In the Court of the Resident Commissioner,

M a s e r u,

18th January, 1911.

Before His Honour, Herbert Cecil Sloley, Esquire., C.M.G., Resident Commissioner of Basutoland,

RICHARD v. SECHABA

Appellant: Appeals against the judgment of the Paramount Chief, in the matter of a dispute of chieftainship between him and respondent.

Present: Ramosueu, Bernard, Ts'ephe, Philip Molise, Motheo, Philip 'Mabathoana, Rajoale, and Mphethi messengers of the Paramount Chief

and

Napo, Mats'abisa,Beo, Motloang, Rantolo, Richard and Sechaba, sons of Mohale.

RESIDENT COMMISSIONER: I would like the messengers of the Paramount Chief to tell me who ought to begin.

PHILIP MOLISE: Richard.

RICHARD: I am claiming my rights of birth from my father, my mother being the first wife of my father. But now my father wants to place my younger brother above me. My father is Napo. My mother was married as the first wife

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of my father. Even Ramoetsana the father of my father acknowledged her as such. When my elder brother Moorosi was to be circumcised my grandfather said Sechaba should be circumcised with him and gather wood for him. He said he wished to show my father that Moorosi was senior to Sechaba. When my father heard this he decided to arrange a separate lodge for Sechaba. Although this was so the sons of Monaheng, Beo, Bolo and Motloang were circumcised with my elder brother. He entered the lodge first and got "cut" before them. Sechaba was circumcised with the common people.

By Philip: I do not know of any other reason, but I have lately heard that when my younger brother Sechaba was married to Lerotholi's daughter it was said he was the principal son of my father. My mother was the daughter of Faleni and the sons of Mohale will explain how she was married. The following are the names of the men who know how my mother was married:- Setlolela, Tlali, Makhube, Thene, Lebona Nkhahle, Molomo, Tapole, Qhoojoa, and Rants'oetsa. I have not brought them because I have always spken to the Paramount Chief about them asking him to call them for me to his court, but he has never done so. I was not called properly to court. It was on my arrival at the Paramount Chief's that I was x told my case was coming to this court. He told me that he would send for my witnesses and asked me to mention them to his clerk. I mentioned the names of Tlali, Thene, Mokamoli, Setlolela, Rants'oetsa, Tapole, Qhoojoa, 'Mako, and Mahapela, but I forgot to mention that of Lebona. I could not be satisfied if this case were to be spoken without these witnesses. I spoke to 'Mako when I saw him going but he said he could not say anything unless

Letsie spoke to him about it. He said he was surprised that the Paramount Chief had spoken this case without him knowing that he was our chief.

By Philip 'Mabathoana: I have a letter from my grand mother 'Manapo which I shall produce as evidence. When I appealed I thought I would be given a letter to bring to this Court, I did not expect I would be called in this way. When the names of my witnesses were written down I believed the Paramount Chief would send for them.

By Ts'ephe: I was called by a policeman from Mafeteng, Letela, he told me it was about a lost beast which I had found and made use of.

By Mphethi: The letter from my grandmother was sent after me when she heard it was about this case that I came here. Monaheng who ranks next to my father is not here because he does not know that the case is in court.

By Philip Molise: I complain because the Paramount Chief promised to give me a man to take me to Mafeteng when I appealed but I have not seen that man. It is true that I have complained to the Assistant Commissioner Mafeteng but I do not know who brought this case to this Court, if it was brought by the Assistant Commissioner he would have told me.

By Bernard: I used the words 'son-in-law to Lerotholi' but not in the way you repeat them. I said when my father took the case out of the court of the sons of Mohale he said he would like to take his case to a place where Sechaba was a son-in-law. The case was taken out of 'Mako's court without appeal.

By Ramosueu: It was on Wednesday last that the Paramount Chief told me the case was coming to Maseru. I had no time to tell my witnesses.

By Mats'abisa: It true that 'Mako and Mahapela were not present when my case was heard at Matsieng. One day when 'Mako and Ntho were present you said somethings that were not said by Mahapela. He told me so when I returned home and asked him about what Mats'abisa had said in court. He told me that I was the chief son of my father.

By James Matete: Nkoka was with me when I spoke to chief Mahapela. Although Mats'abisa was not there, 'Muso, Sechache and other men were present.

NKOKA: I was present when Richard spoke to Chief Mahapela. There were present at the time the following men, 'Muso, Sechache, Tapole, Motsamai, Ralisebo and many others. Richard asked Mahapela to tell him whose son he was, he asked him to tell him what was his rank and Mahapela told him that he was the principal son of Ramoetsana, but he also advised him to go and ask his uncles. 'Muso said he knew that Richard's mother was the principal wife of Napo.

RESIDENT COMMISSIONER: We may now adjourn.

A f t e r n o o n.

RICHARD hands in letter from 'Manapo.

BEO: I am Beo, Napo's younger brother. I am afraid to speak because I have been roughly handled ~~xxx~~for giving evidence in this case. I agree with what has been said by 'Manapo in the letter just read. The mother of Richard was always considered the first wife, even when her daughter was sent to the girls'lodge Chiefs Lerotholi and Sekake were invited, but they were not invited when

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the daughters of 'Masechaba were sent to the lodge. Napo refused to allow Sechaba to be circumcised together with the son of 'Mampatsi because Ramoetsana said that boy would be 'cut' before Sechaba. Sechaba was circumcised separately and Moorosi was circumcised together with our boys. My reason for fearing to give evidence in this court is because I have been punished by Napo for giving evidence. I was present when my father came to get a wife for Sechaba but I did not hear him say Sechaba was his heir. When this woman was married Molomo was represented by Makhube. Nkhahle was represented by his son Lebona. He came driving a black ox. Tapole was also present sent by Molomo. I do not remember the colour of the beast paid by Molomo. My father did not tell Potsane because at that time they were quarrelling. Thene was present. Sebili was not there.

By Bernard: Twenty-one head ~~xx~~ of cattle were paid to Faleni when his daughter was married.

By Ts'ephe: Napo says that Richard is not his son, he says he is a son of Motloang. I am surprised to hear this because he has made use of the cattle paid when the daughters of this woman were married. I have always known that Napo claims that Sechaba is his principal son.

BY Motheo: The marriage of this woman was arranged by my father and Molomo. I do not wish to say more because although I am now before the Resident Commissioner when I return home I will suffer for what I have said. When Sechaba was married my father gave one cow and calf. I consider this to be a very strange case, because although it was Sechaba who appealed, this case has been brought here by the Paramount Chief.

By the Court: I know that Masechaba was married after

'Mampatsi. Mokamoli was sent by my father to go to Molomo's Hoek and take that woman for Napo. I did not hear him tell Molomo about it. There was no 'morero'.
By Ts'ephe: It was about this case that I was struck.
By Mphethi: Masechaba was taken to mymother's hut and 'Mampatsi to my step-mother's hut.

MATS'OELE: I am a son of Qhoojoa. My father has sent me to say he knows that the mother of Richard is the first wife of Napo. He states that when Mpatsi was sent to the girls' lodge the chiefs Lerotholi and Sekake attended the feast. I know that when Sechaba and Moorosi were circumcised Napo said Moorosi was to be 'cut' first. Napo did not agree with this so he arranged a separate lodge for Sechaba. When the daughters of 'Mampatsi were married the cattle were received by Napo. The cattle got from the marriage of the third daughter were used in getting a wife for Moorosi. When Sechaba was brought to the village of Ramoetsana Richard was surprised so he went to his uncle Mahapela and asked him to tell him what position he held in the family of Ramoetsana. It is true that Mahapela said he was the chief son of Napo, but he also advised him to go and consult his uncles about the matter. He went to them and they all told him that he was the chief son of Napo. When Napo heard this he got very angry with his brothers. 'Mako has also told Richard that he was the chief son of Napo. While we were expecting that the case would be taken to the court of 'Mako we heard that it had been taken to the court of the Paramount Chief. The case has now been in his court for the last three years. The Paramount Chief is always

angry with us for following Richard, even now we are afraid to follow him. When Napo took Sechaba away from his lodge Ramoetsana said nothing,because Sechaba was a son of the second house. Mampatsi was taken to the house of Ma-Motloang because Napo was staying in that house at that time. Ramoetsana has never told the chiefs about the rank of his sons. 'Manapo looks upon Richard as her heir.

NKOKA: Although I was not present when these women were married I am a man of Ramoetsana's and have seen what was done when Mpatsi was sent to the girls' lodge. I also saw what was done when the boys were circumcised. I agree with what the last speaker has said.

BEO: What I have said about Richard and Sechaba I heard from my father. My father told me he was sorry that Napo had refused to bring Sechaba to his lodge because he would have on that day pointed out who was his heir. I am not satisfied because this case is being tried by the men who tried it at Matsieng.

