
 South East by Etheldale and Springside
 North East by Inner bank of the Kenigha River.

N.B. The Beacons were pointed out to
 J. Glen Leary Esq. R.M. Matatiële

(Sgd.) C.P. Watermeyer
 Government Surveyor
 August 1893

COMPARED WITH ORIGINAL AND CERTIFIED
 IN AGREEMENT THEREWITH.

J. de Villiers

FOR SURVEYOR GENERAL

DATE 17.3.1951

This Diagram is annexed to C.R.C.T. No. 48
 dated 4-6-51
 in favour of The Government of the Union of
 South Africa.



[Signature]
 REGISTRAR OF DEEDS

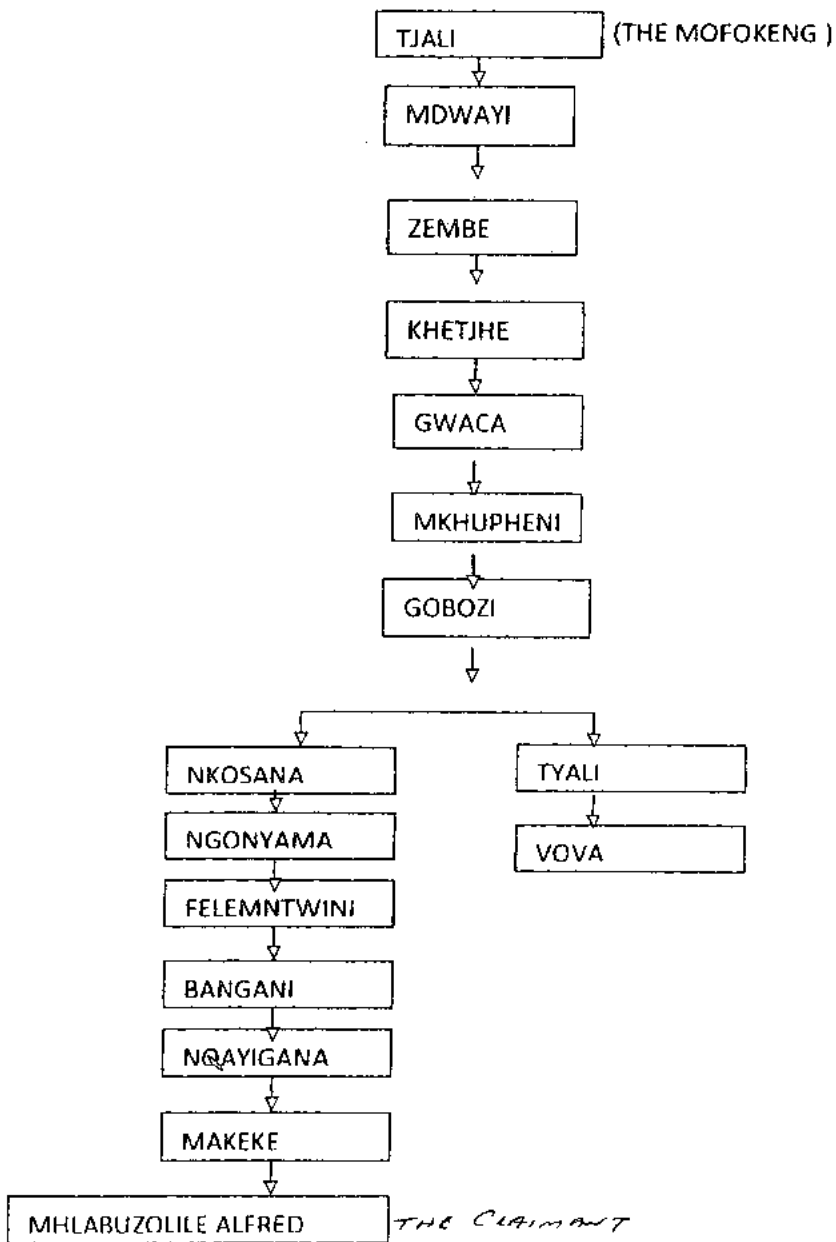
S.G. File No. S/154/33

Sheet ER.2 a

General Plan 2258 vv

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GENEALOGY OF NKOSANA DYNASTY