RESIDENT COMMISSIONER: An appeal from a native chief comes to the Assistant Commissioner assisted by the chief who tried the case.

RICHARD: I am afraid my witnesses will be afraid to speak because Bernard has asked them whether they are

disputing against Napo. There are many people who have been punished for giving evidence in my favour. Even on the day on which I was allowed to appeal, Letsie fined six men five head of cattle each. He said by following me they were encouraging me to dispute against my father. They were fined for giving evidence in my favour.

TS'EPHE: They were fined for encouraging you to dispute against your father.

19th January, 1911.

MOTLOANG: During the Seqiti war a certain wife of my father deserted him and the cattle of her 'bohali' which were returned by her parents were used in getting the daughter of Faleni as wife for Napo. As at this time Napo was staying in my mother's house this woman was taken into that house. My father said he would get a lawful wife for Napo at a later date. I was in Kimberley when Mpatsi was sent to the girls' lodge. Later on she was put in the family xxx way by some people and the cattle paid were given to the parents of her mother, one beast was given to me. When the second girl was married

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I was told that Napo would give me my share. For the third girl we received eight head of cattle, one horse, one mare and ten small stock. With these things my father arranged to get a wife for Moorosi. If this boy were the principal son of Napo, I ask, who of the sons of Ramoetsana was there when he got married? The cattle of his marriage were driven by Shekoe and Lefu. I heard 'Manapo's letter read yesterday, but I would like to ask her how many cattle she paid when her principal grandson Moorosi was married? When Moorosi got ill he was nursed by me until the end. Afterwards 'Mampatsi came and lived with me with her son Richard.

When Sechaba was placed our elder brother Napo called us to his place and told us what he intended to do for Sechaba. After we had built the huts Napo said he was appointing Monaheng to look after Sechaba. The sons of Qhoojoa, Lipotongoane, Senyo the son of Phatela and Mats'oele were to be in charge of the village. Richard was present when these things were done but he said nothing.

I am surprised to hear my brothers speak like this because we were together when we went to introduce Sechaba to the Assistant Commissioner at Mafeteng. Ramosueu and Mahapela were also present. It was at this time that it was arranged that Sechaba was to receive the gratuity formerly received by Napo and Napo that of my late father.

I should have mentioned at the start that my father's intention was to get his son Napo married to the daughter of Ntolo, but she refused him because she was achristian girl. Afterwards he saw the daughter of Motanya and when my father told Molomo about this choice of Napo's

Molomo said it was right because it was by a member of that family that Mohale was born. 'Masechaba was married with the cattle intended for Ntolo's daughter. Ramahatetsa paid a brown mare and Molomo paid one beast. She was taken to the house of 'Manapo when she arrived. All the principal men of my father's were told when this woman was married and they paid cattle towards her 'bohali'. According to the Sesuto custom Napo's maternal uncle should pay when he gets married, I shall be glad to hear whether his uncle paid anyhting when he married the mother of Richard as he did when the mother of Sechaba was married.

By the Court: I do not know of a black ox paid by Nkhahle when the mother of Richard was married. I know a beast was paid by Lefeko.

By Beo: I do not know whether the Sesuto custom of throwing water or of beating with a stick was carried out on Napo when any of these children were born. It is known that the people of Ramoetsana were told that the mother of Sechaba was the principal wife of Napo.

SENYO: My father is Phatela, and I am sent by him to repeat his words. His words agree with the words of Motloang.

By the Court: My father is one of the principal men of Ramoetsana. He was appointed by Mohale. Letsie was told about the daughter of Motanya and he approved of the marriage. I hear he and Mofoka paid one beast each. I was surprised to hear Mats'oele saying his father says Richard is the chief because when Sechaba was brought to his grndfather's place Mats'oele worked for him, one day

he found me ploughing for 'Manapo and told me that Sechaba did not like us to plough for her unless she had spoken to him about it. When Sechaba was brought to this place 'Manapo ordered the women to make much joala which she took to Sechaba and received a sheep from him. It was Ralekhafola who was sent to tell Letsie when the mother of Sechaba was to be married.

A f t e r n o o n.

RALEKHAFOLA: I know nothing about the marriage of the mother of Richard. I know of the marriage of the mother of Sechaba and I agree with what Motloang has said about it. My father paid two head of cattle towards that 'bohali'. I know that at one time Beo recognised this boy Sechaba and even called me to go and see the garden he was giving to him.

By the Court: I was sent to Letsie to go and ask for the daughter of Ntolo and he told me to pass on to Sekhonyana, but added that the girl was a member of the Roman Catholic Church and as such may not like to get married. Ntolo's daughter refused our offer. When 'Masechaba was married Ramoetsana told me that she was the chief wife of Napo. I cannot tell you what took place when Mpatsi was sent to the girls' lodge and when Moorosi was circumcised because I was not there. I was at Semouse when 'Mampatsi was married.

RAMOKHUITING: I agree with the words of Ralekhafola and Motloang. I wish to mention that at one time I was sent by Napo to take his wives to his father as they were quarrelling about seniority. Ramoetsana said that the first wife was 'Masechaba because she was in the place of the daughter of Ntolo. When 'Masechaba was married I, as Napo's maternal uncle paid one red cow towards his 'bohali', Motlomelo and Phatela also paid cattle, as well as some of the principal men of Ramoetsana. When the mother of Richard was married the uncles of Napo were not told.

By the Court: These women quarrelled after they had had children. There were men chosen to work for 'Masechaba, but there were none chosen to work for the mother of Richard.

By Beo: When Mpatsi was sent to the lodge Lerotholi was at Ramoetsana's but he had come to arrest some thieves. He was accompanied by Sekake. It is true that the wives of Sekake were also there. I cannot swear that Sekake was not invited to that feast.

By the Court: When the younger boys were circumcised, Molomo was cut before Mara the brother of Richard at the request of Ramoetsana. I was not present when the boys Moorosi and Sechaba were circumcised, but I hear there was a dispute about something between Napo and his father and Ramoetsana said he would punish Napo by placing the boy Moorosi above Sechaba.

By George Molomo: I know that when the mother of Sechaba was married Molomo, Ramahotetsa and Sekake paid cattle.

MOKHOHLANE: I was present when Lerotholi blamed Ramoetsana for being long in marrying the daughter of Mohapi.

Ramoetsana explained that the girl was not engaged by him but by Motloang. He told Lerotholi that the reason he had come personally was that he should show him that he had come about his heir.

By James Matete: Before this incident at Lerotholi's I did not know who the principal son of Napo was. Beo, Rantolo, Monahang, Phatela, Mofosi and Morapeli were present when Ramoetsana and Lerotholi were speaking about this ~~matter~~ matter. The reason why Ramoetsana and his son Napo quarrelled was that Ramoetsana said after Sechaba Moorosi was to be 'cut'. Napo desired Sechaba to be followed by the sons of his younger brothers because he said he was not his own son. I heard that Sekake had been invited to the feast of Mpatsi. When Moorosi was circumcised Lerotholi was represented by one Molai. Although the cause of the quarrel was the son of Monaheng I cannot say why Napo left him when he took Sechaba away.

By Bernard: 'Mampatsi came back to Napo after the Gun war,

MOTLOANG: 'Mampatsi left Napo at the time Moorosi was born. I do not know the reason why she left.

RANTOLO: Although I was a boy when these women were married, when I grew up my father told me the order in which they were married. 'Mampatsi was married first. My father's intention was to get the daughter of Ntolo later on and appoint her the principal wife. When he failed to marry her he arranged to marry the daughter of Motanya but said nothing about appointing her as the principal wife of Napo. When the daughter of 'Mampatsi

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was sent to the girls' lodge I was sent to invite the chief Sekake and one Rants'oetsa was sent to invite the chief Lerotholi. These chiefs attended this feast. It is true that this feast took place in the house of 'Ma-Motloang. I agree with what Mokhohlane has said about the circumcision of the boys. Ramahotetsa was sent by Molomo to attend this feast. As these boys have not been living together I never saw them bled together. I did not see these two women coming to my father. I do not remember the time when 'Mampatsi left Napo. She went to Masupha's and on her return she had two sons by Napo, Richard and Mara. Moorosi was born at Masupha's.

MATS'ABISA: I am requested by Mahapela to ask the men of Ramoetsana who are present in this court whether they do not remember that although Napo was married to 'Ma-mpatsi for many years, yet it was known that he was still looking for his principal wife. Mahapela says it was Ralekhafola who was sent to Molomo to tell him that Ra-moetsana was looking for a wife for Napo. He said he desired him to get one out of the house of Moshesh. Molomo agreed and instructed Ralekhafola to pass on to Letsie and ask him to allow them to speak to the daughter of 'Neko. Letsie referred them to Sekhonyana, who made arrangements for them to see this girl. 'Neko's daughter refused to marry Napo because she heard he had another wife and would likely marry many more. She was a member of the Roman Catholic Church. On the way home Napo saw the daughter of Motanya. After he had spoken to his father about this girl, Molomo and 'Mantolo were told and they approved because they said the chieftainship of

Ba-Mohale was born by a Mohlakoana woman. Arrangements were made for this marriage by Ramoetsana and his elder brother Molomo. Letsie and Mofoka were told of it. Letsie, Mofoka, Molomo and Ramahotetsa paid one beast each towards the marriage of 'Masechaba.

I was present when Moorosi was circumcised. I was the doctor who bled them. I heard of the disagreement between Napo and his father. I was present when Ramoetsana explained to Ramahotetsa that the reason of the disagreement was that he had suggested that Moorosi should be bled before the sons of Monaheng and others, but after Sechaba, and Napo had objected. Ramahotetsa was surprised to hear this, he said although Moorosi was not born by him he was still his son because his mother was his wife. Ralekhafola, Notoane, Phatela and many others were present.

It was during the Boer war that I was appointed as the official messenger between Mahapela and Ramoetsana. Ngaka was appointed as tax-collector. Later on Ramoetsana was not satisfied with this arrangement and he asked Lerotholi to tell him whether the sons of Molapo brought their tax money to Matsieng. He said his reason for asking this question was that he was compelled to take his tax money to the sons of Molomo. It was on this day that Ramoetsana spoke to the Paramount Chief about Sechaba. The Paramount Chief said it was not necessary for Ramoetsana to send his money to the sons of Molomo. Sechaba was then appointed a tax-collector.

When Ramoetsana went to Lerotholi's to get a wife for Sechaba I was representing Mahapela. Ramoetsana told Lerotholi that Sechaba was his principal grandson. Monaheng, Beo, and Rantolo were present, so were many of his principal men. Philip, Likupa and others were there.

24th January, 1911.

'MAPALE: I am sent by Lebona to say he knows nothing about this matter. He says Mokamoli is his witness that he knows nothing of the matters at Ramoetsana's. He does not know about the marriages of Napo, and he did not tell me whether he had paid one beast towards the marriage of Napo.

Mokamoli says he knows that the daughter of Faleni was married first, afterwards his daughter was engaged but he refused to let her marry Napo because they did not bring many cattle. It was after this that he and Napo went to see the daughter of Motanya. He had been instructed by Ramoetsana that if Napo liked the girl he ~~xhuld~~ should engage her for him. The rest of his words are in this letter. (Letter read) Letter is sent by the chief Lebona Nkhahle and supports the claim of the boy Richard.

TLADI MOHALE: I did not pay a beast when Napo was married but afterwards I went to see Ramoetsana about the matter and found Napo wearing Nyooko which showed that the marriage was a real marriage. So I have always considered Faleni's daughter as the first wife of Napo. Ramoetsana said that although I had told him that my cattle had been captured he had mentioned my name in the 'bohali'for one head. I would be surprised to know that the daughter of Motanya had been appointed as the chief

wife of Napo, because Ramoetsana did not tell me of it. I was not told when the daughter of Motanya was married.

MAHAPELE: I wish the court to know that this man Ralitlokola should know much of this matter because he lived with my uncle Ramoetsana.

RALITLOKOLA: It is true that I have lived with the sons of Ramoetsana from the time Napo was a child until he was circumcised. When Napo married the daughter of Faleni I paid one young beast. On her arrival she was taken into the house of 'Ma-Motloang. Afterwards Napo and Mokamoli were sent by Ramoetsana to go to the house of Ntolo and look for a girl to be married to Napo, when they returned they told Ramoetsana that Ntolo's daughter had refused to be engaged to Napo because she heard that he was already married to the daughter of Faleni. On the way home Napo had seen the daughter of Motanya and when Ramoetsana heard of this refusal of the daughter of Ntolo he made arrangements for the marriage of this girl. My grandmother 'Ma-Ntolo paid one black and white heifer when this woman was married.

By the Court: I did not hear that Motanya's daughter was to be the chief wife of Napo.

By Philip: Ramoetsana did not tell me that Ntolo's daughter was going to be the first wife of Napo. The cattle that were paid when the mother of Richard was married had previously been used in marrying a woman for Ramoetsana who had deserted him. I know that Molomo

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paid one beast when the mother of Sechaba was married.
By Ts'ephe: I have always looked upon the mother of Richard as the chief wife because she was married first. Ramoetsana did not tell me anything to the contrary. I thought the daughter of Ntolo would be second to the mother of Richard if she had agreed to marry Napo.
By Motheo: I do not know that the sons of Moshesh were told when these two women were married. I did not see the brothers of 'Manapo when Napo married these women. I do not know whether Ramoetsana ever tried to marry the daughter of Mokamoli for Napo. I do not know who was sent by Molomo when the mother of Richard was married, he had sent Motitsoe when the mother of Sechaba was married.
By Richard: I did not see Makhube and Tapole.

MAHAPELA: I know nothing about the marriages of the mothers of these two boys. The matter was worked by my father and his younger brother Ramoetsana. They have only mentioned my name because they know I am their relative. What I know is what took place when Moorosi and Sechaba were circumcised. I know that there was a disagreement between Napo and his father because Napo objected to Moorosi being bled before the sons of his brothers. When Sechaba was about to marry the daughter of Lerotholi my uncle told me that he had told Lerotholi that his chief son was Sechaba. He told me this on his way home from Lerotholi's. My messenger Mats'abisa also told me that he had heard this matter. It is true that I advised Richard to go about this matter to the chief 'Mako. I did not tell him that he was the principal son of Napo.

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MOTLOANG: We have heard it said that Mahapela has received from Napo a black horse as a bribe. I have also told Mahapela that one Taole had told us that the chief Mahapela had given a ~~ha~~ black horse to Richard. Now we have found out that this black horse had been stolen.

A f t e r n o o n.

NAPO: I am surprised at the way my brothers are dealing with me in this matter. I must state that I agree with what Motloang has said. It is true that 'Ma-Richard was married for me with the cattle that returned from the parents of the woman who had deserted my father. The intention of my father, although he married this woman for me, was to get me the daughter of Ntolo later on as my chief wife. He tried to but the gir-l did not like to marry me. Afterwards I told my father and mother that I wished to marry the daughter of Motanya and they agreed. Tladi cannot be a witness in this case because he never worked matters with my father. I am surprised that Beo is pretending to know more about my children than I do. The mother of Richard left me during the Langalibalele rebellion. I had just returned from Leribe bringing some cattle of my father's. He gave one cow and calf to 'Masechaba, and 'Ma-Richard was annoyed with this. When afterwards my father gave an ox to 'Masechaba, 'Ma-Richard complained to him, but he told her that it was right

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that he gave 'Masechaba first because she was my first wife. It was at this time that she left and went to Likhoele and afterwards to 'Mota's. I went to 'Mota's and asked him to tell me the reason why he had kept my wife and he replied that it was because Faleni had not given him his share of the cattle.

My brothers Beo and Motloang were sent to accompany me to Masupha's to claim this woman. The case came before the chief Masupha, Lepoqo being present. 'Mota was fined ten head of cattle and the woman restored to me. She was at the time heavy with child, the child Richard.

Mokhohlane has spoken the truth about what I did at the time this boy's brother was circumcised, there was no quarrel between my father and me. He gave a bull and a beast when Sechaba was circumcised. 'Mako, Mahapela, Beo, Bowker and Khasipe brought a beast each. I slaughtered three making eleven in number.

My father has during his life time shown that he regarded Sechaba as his heir by giving certain things to him, things he had received as fines. I do not regard the letter alleged to be from 'Manapo because she is quarrelling with me about the hut tax money. My father has always shown that Sechaba was the chief and has even paid for him when he had stolen horses belonging to Mahapela. It is generally known at Ramoetsana's that Sechaba was pointed out to Lerotholi as the heir. Many men were present at the time.

By Philip: I was not at home when the child Mpatsi was born so no water was thrown at me, as it is done by the Basuto when the first daughter is born to a man. At one time 'Mampatsi asked me to let her have her tax

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receipt, and by this I understood that she was trying to make a claim for chieftainship. My wife and I have quarrelled about some matters and have even been before Molomo, where she was advised to return to me.
Lerotholi was not invited to attend the feast of Mpatsi. I do not know who invited Sekake. I know Lerotholi was invited to attend the feast of the sister of Sechaba and he was represented by one Molai who brought a beast from the chief.

PHILIP MOLISE: Mats'abisa, Mokhohlane, and chief Mahapela have spoken most of the words I would have spoken. I did not know anything about the family matters of Napo until one day when the old man Ramoetsana had come to get one of the daughters of Lerotholi as wife for Sechaba. When Lerotholi asked him which daughter, he said: not the daughter of Mohapi, who was engaged for the son of Motloang. He told Lerotholi that the reason he had come in person was that he was anxious to introduce to him the boy who was his heir. He pointed the boy Sechaba as his heir and said the reason he was marrying Lerotholi's daughter for him was that there may be peace between Lerotholi and his sons after he was dead.