11437

Zibai Authority - Nkosana

05 Mgungu 2009

Ngemnyanga yomaintsi kulo nyaka uphelileyo, 2008 amavundle adlala intlanganisio eyayiguka neendwendwe ezaziwaka eBhisho. Intlokondaba yayizumnombiso wamavundle njengoko amavundle ayefuna kubizisethwe ubukhosi bawo. Ngomnyaka ka 1997 amavundle avumelana ukuba ukosi uMhlabuzolile abhale inkwadi yobango lobukhosi bamavundle. Ngomnyaka ka 2000 uphinde wabhala enye inkwadi eyatsho ibhisho yanemibuzo kuye angazange akwazi ukuyiphendula eguqa umbuzo othi balahlekaphi obu bukhosi ababubangayo.

Ngomnyaka ka 2003, ukosi uShembani wabhala inkwadi, nonkosi uMhlabuzolile wabhala eyakhe aphe basayinelana. Wonke lo gama babanga okanye benza ibango ngobukhosi bamavundle. Ngomnyaka ka 2006 kwafumaniseka ukuba amavundle adlala indima enkulu ezinkosi esilwelwa umhlaba wobawonkhulu bawo kumabhulu (abamhlophe). Ngemnyanga yesilimela ibhisho yavakalisa ukuba amavundle ngokwembali anobukhosi - ukosi uMhlabuzolile wabanesikhelazo xa amavundle enika ukosi uShembani ubukhosi kungenxa yalo ndawo ethi ibhisho yacela amavundle wonke nawase-Isotho adibane anike isikhokelo ngendle efanelwe kutlathra ubukhosi. Aye acela lo ntlanganisio ibenosihlalo nonobhala aphe kobhalwa ngomnombiso 18 wamavundle - Ingxelo kankosi uShembani.

Umyana wakhe ukugula. Ustokhwe wabanjwa ngamabhulu waze ukugula waleqwa ngamabhulu amtsiwoisa eLesotho ngomnyaka ka 1879. Ngomnyaka ka 1883 uNkosana wabonjwa ngesiqingathana somhlaba kaSiyhali kubawancedi amabhulu ukoyisa ubukhosi bukaSiyhali. USiyhal ngumkhuluwa kaMatyobeni owalekelwa nguNkosana bezalwa nguSobhoza. Enwa kwempiti ukugula wabuyela emhlabeni wakhe, wafika ucandwe waba ngamafama amabhulu yaze isiqingathana sabelwe unkosi uNkosana. Amabhulu euzo unda oyitele Deseldula ushebleza (Heshell), Matyobeni (Qumbu) kunye nonkosi uNkosana (Matatiele).

IMBAMBANO

Unkosi uSiyhali ubanga umhlaba wamavundle awenungumhlaba kaSiyhali nowathathwa ngokol'uthwa ngabamhlophe. Unkosi uNkosana yena ubanga ubukhosi buka Nkosana abalahlake ngomnyaka ka 1937.

UMHLABA OWATHATHWA KUMAMUNDE

Io mhlaba ugoka iHeshell, Lady Grey, Bastley East, Elliot, Ngie, Macker, Mount Fletcher, kunye neMatatiele apho abanywa ngamabhulu khona uStokhwe.