Before these two chiefs met Ramoetsana had sent me with a verbal message to Lerotholi on the same subject. There were many people when Ramoetsana spoke these words.

Letter from Phatela is read.

Qhoojoa's words read.

PAULUS MOHALE: I have no evidence about the marriages of the mothers of these two boys. I was present at Letsie's court when he asked us what we knew about these boys. I stood by Richard because 'Mako says the lawful son of Napo is Richard. I was blamed by Letsie's court for doing so. They said I was not sent by 'Mako, but I told them that 'Mako was the chief of these two boys and knew about their birth.

On my return home I asked 'Mako to tell me whether I was right or wrong and he said I was right. He said although he was young when these women were married he had been told about this matter by his father Ramoetsana at the time the boys were circumcised. Ramoetsana said Moorosi should be bled first although he was not the chief. 'Mako says he knows that at times chiefs are reduced. He has asked me to tell the Paramount Chief and the Resident Commissioner that Mofoka the son of Sebili was reduced and Leqheku was promoted. He says the father of any children can do what he likes with his children. He says the mother of Hlajoane gave room £ to the mother of Mahapela. 'Mako says that although Ramoetsana told him that Richard was to be the chief of "lenaka" i.e., nominal chief, he did not believe what he said because he did not call the sons of Mohale about this matter, to tell them of this change in the order of his children.

When I asked Mahapela to tell me what he thought of this matter when we heard it was being brought to Maseru, he said Napo should know the order of his children. On our arrival at his home we went to his mother and asked her to tell us who was the chief son of Napo and she said it was Richard. I took this word to 'Mako and told him that 'Manapo also considered Richard as the chief son of Napo. Although the Apostle Paul was not a disciple of Christ yet he gave evidence of him. I

am the apostle Paul of the matters at Mohale's.

Afternoon

HLAKANELO: I ~~xx~~ was present when Ramoetsana came to marry the daughter of Lerotholi. When I first heard of this matter it was when Monaheng was sent to engage this girl and Lerotholi asked him to tell him what was the rank of this boy for whom his daughter was being engaged. When he was told it was Sechaba he asked whether he was the son of the daughter of Faleni, and being answered in the negative he got very angry and told them to go back to Ramoetsana and bring him the truth. Later on Ramoetsana brought the bohali cattle, and Likupa, Ramosueu and myself were appointed by Lerotholi to deal with the matter. The marriage was settled by Ramoetsana paying 18 head of cattle.

Late in the afternoon of the same day Phatela came to Lerotholi and told him that Ramoetsana desired to corroborate the words of his first messenger who had been returned to him by the chief. Lerotholi still refused to recognise this introduction, saying the sons of Mohale should be called if Ramoetsana wished to make this boy his heir. The chief drove those messengers away and

+ that was -

that was the end of the matter.

By the Court: I know that Lerotholi never agreed to the chieftainship of Sechaba. He said the chief son was that of the daughter of Faleni.

By Philip: I do not know that this case has been in court for the last three years. This is the first time I hear of the dispute between the sons of Napo. I know that this case has been in court for the whole of the last week. I only came into court yesterday because I had time and did not think of giving evidence. I spoke to many people outside about this case and do not know who told the court that I knew something about it.

26th January, 1911.

A f t e r n o o n

RESIDENT COMMISSIONER: I was first asked to enquire into this case by the Paramount Chief Letsie who informed me that the matter had been before him but that one of the parties was dissatisfied.

I do not intend to say many words - we have occupied several days in talking of this dispute as to the chieftainship of Napo's sons. What I wish to say can be best understood if I speak shortly about it.

The evidence that has been given in this court is contradictory and vague. To begin - it has not been

- made -

made clear to me as to how these wives of Napo were married. I was waiting for clear evidence as to which was the great wife but I am still in the dark. It seems to me that these marriages were not well arranged by Ramoetsana and Napo. 'Ma-Richard was first married - the second marriage of 'Masechaba may have been meant as the marriage of the big wife but I have heard no conclusive evidence on this point - It is an important point for Sesuto law as to the inheritance of chieftainship which is clearly laid down in the Melao of the Council (1st Law).

It is not usual that there should be any doubt as to which is the chief wife of a man or a chief, but in this case it is doubtful. I cannot today say (even with the assistance of Basuto advisers) who was the chief wife or who would be the heir according to law. To decide on this poimt it would be necessary to meet the Ba-Mohale and their chiefs and to re-hear the case with the Paramount Chief and other chiefs. It is a point that the National Council might give an opinion upon. I shall consult with the chief Letsie as to the desirability of further enquiry into the matter.

But what appears clear is that Ramoetsana during his life-time indicated his desire as to the success to chieftainship. It is beyond doubt that he pointed to Sechaba as his heir - whether he did so rightly or wrongly I cannot say with the present evidence. Neither am I in a position to say whether his action in selecting Sechaba was strictly in accord with Sesuto law and custom.

But it is a fact that he did so and that today his son Napo points to Sechaba as his heir and successor.

- As such -

As such Sechaba's village has been built and he has been shown to the Government. For several years he has already received the portion of hut-tax gratuity awarded to the Chief's son in that place. Under these circumstances it is impossible to alter what has been done, to alter such an arrangement would be to introduce fresh cause for strife among Napo's followers, and Sechaba must remain the chief. Napo should however remember that Richard is also his son and make provision for him.

To Richard I address a word of serious warning as to his responsibility if he disregards his father Napo. The Council has spoken very plainly as to the guilt of one who disturbs the peace after having his case spoken in court. Richard must regard Napo as his chief and Sechaba as his elder. I do not promise any re-opening of the case beyond saying that the Chiefs concerned shall have a copy of these words of mine and that I will discuss with the Paramount Chief the question as to whether the seniority of Napo's sons should again be dealt with in the presence of the Ba-Mohale and the sons of Moshesh, in which case I would be willing to again listen to the matter.

Until then I repeat that Richard must regard Napo as his chief and Sechaba as his elder.

In addition to these words I would like to say a few words of advice to you the sons of Ramoetsana and you the people of Ramoetsana at that place. I have, lately, not heard good accounts of you. I have heard reports of your misconduct both from the Magistrate and the Paramount Chief Letsie - I hear of divisions among

- yourselves -

yourselves, you sons of Ramoetsana. I hear of your disrespect to Napo who is your elder. I hear that you have been very near the verge of disruption on this very question of Richard and other matters, I also hear bad accounts of stealing that goes on there. I wont mention any names because it is not a theft case that is before me - that case can be dealt with at some other place; but I mention it to ypu Napo that your own brothers and people are getting themselves into this bad name, which not only endangers your position and chieftainship, but also the good name of the nation of Basutoland.

Now I have spent many years speaking to the chiefs and counsellors of this country, and I think the chiefs and the people and the counsellors of this country as a people do not like the good name of their country destroyed by the quarrels among young chiefs. These things are talked of very plainly in the National Council. The Basutos do not like trouble, the Government does not want it and does not like it. So I speak to Napo and his brothers to, leave these strifes among themselves, and these thefts that spoil the name of this country.

You must be strong with them, and so long as you are strong I am sure you will have the support of the Paramount Chief, and I know you will have the support of the Government.

BERNARD: I am asked by the chief Napo to thank Your Honour for the judgement.

MAHAPELA, BEO, PAULUS AND PHILIP thank the Resident Commissioner for the judgement.

RICHARD: I am asking the chief to tell me whether this matter has been worked according to law or not. I must

complain because when I appealed to the court of the Resident Commissioner I did not expect that the men of Letsie would come and take part in deciding my case.

I am surprised that the evidence of the mother of Napo, which is in my favour has not been taken, although it is known that she is the mother of the sons of Ramoetsana. I cannot say anything if the intention is to bury me alive, but I must ask whether I have been judged according to law.

RESIDENT COMMISSIONER: I do not gain anything by arguing with you Richard. I have been listening to this case for the last ten days and I do not think I gain anything by listening to you. You can have a copy of these words of mine and think them over, but as to your question, as to whether you have been dealt with according to law, the answer is yes! If you are asking about the constitution of the court, I say it is constituted according to the law of this country.

I regard it as a case of appealing although I did not hear of it first from you but from the Paramount Chief. Before I received your statement I had received a letter from the Paramount Chief. However I regard it as a case of appeal, and this court is constituted in the way in which the law says such courts should be constituted. You will se in the law if you read it that if a man appeals from the court of a native chief, in the hearing of that appeal, that chief or a representative of his court may be present to give the reasons of the judgement. It would not be according to law if I had heard this case without the representatives of the Paramount Chief being present to explain the grounds on which which they did it. If that is what you refer to then I say, yes, you have been dealt with according to law

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In the Court of the Resident Commissioner,

M a s e r u,

18th January, 1911.

Before His Honour, Herbert Cecil Sloley, Esquire, C.M.G., Resident Commissioner of Basutoland.

Richard v Sechaba

Appellant: Appeals against the judgment of the Paramount Chief, in the matter of a dispute of chieftainship between him and respondent.

Present: Ramosueu, Bernard, Ts'ephe, Philip Molise, Motheo, Philip 'Mabathoana, Rajoale, Mphethi, messengers of the Paramount Chief

and

Napo, Mats'abisa, Beo, Motloang, Rantolo Richard and Sechaba, sons of Mohale.

RESIDENT COMMISSIONER: I would like the messengers of the Paramount Chief to tell me who ought to begin.

PHILIP: Richard.

RICHARD: I am claiming my rights of birth from my father, my mother being the first wife of my father, now my father wants to place my younger brother on top of me. My father is Napo. I have nothing more to say.

By Resident Commissioner: I am the senior son because when

- my mother -

my mother was given to my father it was said she was the first wife.

By Bernard: I say my mother is the first wife because even Ramoetsana my grandfather said so. Some time ago when my elder brother had to be circumcised along with my brother Sechaba Ramoetsana wanted these two boys to be circumcised by him. Ramoetsana said he could see that through the hatred of his son towards my mother there would be trouble after he was dead, for this reason he wished to circumcise the two boys in order that he may point out the eldest. My father asked from my grandfather who would be the first to enter the lodge and to be initiated. In answer my grandfather said it would be my elder brother, but my father refused to listen to him saying he wished Sechaba to be considered the eldest. When my grandfather heard this he said my father could take Sechaba and circumcise him, and this he did. The sons of Monaheng, Beo, Bolo and Motloang and others were taken by my grandfather and circumcised along with my elder brother. I consider this action of my grandfather to have pointed to my seniority, the other boys were to collect wood for my elder brother Moorosi, who is now dead. Sechaba was circumcised separately with the sons of common people.

By Philip: I do not know of any other reason, but I have heard lately from my father that when my younger brother was given a daughter of Lerotholi it was said he was the eldest. I do not know how my mother was married. My mother is a daughter of Faleni. The sons of Mohale will explain how my mother was married. I was a grown up boy when the

matter of the circumcision of my elder brother was spoken of. Setlolela, Makhube, Tlali, Thene, Lebona Nkhahle, Molomo, Tapole, Qhoojoa, and Rants'oetsa are the men who know of the marriage of my mother. I have not brought these men as my witnesses, because I have always spoken to the Paramount Chief to get these people for me in his court but he has not done so. For the last three years I have mentioned these names but they have not been called. I have never been properly called to court. When I was called I was not told that it was about this case, it was on my arrival at the Paramount Chief's that I was told my case was in this court.

By Motheo: I have asked these men whose names I have mentioned and they have told me. When the Paramount Chief told me that my case was to be heard by the Resident Commissioner I thanked him. He asked me who were the witnesses who knew about the marriage of my mother and I told him and their names were written down. I did not have time to go and call these witnesses because the Paramount Chief told me he had called all the sons of Ramoetsana. I was also told that my witnesses would be called by him because he had taken their names down.

By Ramosueu: I mentioned Tlali, Thene, Makhube, Mokamole, Setlolela, Rants'oetsa, Tapole, Qhoojoa, 'Mako and Mahapela, I forgot to mention the name of Lebona. 'Mako was still at Matsieng. I did not say anything when I saw 'mako leave, I thought Letsie knew what he was doing.

By Ts'ephe: I have a great complaint because these witnesses are not here and I would complain if the matter were to be settled without them.

By Philip Molise: I spoke to 'Mako when I saw him go.

He said he would not say anything about the matter unless he was asked by the Paramount Chief. He said we were his children and he was surprised that the case had several times been before the Paramount Chief and yet nothing had been said to him about it.

By Philip 'Mabathoana: I have a letter from my grandmother 'Ma-Napo which I will produce as evidence. Some people would have advised me to bring my witnesses if I had been told when I started from home that I was coming for this case. I did not protest when I was told because I believed Letsie was my father. When I appealed I thought the Paramount Chief would give me a letter to bring to this office I did not expect to be called here in this way.

By Ts'ephe: Letela a policeman of Mafeteng came and told me I was being called by the Paramount Chief about a lost beast which I had made use of. When I have asked for witnesses, the chief has said they could know nothing of this case beyond what is known by my father. I have always mentioned the names of Napo and Mahapela. Letsie has refused me these witnesses because he has judged me without them.

By Mphethi: The letter from my grandmother was sent after me when she heard I was coming here. It arrived yesterday. Monaheng who ranks next after my father is not here because he does not know. (Ts'ephe explains that Monaheng refused to come when he was called through Napo.)

By Philip Molise: I say the appeal has been given to me in a strange way because the chief has not given me a man to bring me to this court. I was promised that a man would be given me to take me to Mafeteng, but I have not seen that man. I do not accuse your court it is your court that accuses itself.

By Motheo: It is for the chief to say whether the witnesses I have mentioned should be called. I will certainly complain if this case were to be settled without them.
By Philip Molise: I have complained before the Assistant Commissioner Mafeteng. I do not know who brought this case to this office. But I think if it was brought by the Assistant Commissioner he would have told me.

BERNARD: I am the one who was sent by the Paramount Chief to the Resident Commissioner with a letter which is in this court. The Paramount Chief said he was handing over to the Resident Commissioner the case of the sons of Ramoetsana because he had failed to settle it. He said he had spoken this matter with his uncles and that Richard had said he would not be judged at Matsieng because he had for a long time been asking for leave to appeal. He said he desired that his case should be dealt with by the sons of Mohale and not at Matsieng where Sechaba is a son-in-law. Letsie said he was afraid of the matter because it was depriving Napo of his rights. He therefore prayed the Resident Commissioner to take the matter up. All those who were present will agree with me, Letsie spoke publicly. I did not see Mokhethi, but I saw Bereng Molomo. When the letter was written Richard came to me and asked the question he has asked now, but I told him I was not asked to take him to Maseru, but to take a letter about him. I say, leave to appeal, has been granted to Richard, he is only complaining because it has been brought to this office and he is not allowed to go where he likes. It seems as if Richard says this court is the same court that tried him at Matsieng. It may be that Richard wished to go to Mafeteng. I cannot say anything about the complaint that Richard's witnesses

have not been called. I mentioned to the Paramount Chief that the Resident Commissioner had said he wished Mojela, Malebanye and others to be present. I now remember that Mokhethi was present.

RICHARD: I want to answer Bernard when he says I said Letsie could not judge me because Sechaba was his son-in-law. I used the words but not in the way he has repeated them. I said my father had taken this case out of the court of Ba-Mohale saying he would like to bring his case to the place where Sechaba was a son-in-law. The case was taken out of 'Mako's court without an appeal.

By Morapeli: Mokhethi said they could not speak of this case in the court of the Paramount Chief when it was taken out of their court before they had settled it.

PHILIP 'MABATHOANA: I want to know whether there be any reason for delaying the settlement of this case which is already in the hands of the Resident Commissioner? We know that it was Richard who appealed against the judgment of the Paramount Chief.

RICHARD: By Ramosueu: Letela was sent to arrest me. I did not know I had to come to Maseru. It was only on Wednesday last week that the Paramount Chief told me the case was coming to Maseru, it was then that Welby said I was to give him the names of my witnesses so that the Paramount Chief may send for them. When I returned from the Assistant Commissioner's office at Mafeteng I told my witnesses that I had appealed.

By Mats'abisa: It is true that 'Mako and Mahapela were not present when my case was heard at Matsieng. I remember that 'Mako was present on the day on which Ntho was there,

but it was not about this matter, and he was not asked to say what he knew. I remember that you were present on that occasion, but you did not speak the words of Mahapela, because when I came from the court I went to Mahapela and he told me a different story from what you had said. He complained of the case having been taken out of his court, and he told me that I was the chief son of my father. Mahapela said he had sent you to speak about the marriage of Napo's first wife, my mother.

By James Matete: There was one man Nkoka with me when I spoke to Mahapela. The chief had with him 'Muso, Sechache and some other men, Mats'abisa was not there.

NKOKA: I was present when Richard went to see Mahapela. He asked Mahapela, whose son he was, and I heard the reply of Mahapela. There were present, 'Muso, Sechache, Tapole, Motsamai, Ralisebo and many others. This was before Richard came to court. Mahapela said, I know you are a child of Napo. Richard said he wished to know what rank he held, and Mahapela said, I know you are the eldest son of Ramoetsana, but he added saying Richard should go and speak to his uncles about it. Mahapela did not speak of the marriage of the mother of Richard. 'Muso spoke about it and said the mother of Richard was the first wife. I have not heard Mahapela speak about this case in any court.