ngamabhulu (abamhlophe) bawunika unkosana
 usisingathana kuba isumzi bacanda amapha.
 abo kuwo. Kungoku ukhulumente ubuyisela
 yonke imihlaba eyodutshwayo kubansuwo.
 Nalo kaSylali uyabuyisela, ngoko ke amavundle
 athi umhlaba nawo mawubuyele kuwo uphathu
 ngunkosi uMhambani osisizukulu kuSylali,
 ukugula, uMaweseni. UNkosana ngumninawa
 kaSylali, xa ke ethi unkosu uMhambani wayifu-
 mana inkomo yakawabo aze aphawulele
 unkosu uMhlabazolile angabi sisibanda naye
 abeyinkosi kwakumhlaba wakawabo. unkosu
 uMhambani akubesendaweni awabizo wante
 amavundle aze kubonelela unkosu uMhlabazolile
 umninawa wakhe. Amavundle asithathe esi-
 sigqibo kuba isumzi besivumllana ngamchelo-
 nye lo gama bekutsho nezithethi ebezingow-
 liseki sisigqibo ^{esithathwa} ngokomnombu.

17403 - kwavalela ngomthandazo

1. ~~Ull~~ (USIHLALO)
2. ~~Ull~~ (UMOHALA)

TRIBAL AUTHORITY

IGAMA	IFONLUNI	UMBIZINI
1. MTHUTHUZILI TYHALI	LESOTHO +266 5856 8353	Tyhal
2. Thembani Tyhali	0731535360	Tyhal
3. MNYITHI TYHALI	LESOTHO 072 6448350	Tyhal
4. MDOYISLE TYHALI	LESOTHO	Tyhal
5. MHLAKWANA MHEINI	LESOTHO	Tyhal
6. DUKAZA ISHAI SHEL TYHALI	LESOTHO	Tyhal
7. SUGGIE THANDANI	LESOTHO	STrandeni
8. DAMBIKE Mkhaka Tyhali	LESOTHO	Tyhal
9. Bangi Lifa Nikele	Mkosana	Mkosana
10. SILALANI M'KOSANA	079853 2767	Mkosana
11. TYHALI SIPHO	078 2683 639	SIPHALI
12. NKOSIVUMILE RIGALA	073 5721 532	Rigala
13. Sizabhe Mkorana	- - -	Mkorana
14. Thozamile TYHALI	073 9346 883	Tyhal
15. Siyabonga Nogepe	- - -	Nogepe
16. Bhekani Mkhaka	- - -	Mkhaka
17. Vuyisile Maduna	- - -	MADUNA
18. Lizo Gogama	- - -	LIZO
19. T. Boo	- - -	Boo
20. T. Mdeke	- - -	Mdeke
21. VICTOR	- - -	Noswili
22. Mafube Rigala	Mafube	Rigala
23. Mafube Noswili	Mafube	Noswili
24. Mafube Noswili	Mafube	Noswili
25. Mafube Rigala	Mafube	Rigala
26. Mafube Yame	Mafube	Yame
27. Mafube Tyhali	Mafube	Tyhal
28. Mafube Noswili	Mafube	Noswili

LUSITANA



IGAMA	IFONUMI	UMSAYIMO
30. Nonembile igqajana	Nkosana	N. S.
31. Mamasala Serote	Mafube	M. Serote
32. Elizabeth Lethe	mafube	E. Lethe
33. Mamkwenya Ngobho	Mafube	M. Ngobho
34. J. Mkhonto	Mazube	J. Mkhonto
35. Nombulelo Thali	0824353719	Thali
36. William Rhigala	Mazube	W. Rhigala
37. Nkondela Dube	Mazube	N. Dube
38. MOKHAWADELE MAYIS	MAFUBE	M. Mayis
39. NOFIVST Rigala	NRIGALA	N. Rigala
40. Pariswa Rigala	Rigala	P. Rigala
41. Nondumiso Dhom	Mafube	N. Dhom
42. Lindelwa Mshayela	Nkosana	L. Mshayela
43. Zandele Blom	Mafube	Z. Blom
44. Lungiswa Blom	Mafube	L. Blom
45. Noweneli Mhlakube	Mafube	N. Mhlakube
46. Noweneli Kula		N. Kula
47. Bamhiso	Nkosana	B. Bamhiso
48. Yembelo Mshayela	Mkhonto	Y. Mshayela
49. Lungelo Noga Gq	Khance	L. Noga Gq
50. Masoka Tyapile	NKOSANA	M. Tyapile
51. A. M. NKOSANA	0764805191 (NOBHALA)	A. M. Nkosana
52. Mandlenkosi Gqole	0794161657 (USIKHALO)	M. Gqole
53. Nkosinani Nogeuga		N. Nogeuga

MaBaso.