RICHARD: I appealed because my father did not speak as my grandfather had spoken.

PHILIP MOLISE: It seems as if we are wasting time because Richard has said he wants some other witnesses, I suggest that they may be called, but while we are waiting for them let the case be proceeded with because there are some here who know something about the matter.

BERNARD: There are some other witnesses here who may be heard.

RESIDENT COMMISSIONER: We may now adjourn.

Afternoon.

RICHARD hands in a letter from 'Ma-Napo.

Lekhotleng la 'Musisi,

M a s e r u,

26 Pherekhong, 1911.

K a h l o l o.

Richard v Sechaba.

Ho qaleng ha taba tsena ke ile ka kopuoa ke Morena-e-moholo Letsie ho mamela nyeoe ena, a mpolella hore litaba tsena o se a kile a li mamela empa e mong oa batsakisani a se ke a ba khotse.

Ha kea rera ho bua mantsoe a mangata - re se re qetile matsatsi a itseng re ntse re bua tsa tsakisano ena ea borena ba bara ba Napo. Seo ke lakatsang ho se bua se ka utloisisoa hantle ha ke se bua ka mantsoe a seng makae.

Bopaki bo hlahisitsoeng khotleng lena ke bo hanyetsanang bo thekeselang. Taba ea pele - ho 'na ha ho a hloeka hore na basali ba e ba Napo ba nyetsoe joang. Ke ne ke ntse ke lebeletse bopaki bo hloekileng bo supang hore na mosali e moholo ke ofe empa le joale ke ntse ke le lefifing. Ke bona eka manyalo ana ha a ka a reroa hantle ke bo-Ramoetsana le Napo. Ho no ho nyaloe 'Ma-Richard pele - mohl'omong lenyalo la bobeli e leng la 'Ma-Sechaba ho no ho hopotsoe hore ke lona lenyalo la mosali e moholo empa ha kea utloa bopaki bo phethahetseng tabeng ena. Taba ena ke taba e kholo melaong ea Sesotho kaha hlahlamano borateng e hlalositsoe ka ho hloeka Melaong ea Lekhotla (Molao oa pele).

Ha se kamehla ho 'nong ho be pelaelo hore na mosali oa Morena kapa oa motho e moholo ke ofe: kapa na ke mang

- ea ts'oanetseng -

ea ts'oanetseng ho pa mojalefa ka molao. Hore ke tle ke tsebe ho khaola taba ena ho ka ts'oanelcha hore ke kopana le Ba-Mohale hammoho le marena a bona 'me ke boele ke mamele nyeoe ena ke na le Morena-e-moholo le marena a mang. Ke taba eo le Lekhotla la Sechaba le ka hlahisang maikutlo a lona holim'a eona. Ke tla rerisana le Morena Letsie hore na ho ea ts'oanelcha hore taba ee e ~~kxk~~ boele e mameloe.

Empa ho bonahalang ho hloekile ke hore ha Ramoetsana a sa phela o ile a supa eo a ratang hore a tle a hlahlame boreneng. Ha ho pelaelo hore o ile a supa Sechaba hore ke eena mojalefa - ka bopaki ba kajeno kea sitoa ho re ka ho etsa joalo o n'a nepile kapa a fositse. Ke sitoa le ho re ka ho etsa joalo o n'a hlile a lumellane le molao le mekhoa ea Sesotho.

Empa ha e le 'nete eona ke 'nete hore o ile a etsa joalo le ho re kajeno mor'a hae Napo o supa Sechaba hore ke eena mojalefa le molula-setulo sa hae. Motse oa Sechaba o ahiloe ho tsejoa taba ena, 'me o ile a supisoa 'Muso. Ka lilemo tse itseng o 'nile a amohela karolo ea mpho ea lekhetho e nehoang ngoan'a morena oa tulo eo. Ha taba li eme ka sebopeho sena ho ke ke ha etsahala ho fetola se entsoeng, ho fetola morero oa mofuta ona ekaba ke ho eketsa lebaka le leng la phapang har'a batho ba Napo, 'me kabaka leo Sechaba o ts'oanetse ho tlohelosa e le morena. Empa leha ho le joalo Napo o ts'oanetse ho hopola hore Richard le eena ke mor'a hae 'me a mo lokisetse.

Ho ~~=~~ Richard ke bua mantsoe a maholo a keletso, ke re o na le boikarabelo haeba a ke ke a mamela kapa a hlonepha ntatae Napo. Lekhotla le buile phatlalatsa hore motho ea etsang moferefere taba tsa hae li se li ile tsa buuoa khotla o na le molato. Richard o ts'oanetse

- ho talima -

ho talima Napo e le morena oa hae Sechaba eena e le moholo oa hae. Ha ke ts'epise hore nyeoe ena e sa tla boela e mamelosa feela ke bolela hore marena a nang le ts'oanelo tabeng tsena a tla nehoa Kopi ea mantsoe ana a ka le hore ke tla buisana le Morena-e-moholo hore na taba ea boholo ba bara ba Napo e ka boela ea sebetsoa mahlong a Ba-Mohale le bara ba Moshoeshoe, 'me ha ho le joalo nka lumela ho boela ke e mamela.

Ho fihlela ho etsoa joalo kea pheta ke re Richard o ts'oanetse ho talima Napo e le morena oa hae Sechaba eena e le moholo oa hae.

In the Court of the Resident Commissioner,

M a s e r u,

18th January, 1911.

Before His Honour, Herbert Cecil Sloley, Esquire., C.M.G., Resident Commissioner of Basutoland,

RICHARD v. SECHABA

Appellant: Appeals against the judgment of the Paramount Chief, in the matter of a dispute of chieftainship between him and respondent.

Present: Ramosueu, Bernard, Ts'ephe, Philip Molise, Motheo, Philip 'Mabathoana, Raioale, and Mphethi messengers of the Paramount Chief

and

Napo, Mats'abisa, Beo, Motloang, Rantolo, Richard and Sechaba, sons of Mohale.

RESIDENT COMMISSIONER: I would like the messengers of the Paramount Chief to tell me who ought to begin.

PHILIP MOLISE: Richard.

RICHARD: I am claiming my rights of birth from my father, my mother being the first wife of my father. But now my father wants to place my younger brother above me. My father is Napo. My mother was married as the first wife

- of my -

of my father. Even Ramoetsana the father of my father acknowledged her as such. When my elder brother Moorosi was to be circumcised my grandfather said Sechaba should be circumcised with him and gather wood for him. He said he wished to show my father that Moorosi was senior to Sechaba. When my father heard this he decided to arrange a separate lodge for Sechaba. Although this was so the sons of Monaheng, Beo, Bolo and Motloang were circumcised with my elder brother. He entered the lodge first and got "cut" before them. Sechaba was circumcised with the common people.

By Philip: I do not know of any other reason, but I have lately heard that when my younger brother Sechaba was married to Lerotholi's daughter it was said he was the principal son of my father. My mother was the daughter of Faleni and the sons of Mohale will explain how she was married. The following are the names of the men who know how my mother was married:- Setlolela, Tlali, Makhuba, Thene, Lebona Nkhahle, Molomo, Tapole, Ghoojoa, and Rants'oetsa. I have not brought them because I have always spken to the Paramount Chief about them asking him to call them for me to his court, but he has never done so. I was not called properly to court. It was on my arrival at the Paramount Chief's that I was ~~x~~ told my case was coming to this court. He told me that he would send for my witnesses and asked me to mention them to his clerk. I mentioned the names of Tlali, Thene, Mokamoli, Setlolela, Rants'oetsa, Tapole, Ghoojoa, 'Mako, and Mahapela, but I forgot to mention that of Lebona. I could not be satisfied if this case were to be spoken without these witnesses. I spoke to 'Mako when I saw him going but he said he could not say anything unless

Letsie spoke to him about it. He said he was surprised that the Paramount Chief had spoken this case without him knowing that he was our chief.

By Philip 'Mabathoana: I have a letter from my grand mother 'Manapo which I shall produce as evidence. When I appealed I thought I would be given a letter to bring to this Court, I did not expect I would be called in this way. When the names of my witnesses were written down I believed the Paramount Chief would send for them.

By Ts'ephe: I was called by a policeman from Mafeteng, Letela, he told me it was about a lost beast which I had found and made use of.

By Mphethi: The letter from my grandmother was sent after me when she heard it was about this case that I came here. Monaheng who ranks next to my father is not here because he does not know that the case is in court.

By Philip Molise: I complain because the Paramount Chief promised to give me a man to take me to Mafeteng when I appealed but I have not seen that man. It is true that I have complained to the Assistant Commissioner Mafeteng but I do not know who brought this case to this Court, if it was brought by the Assistant Commissioner he would have told me.