Maduna, Guševu, Khali, Nokhala, Msuthu, Dsiyane.

Makhunga.

Masingila.

Masimla.

Maseko, Mzimkhulu, Foyi.

Maphisa.

Maya, Fadeshe.

Mayafia.

Mbambo.

MaBetha, Mfongwe, Mbuyisa, Mv' emnyama.

Mdluhva.

Mkhwane, Sigasa, Gasa, Mvelase.

Mkrafiekru.

Mlambo, Mazibuko, Mdakana, Gumbi, Mngwe, Dladla.

Mpila.

Msimanga, Nonkosi, noDlomo, noThabizolo, noKkhuko lomhlanganisa, lahlanganisa indlu yoDlomo naba-Thwa, Mthw' ol' thuli, Songo, ngingamfung' u-Nonkosi ngingamangala. Sizukulu sikaMaswabada.

Mtambo, Ntethe.

Mthembu, Ngoza, Qhudeni, Mvelase, Mkhufukeli.

Mvemve, Gasela, Nulovu.

Nala, Nzima, Mpembe, Sibekuz.

Ndaba.

Ndela, Sibekuz esabekuz' enkundleni kwadade-Boyis' eMtambose.

Nulovu, Mntungwa, Malunga, Msi, Mhlanga.

Ndumo.

Nduna, Mhlungu.

Nkala, Mphandana, Yumisa.

Nkomo, Ngubeni, Mpembe.

Nkwali Mkhwananzi, Maphela.

Ntsege, Lamula.

Ntsingila.

Fadeshe, Mthimkhulu, Bungane, yise wamaHlubi.

Sikhosana, Linda, Msi, Mhlanga.

Thuse, Neamase, Mvulane, Neilafe.

Tjhabalala, Mtfengu, Ludonga, Mavuso, Swazi.

Xaba, Nyambose, Joše, Gumede, Mthethwa, Mjoli.

Zengele, Thiyane, Zulu, Mahlangabeza, Linda, Sigolana, Dloyi, Makhala, Mahlangabeza, inkosi iza ngošuso khaya. Mathund' enkundleni kuvel' ithokazi.

EzamaZotfho.

Candlovu.

Mhlophe.

Deyi, Nyawo.

Mthwane.

Mbotho.

Cekwane.

Ngutyana.

Gadluma, Tshutshu.

Machi.

Dlula, Ntozakhe.

Mziphazi, Mancu.

Manci, Wašana.

Mdluli.

Ntunzele.

Nxasana, Mkhwa.

Xola.

EzamaKhuze.

Dlamini lesiba-lukhulu.

Zondi, Dlamini.

Jili, Maribogawothi, Maseng' asilcke.

Wauzi esamaVundle iziDuko.

AnaVundle la ngabeSuthu ngemvela ascinye sezizwo zobukhosi bokuqala eLusuthu, achithwa bubukhosi baba-Kwena bakhithakalela kwaNgubenchuka, inkosi yaba-Thembu eyayinguVusani kaNdaba apho ke kwaNgubenchuka bafika basiqhawula isijuba esasinxitywa ngabeSuthu bathabatha undyulo noqwemfa. Inkosi yawo ngu-Vova, naanko wakhithakalela eLusuthu, ubukhosi bakhe bakuchithwa ngululumente elisebel, uVova ke uzalwa nguTyali. uTyali uzalwa nguGobozi ozalwa nguMkhupheni, ozalwa nguGwaca into kaKhetfhe. UKhetfhe ka-Zambe, uZembe kaMidwayi.

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ANNEXURE "1-1"

ANNEXURE "1"

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SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

AFFIDAVIT

I (Name): NOHOMBILE ENNIE BHARA
 SEX: FEMALE
 AGE: 65 yrs
 OF (address): NKOSANA NO 2 MATATIELE
 ID NO: 490602 0249 086

Hereby declare:

That this statement is to the best of my belief and correct.

That it has been made in the knowledge that if tendered as evidence, I will be liable to prosecution if I have willfully stated at any time which I know to be false or which I do not believe to be true.

I hereby confirm that Nohombile the grandmother to Thembani Joseph Tshabalala arrived at about 1960 at the farm Roland and stayed at the Amagwathi homestead of Mrs MAMGWASHU and LA NOMATA RIGALA. She arrived with her two grandchildren being Vuvani of about 10 yrs old and Thembani Joseph Tshabalala of about 7 yrs old. She stayed in Roland farm for many years until she got a plot at MOKHAME KHARISE in the farm LA GRASS in the Tafelberg Admin Area near her family is now residing.

Answers

- A. Do you know and understand the contents of the declaration? Yes
- B. Do you have any objection to take the oath? No
- C. Do you consider the prescribed oath binding on your conscience? Yes

N. E. Bhava
 SIGNATURE OF DECLARANT

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT SHE/HE UNDERSTANDS THE CONTENTS OF THIS DECLARATION WHICH WAS SWORN TO BEFORE ME AND THAT DEPONENT'S SIGNATURE / THUMB PRINT / MARK WAS PLACED THEREON IN MY PRESENCE at MATATIELE ON 23 of July 2014.

[Signature]
 2014-07-23
 COMMISSIONER OF OATHS
[Signature]
CS

Full first names and surname :

Designation (rank) :

Business address:

DATE:
PLACE:

41 TAYLOR STREET MATATIELE

2014-
MATATIELE



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Shepstone & Wylie ATTORNEYS

Durban • Cape Town • Johannesburg • Pietermaritzburg • Richards Bay • London

24 Richmond Circle Ridgeside Office Park
Umhlanga Rocks 4319 PO Box 305 La Lucia 4153
Dorcas: 91 Durban Tel: +27 31 575 7000
Email: info@wylie.co.za Internet: www.wylie.co.za
VAT Reg No: 427010465B

The MEC - Local Government and Traditional Affairs
Province of the Eastern Cape
Private Bag X0026
BHISHO
5805

PER FAX : 040-609 5218

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Corporate & Commercial:	+27 31 575 7401
Employment & Pension:	+27 31 575 7200
Environmental & Sustainability:	+27 31 575 7200
International Transport, Trade & Energy:	+27 31 575 7300
Litigation:	+27 31 575 7503
Local Government & Administration:	+27 31 575 7500
Conveyancing & Property:	+27 31 575 7100
	+27 31 575 7101

Your Reference

Our Reference

Date

VMM/mg/NKOS22098 1

23 August 2011

Dear Sirs

HEADMAN - THEMBANI JOSEPH TYHALI

1. We act for Mhlabuzolile Alfred Nkosana ("our client")
2. Our client is the headmen of the NKOSANA administrative area in Matatiele, which falls under the Matatiele Traditional Council. He has been recognised as such in terms of Provincial Notice No 380 dated 29 October 2009 published under Government gazette No 2225. A copy of the said notice is attached hereto marked "A".
3. This letter relates to the position of THEMBANI JOSEPH TYHALI.
4. The following issues have been referred to us for our attention and advice:
 - 4.1 The leadership status and the Recognition of Thembanani Joseph Tyhali;
 - 4.2 Allegations of misconduct against Thembanani Joseph Tyhali.
5. The Background to the issues in Paragraph 4 above is as follows:

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- 5.1 Allegations of misconduct have previously been levelled against Thembani Joseph Tyhali. In terms of Section 20 of the Traditional Leadership and Governance Act 2005 (Eastern Cape) (Act No 4 of 2005) read with section 12 of the Traditional Leadership and Governance Framework Act 41 of 2003, such allegations could if proven lead to the removal from office of the said Thembani Joseph Tyhali. A copy of the correspondence relating to such allegations is annexed hereto marked "B".
- 5.2 To the best of our client's knowledge, these allegations have neither been investigated nor attended to.
- 5.3 It has been brought to our client's attention that there is a process underway to Recognise Thembani Joseph Tyhali in a traditional leadership position other than that of headmen. The effect of such recognition would place the said Thembani Joseph Tyhali in a superior position to that of a headman.
- 5.4 By letter dated 22 June 2011, an objection to such recognition has been made.
6. In order to advise our clients fully and to enable our client to take the necessary steps as an interested party, our instructions are to request your written responses to following questions:
- 6.1 In terms of your records, is Mr Thembani Joseph Tyhali recognised in any capacity other than that of headmen? If so
- 6.1.1 When was he so recognised?
- 6.1.2 How was he recognised?
- 6.1.3 What process was followed leading to such recognition?
- 6.1.4 In which of the following capacities is he recognised?
- 6.1.4.1 King or a queen;
- 6.1.4.2 Principal Traditional Leader;
- 6.1.4.3 Senior Traditional Leader;

- 6.2. If he is not recognised in any other capacity other than that of headmen, is there a process that is, either intended or has been commenced with to recognise him in any of the capacities referred to in 6.1 above or any other traditional leadership capacity? If so, at what stage is such process?
7. In the event of there being a process pending before you to recognise the said Thembani Joseph Tyhali in any of the said capacities, we are instructed to place on record as we hereby do that our client intends to make written submissions against such recognition. These will be made immediately upon receipt of your response hereto.
8. We accordingly request your written undertaking that any process towards recognising the said Thembani Joseph Tyhali in any of the capacities aforementioned (if such there be) will not proceed until such time that our client and all interested parties have been afforded an opportunity to make submissions.
9. Due to the urgency of the matter, our instructions are that in the absence of an undertaking in terms of paragraph 8 above, our client will make the assumption that the information before him is correct and will act on the basis of such information.
10. The steps that our client will take advice on are inter-alia, seeking relief from the High Court against you and any other person as he may be advised with an appropriate cost order. In this regard our clients' rights are fully reserved.
11. We await your response hereto.

Yours faithfully

M Mbina

SHERSTONE & WYLIE

Personal e-mail address : mbina@wylie.co.za

Direct telephone number : (031) 575-7518

Direct Fax No. : (031) 575-7500

cc. The Office of the Premier
Eastern Cape Provincial Government
Fax no. (040) 639 1419

File No. N.1/2/6A

Office of the Native Commissioner,
Matatiele.

To Chief/Headman..... Makoko Nkosana,
Head of..... Nkosana
Tribal/Community Authority.....

Greetings,
CONFERRMENT OF CIVIL AND CRIMINAL JURISDICTION
UPON HEADS OF AUTHORITIES.

As mentioned at the last quarterly meeting of Chiefs and Headmen it is with pleasure that I have to confirm that as head of the Nkosana Tribal/Community Authority both Civil and Criminal Jurisdiction has been conferred on you on the clear understanding and condition that it will be exercised in-council, in other words in conjunction with the councillors of the above mentioned authority, sitting with you as a Court.

Your jurisdiction is limited to the area of your Tribal/Community Authority as described in Government Notice No. 1020 dated 5/7/1957 and which is defined as follows:-
Nkosana Location No. 20 and South African Native Trust Farms La Orange (Lot No. 6862, De Schuur Lot No. 6867, Portion A and B, Andriel (Portion of) Charles Brownlee, Mont Pleisir C.E.L. Nos. 111, 264, Relfort Lot No. 6860, Holland Lot No. 6865, Paddock Lot No. 6864, Ibratate Lot No. 2111 and Serts Retreat, remaining portion of.