By Bernard: I used the words 'son-in-law to Lerotholi', but not in the way you repeat them. I said when my father took the case out of the court of the sons of Mohale he said he would like to take his case to a place where Sechaba was a son-in-law. The case was taken out of 'Mako's court without appeal.

By Ramosueu: It was on Wednesday last that the Paramount Chief told me the case was coming to Maseru. I had no time to tell my witnesses.

By Mats'abisa: It true that 'Mako and Mahapela were not present when my case was heard at Matsieng. One day when 'Mako and Ntho were present you said somethings that were not said by Mahapela. He told me so when I returned home and asked him about what Mats'abisa had said in court. He told me that I was the Chief son of my father.

By James Matete: Nkoka was with me when I spoke to chief Mahapela. Although Mats'abisa was not there, 'Muso, Sechache and other men were present.

NKOKA: I was present when Richard spoke to Chief Mahapela. There were present at the time the following men, 'Muso, Sechache, Tapole, Motsamai, Ralisebo and many others. Richard asked Mahapela to tell him whose son he was, he asked him to tell him what was his rank and Mahapela told him that he was the principal son of Ramoetsana, but he also advised him to go and ask his uncles. 'Muso said he knew that Richard's mother was the principal wife of Napo.

RESIDENT COMMISSIONER: We may now adjourn.

A f t e r n o o n.

RICHARD hands in letter from 'Manapo.

BEO: I am Beo, Napo's younger brother. I am afraid to speak because I have been roughly handled for giving evidence in this case. I agree with what has been said by 'Manapo in the letter just read. The mother of Richard was always considered the first wife, even when her daughter was sent to the girls' lodge Chiefs Lerotholi and Sekake were invited, but they were not invited when

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the daughters of 'Masechaba were sent to the lodge. Napo refused to allow Sechaba to be circumcised together with the son of 'Mampatsi because Ramoetsana said that boy would be 'cut' before Sechaba. Sechaba was circumcised separately and Moorosi was circumcised together with our boys. My reason for fearing to give evidence in this court is because I have been punished by Napo for giving evidence. I was present when my father came to get a wife for Sechaba but I did not hear him say Sechaba was his heir. When this woman was married Molomo was represented by Makhube. Nkhahle was represented by his son Lebona. He came driving a black ox. Tapole was also present sent by Molomo. I do not remember the colour of the beast paid by Molomo. My father did not tell Potsane because at that time they were quarrelling. Thene was present. Sebili was not there.

By Bernard: Twenty-one head ~~xx~~ of cattle were paid to Faleni when his daughter was married.

By Ts'ephe: Napo says that Richard is not his son, he says he is a son of Motloang. I am surprised to hear this because he has made use of the cattle paid when the daughters of this woman were married. I have always known that Napo claims that Sechaba is his principal son.

BY Motheo: The marriage of this woman was arranged by my father and Molomo. I do not wish to say more because although I am now before the Resident Commissioner when I return home I will suffer for what I have said. When Sechaba was married my father gave one cow and calf. I consider this to be a very strange case, because although it was Sechaba who appealed, this case has been brought here by the Paramount Chief.

By the Court: I know that Masechaba was married after

'Mampatsi. Mokamoli was sent by my father to go to Molomo's Hoek and take that woman for Napo. I did not hear him tell Molomo about it. There was no 'morero'.
By Ts'ephe: It was about this case that I was struck.
By Mphethi: Masechaba was taken to mymother's hut and 'Mampatsi to my step-mother's hut.

MATS'OELE: I am a son of Qhoojoa. My father has sent me to say he knows that the mother of Richard is the first wife of Napo. He states that when Mpatsi was sent to the girls' lodge the chiefs Lerotholi and Sekake attended the feast. I know that when Sechaba and Moorosi were circumcised Napo said Moorosi was to be 'cut' first. Napo did not agree with this so/he arranged a separate lodge for Sechaba. When the daughters of 'Mampatsi were married the cattle were received by Napo. The cattle got from the marriage of the third daughter were used in getting a wife for Moorosi. When Sechaba was brought to the village of Ramoetsana Richard was surprised so he went to his uncle Mahapela and asked him to tell him what position he held in the family of Ramoetsana. It is true that Mahapela said he was the chief son of Napo, but he also advised him to go and consult his uncles about the matter. He went to them and they all told him that he was the chief son of Napo. When Napo heard this he got very angry with his brothers. 'Mako has also told Richard that he was the chief son of Napo. While we were expecting that the case would be taken to the court of 'Mako we heard that it had been taken to the court of the Paramount Chief. The case has now been in his court for the last three years. The Paramount Chief is always

- angry -

angry with us for following Richard, even now we are afraid to follow him. When Napo took Sechaba away from his lodge Ramoetsana said nothing, because Sechaba was a son of the second house. Mampatsi was taken to the house of Ma-Motloang because Napo was staying in that house at that time. Ramoetsana has never told the chiefs about the rank of his sons. 'Manapo looks upon Richard as her heir.

NKOKA: Although I was not present when these women were married I am a man of Ramoetsana's and have seen what was done when Mpatsi was sent to the girls' lodge. I also saw what was done when the boys were circumcised. I agree with what the last speaker has said.

BEO: What I have said about Richard and Sechaba I heard from my father. My father told me he was sorry that Napo had refused to bring Sechaba to his lodge because he would have on that day pointed out who was his heir. I am not satisfied because this case is being tried by the men who tried it at Matsieng.

RESIDENT COMMISSIONER: An appeal from a native chief comes to the Assistant Commissioner assisted by the chief who tried the case.

RICHARD: I am afraid my witnesses will be afraid to speak because Bernard has asked them whether they are

disputing against Napo. There are many people who have been punished for giving evidence in my favour. Even on the day on which I was allowed to appeal, Letsie fined six men five head of cattle each. He said by following me they were encouraging me to dispute against my father. They were fined for giving evidence in my favour.

TS'EPHE: They were fined for encouraging you to dispute against your father.

19th January, 1911.

MOTLOANG: During the Seqiti war a certain wife of my father deserted him and the cattle of her 'bohali' which were returned by her parents were used in getting the daughter of Faleni as wife for Napo. As at this time Napo was staying in my mother's house this woman was taken into that house. My father said he would get a lawful wife for Napo at a later date. I was in Kimberley when Mpatsi was sent to the girls' lodge. Later on she was put in the family ~~xxx~~ way by some people and the cattle paid were given to the parents of her mother, one beast was given to me. When the second girl was married

~ I was -

I was told that Napo would give me my share. For the third girl we received eight head of cattle, one horse, one mare and ten small stock. With these things my father arranged to get a wife for Moorosi. If this boy were the principal son of Napo, I ask, who of the sons of Ramoetsana was there when he got married? The cattle of his marriage were driven by Shekoe and Lefu. I heard 'Manapo's letter read yesterday, but I would like to ask her how many cattle she paid when her principal grandson Moorosi was married? When Moorosi got ill he was nursed by me until the end. Afterwards 'Mampatsi came and lived with me with her son Richard.

When Sechaba was placed our elder brother Napo called us to his place and told us what he intended to do for Sechaba. After we had built the huts Napo said he was appointing Monaheng to look after Sechaba. The sons of Qhoojoa, Lipotongoane, Senyo the son of Phatela and Mats'oele were to be in charge of the village. Richard was present when these things were done but he said nothing.

I am surprised to hear my brothers speak like this because we were together when we went to introduce Sechaba to the Assistant Commissioner at Mafeteng. Ramosueu and Mahapela were also present. It was at this time that it was arranged that Sechaba was to receive the gratuity formerly received by Napo and Napo that of my late father.

I should have mentioned at the start that my father's intention was to get his son Napo married to the daughter of Ntolo, but she refused him because she was achristian girl. Afterwards he saw the daughter of Motanya and when my father told Molomo about this choice of Napo's

Molomo said it was right because it was by a member of that family that Mohale was born. 'Masechaba was married with the cattle intended for Ntolo's daughter. Ramahatetsa paid a brown mare and Molomo paid one beast. She was taken to the house of 'Manapo when she arrived. All the principal men of my father's were told when this woman was married and they paid cattle towards her 'bohali'. According to the Sesuto custom Napo's maternal uncle should pay when he gets married, I shall be glad to hear whether his uncle paid anyhting when he married the mother of Richard as he did when the mother of Sechaba was married.

By the Court: I do not know of a black ox paid by Nkhahle when the mother of Richard was married. I know a beast was paid by Lefeko.

By Beo: I do not know whether the Sesuto custom of throwing water or of beating with a stick was carried out on Napo when any of these children were born. It is known that the people of Ramoetsana were told that the mother of Sechaba was the principal wife of Napo.

SENYO: My father is Phatela, and I am sent by him to repeat his words. His words agree with the words of Motloang.