It is my intention to hold a Tribal meeting of all the residents of the area above described at your kraal at 10 a.m. on Tuesday 25th November, 1958.....at which meeting your official letter of appointment will be presented to you and the powers and duties of the Court and the rights of the people as to appeal etc. will be duly explained to the people.

You must ensure that all the members of your Tribal/Community Authority attend and that as many people (men and women) as possible from all the locations or Trust farms in the area of your Authority are present on that day.

I am enclosing your letter of appointment in Xhosa which gives important information as well as a copy of the Regulation of the Chiefs' and Headmen's Court (Government Notice No. 2885 dated 9/11/1951 duly amended) which you must both study very carefully.

With greetings,

NATIVE COMMISSIONER : MATATIELE.





EASTERN CAPE PROVINCIAL COMMITTEE

DISPUTE OR CLAIM SUBMISSION FORM /

IFOMU YOKUNGENISA IBANGO

(The form is filled for a traditional leadership dispute or claim referred by the Commission/ Premier/ MEC to the Committee)

A. DETAILS OF THE CLAIMANT / INKCUKACHA ZOMBANGI

1. SURNAME / IFANI	NKOSANA		
2. FIRST NAMES / AMAGAMA	MHLABUZOLILE ALFRED		
3. CLAN NAME / ISIBUKO	KUNDE		
4. GENDER / ISINI YMARK WITH 'X' / PHAWULA INGO 'X'	MALE / INDODA	FEMALE / UMFAZI	
	X		
5. ID NUMBER / INAWBA YESAZISI	5	6	0
	5	1	1
	5	4	0
	6	0	8
	5		

Please attach a certified ID copy / Nceda fakela ikopi yesazisi-enesitampu

B. CONTACT DETAILS / INKCUKACHA ZONKIBELELWANO

6. PHYSICAL ADDRESS / IDILESI YOKHLALA	NKOSANA LOCATION									
	NKOSANA ADMINISTRATIVE AREA									
	MATATI									
	4740									
7. POSTAL ADDRESS / IDILESI YEPOSI	P.O. Box 999									
	MATATIELE									
	POST CODE / IKHOWUBI YEPOSI			4730						
8. TELEPHONE / IFOMINI	0	3	9	7	3	7	3	7	8	2
9. CELLPHONE / ISELULA	0	8	3	4	9	2	5	7	0	2
10. FAX NUMBER / IFEKSI	0	3	9	7	3	7	3	7	8	2
11. EMAIL / I-MEYILI	d	i	c	k	s	a	n	n	g	k
	o	m	e	e	g	m	a	i	l	@
										com



C. NEXT OF KIN / ISIZALWANE

12. SURNAME / IFAMI	MCUBE									
13. FIRST NAMES / AMAGAMA	CONSTANCE NOZIMENI									
14. RELATIONSHIP / UZALWANO	SISTER									
15. PHYSICAL ADDRESS / IDILESI YOKHHLALA	2073 HARRY GWALA PARK MATATIELE 4730									
16. POSTAL ADDRESS / IDILESI YEPOSI	P.O. Box 1829 MATATIELE									
	POST CODE / IKHONWUDI YEPOSI								4730	
17. TELEPHONE / IFOWUMI	0	3	9	7	3	7	3	7	8	2
18. CELLPHONE / ISELULA	0	7	6	6	1	9	1	6	6	1
19. FAX NUMBER / IFEKSI	0	3	9	7	3	7	3	7	8	2
20. E-MAIL / IMEYHU										

D. LOCATION OF THE CLAIMED AREA

MUNICIPAL DISTRICT / ISITHILI SIKAMASPALA (MARK WITH 'X' / PHAWULA NGO 'X')										
Buffalo City District	Cacadu District	Alfred Nzo District	Amathole District	Buffalo City District	Cacadu District	Alfred Nzo District	Amathole District	Buffalo City District	Cacadu District	Alfred Nzo District
										X
MAGISTERIAL DISTRICT / ISITHILI SIKAMANTYI					MALUTI					
LOCAL MUNICIPALITY / UMASIPALA					MATATIELE					

E. INFORMATION ON THE CURRENT LEADER / IINKCUKACHA ZOMINTU OPLETHEYO

21. SURNAME / IFAMI	NKOSANA									
22. FIRST NAMES / AMAGAMA	MHLABUZOLILE ALFRED									

F. THE PERSON AGAINST WHO THE CLAIM IS MADE / UMNTU EKUBANGWA KUYE

23. SURNAME / JFANI	TYHALI		
24. FIRST NAMES / AMAGAMA	Themani Joseph		
25. CLAN NAME / ISIDUKO	VUNOLE		
26. GENDER / ISIMI (MARK WITH 'X' / PHAWULA NGO 'X')	MALE / INDODA	FEMALE / UMFAZI	
	X		
27. PHYSICAL ADDRESS / IDILESI YOKHHLALA	MOKHANG KHANONG LOCATION		
	MABUBE ADMINISTRATIVE AREA		
	MALUTI		
	4740		
28. POSTAL ADDRESS / IDILESI YEPOSI	DALUYEBO STORE		
	P.O. BOX 94		
	MATATIELE		
	POST CODE / IKHOWUDI YEPOSI	4730	

G. ADDITIONAL INFORMATION ON THE CLAIM / IINKUKACHA EZONGEZELEKILEYO ZEBANGO

- In the case of recognised traditional leader, please attach a certified copy of the recognition certificate / kubunkokheli obuvunyiweyo, nceda fakela ikopi enesitampu yesatifiketi;
- In the case of deposed traditional leaders, please attach a certified copy of the letter of deposition (if any) / kwinkokheli esusiweyo, nceda fakela ikopi enesitampu ekuswayo.

29. Select from the following the best description of your claim or dispute / Khetha apha ngasezantsi iinkukacha eshamba nebango lakho (MARK WITH 'X' / PHAWULA NGO 'X')	
i. Dispute of an existing traditional leadership position / Ibango lesikhundla sobunkokheli esikhoyo	
ii. Boundary dispute between two or more traditional authorities / Ibango lemida	
iii. Claim to a new traditional authority / Ibango lesikhundla sobukhosi esitsha	
iv. Abolished traditional leadership / Ibango lobukhosi obabhangiswayo	
v. If other, please explain briefly below / Ukuba jelinye ibango, nceda ucacise ngokufutshane ngasezantsi	X

Ukukhosi buka NKOSANA was lost in 1937. When Nkosi
 MAKEKE was installed as headman/Nkosana
 inheriting the title of his regent Headman/Nkosana
 Phawulango. Also I object to the elevation of
 Headman/Nkosana Thembeni Joseph TSHALI as
 chief/nkosi of the NKOSANA Traditional
 Council

30. What steps were taken to address the dispute or claim? (MARK WITH 'X' / PHAWULANGO)

- i. The case was heard in court / Ibango linoxwa ekundleni yamatyala
- ii. A commission of inquiry handled the case / Ibango lasingathwa yikomishini yophando
- iii. The claim was submitted to the provincial or national government / Ibango langeniswa kuzhulumente wephando okanye kazwelonke
- iv. A legal opinion was obtained / Uluvo lwegqwetha lwafumaneka
- v. The claim was handled by the house of traditional leaders / Ibango lasingathwa yindlu yeenkosi
- 1. If other, please explain briefly below / Uluba ibango lasingathwa ngenye indlela, nceda ucacise ngokufutshane ngasezantsi

... objecting to the elevation of Headman
 Nkosana Thembeni Joseph TSHALI to the position of Chief/nkosi is
 before the Eastern CAPE HIGH COURT, BHEISHO but through the
 agreement of all affected parties it was agreed to refer the matter
 to the Commission on Traditional Leadership Disputes and Claims

NB: attach all relevant documents and a detailed background to the claim or dispute

QAPHELA: Faka onke amaphepha abubungqina ngebango ali

Send the form to / Thumela ifomu ku:

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