By the Court: My father is one of the principal men of Ramoetsana. He was appointed by Mohale. Letsie was told about the daughter of Motanya and he approved of the marriage. I hear he and Mofoka paid one beast each. I was surprised to hear Mats'oele saying his father says Richard is the chief because when Sechaba was brought to his grndfather's place Mats'oele worked for him, one day

he found me ploughing for 'Manapo and told me that Sechaba did not like us to plough for her unless she had spoken to him about it. When Sechaba was brought to this place 'Manapo ordered the women to make much joala which she took to Sechaba and received a sheep from him. It was Ralekhafola who was sent to tell Letsie when the mother of Sechaba was to be married.

A f t e r n o o n.

RALEKHAFOLA: I know nothing about the marriage of the mother of Richard. I know of the marriage of the mother of Sechaba and I agree with what Motloang has said ~~xxxxx~~ about it. My father paid two head of cattle towards that 'bohali'. I know that at one time Beo recognised this boy Sechaba and even called me to go and see the garden he was giving to him.

By the Court: I was sent to Letsie to go and ask for the daughter of Ntolo and he told me to pass on to Sekhonyana, but added that the girl was a member of the Roman Catholic Church and as such may not like to get married. Ntolo's daughter refused our offer. When 'Masechaba was married Ramoetsana told me that she was the ~~xxxxx~~ chief wife of Napo. I cannot tell you what took place when Mpatsi was sent to the girls' lodge and when Moorosi was circumcised because I was not there. I was at Semouse when 'Mampatsi was married.

RAMOKHUITING: I agree with the words of Ralekhafola and Motloang. I wish to mention that at one time I was sent by Napo to take his wives to his father as they were quarrelling about seniority. Ramoetsana said that the first wife was 'Masechaba because she was in the place of the daughter of Ntolo. When 'Masechaba was married I, as Napo's maternal uncle paid one red cow towards his 'bohali', Motlomelo and Phatela also paid cattle, as well as some of the principal men of Ramoetsana. When the mother of Richard was married the uncles of Napo were not told.

By the Court: These women quarrelled after they had had children. There were men chosen to work for 'Masechaba, but there were none chosen to work for the mother of Richard.

By Beo: When Mpatsi was sent to the lodge Lerotholi was at Ramoetsana's but he had come to arrest some thieves. He was accompanied by Sekake. It is true that the wives of Sekake were also there. I cannot swear that Sekake was not invited to that feast.

By the Court: When the younger boys were circumcised, Molomo was cut before Mara the brother of Richard at the request of Ramoetsana. I was not present when the boys Moorosi and Sechaba were circumcised, but I hear there was a dispute about something between Napo and his father and Ramoetsana said he would punish Napo by placing the boy Moorosi above Sechaba.

By George Molomo: I know that when the mother of Sechaba was married Molomo, Ramahotetsa and Sekake paid cattle.

MOKHOHLANE: I was present when Lerotholi blamed Ramoetsana for being long in marrying the daughter of Mohapi.

Ramoetsana explained that the girl was not engaged by him but by Motloang. He told Lerotholi that the reason he had come personally was that he should show him that he had come about his heir.

By James Matete: Before this incident at Lerotholi's I did not know who the principal son of Napo was. Beo, Rantolo, Monaheng, Phatela, Mofosi and Morapeli were present when Ramoetsana and Lerotholi were speaking about this matter. The reason why Ramoetsana and his son Napo quarrelled was that Ramoetsana said after Sechaba Moorosi was to be 'cut'. Napo desired Sechaba to be followed by the sons of his younger brothers because he said he was not his own son. I heard that Sekake had been invited to the feast of Mpatsi. When Moorosi was circumcised Lerotholi was represented by one Molai. Although the cause of the quarrel was the son of Monaheng I cannot say why Napo left him when he took Sechaba away.

By Bernard: 'Mampatsi came back to Napo after the Gun war,

MOTLOANG: 'Mampatsi left Napo at the time Moorosi was born. I do not know the reason why she left.

RANTOLO: Although I was a boy when these women were married, when I grew up my father told me the order in which they were married. 'Mampatsi was married first. My father's intention was to get the daughter of Ntolo later on and appoint her the principal wife. When he failed to marry her he arranged to marry the daughter of Motanya but said nothing about appointing her as the principal wife of Napo. When the daughter of 'Mampatsi

was sent to the girls' lodge I was sent to invite the chief Sekake and one Rants'oetsa was sent to invite the chief Lerotholi. These chiefs attended this feast. It is true that this feast took place in the house of 'Ma-Motloang. I agree with what Mokhohlane has said about the circumcision of the boys. Ramahotetsa was sent by Molomo to attend this feast. As these boys have not been living together I never saw them bled together. I did not see these two women coming to my father. I do not remember the time when 'Mampatsi left Napo. She went to Masupha's and on her return she had two sons by Napo, Richard and Mara. Moorosi was born at Masupha's.

MATS'ABISA: I am requested by Mahapela to ask the men of Ramoetsana who are present in this court whether they do not remember that although Napo was married to 'Mampatsi for many years, yet it was known that he was still looking for his principal wife. Mahapela says it was Ralekhafola who was sent to Molomo to tell him that Ramoetsana was looking for a wife for Napo. He said he desired him to get one out of the house of Moshesh. Molomo agreed and instructed Ralekhafola to pass on to Letsie and ask him to allow them to speak to the daughter of 'Neko. Letsie referred them to Sekhonyana, who made arrangements for them to see this girl. 'Neko's daughter refused to marry Napo because she heard he had another wife and would likely marry many more. She was a member of the Roman Catholic Church. On the way home Napo saw the daughter of Motanya. After he had spoken to his father about this girl, Mohomo and 'Mantolo were told and they approved because they said the chieftainship of

Ba-Mohale was born by a Mohlakoana woman. Arrangements were made for this marriage by Ramoetsana and his elder brother Molomo. Letsie and Mofoka were told of it. Letsie, Mofoka, Molomo and Ramahotetsa paid one beast each towards the marriage of 'Masechaba.

I was present when Moorosi was circumcised. I was the doctor who bled them. I heard of the disagreement between Napo and his father. I was present when Ramoetsana explained to Ramahotetsa that the reason of the disagreement was that he had suggested that Moorosi should be bled before the sons of Monaheng and others, but after Sechaba, and Napo had objected. Ramahotetsa was surprised to hear this, he said although Moorosi was not born by him he was still his son because his mother was his wife. Ralekhafola, Notoane, Phatela and many others were present.

It was during the Boer war that I was appointed as the official messenger between Mahapela and Ramoetsana. Ngaka was appointed as tax-collector. Later on Ramoetsana was not satisfied with this arrangement and he asked Lerotholi to tell him whether the sons of Molapo brought their tax money to Matsieng. He said his reason for asking this question was that he was compelled to take his tax money to the sons of Molomo. It was on this day that Ramoetsana spoke to the Paramount Chief about Sechaba. The Paramount Chief said it was not necessary for Ramoetsana to send his money to the sons of Molomo. Sechaba was then appointed a tax-collector.

When Ramoetsana went to Lerotholi's to get a wife for Sechaba I was representing Mahapela. Ramoetsana told Lerotholi that Sechaba was his principal grandson. Monaheng, Beo, and Rantolo were present, so were many of his principal men. Philip, Likupa and others were there.

24th January, 1911.

'MAPALE: I am sent by Lebona to say he knows nothing about this matter. He says Mokamoli is his witness that he knows nothing of the matters at Ramoetsana's. He does not know about the marriages of Napo, and he did not tell me whether he had paid one beast towards the marriage of Napo.

Mokamoli says he knows that the daughter of Faleni was married first, afterwards his daughter was engaged but he refused to let her marry Napo because they did not bring many cattle. It was after this that he and Napo went to see the daughter of Motanya. He had been instructed by Ramoetsana that if Napo liked the girl he ~~xxxxx~~ should engage her for him. The rest of his words are in this letter. (Letter read) Letter is sent by the chief Lebona Nkhahle and supports the claim of the boy Richard.

TLADI MOHALE: I did not pay a beast when Napo was married but afterwards I went to see Ramoetsana about the matter and found Napo wearing Nyooko which showed that the marriage was a real marriage. So I have always considered Faleni's daughter as the first wife of Napo. Ramoetsana said that although I had told him that my cattle had been captured he had mentioned my name in the 'bohali'for one head. I would be surprised to know that the daughter of Motanya had been appointed as the chief

- wife -

wife of Napo, because Ramoetsana did not tell me of it. I was not told when the daughter of Motanya was married.

MAHAPELE: I wish the court to know that this man Ralitlokola should know much of this matter because he lived with my uncle Ramoetsana.

RALITLOKOLA: It is true that I have lived with the sons of Ramoetsana from the time Napo was a child until he was circumcised. When Napo married the daughter of Faleni I paid one young beast. On her arrival she was taken into the house of 'Ma-Motloang. Afterwards Napo and Mokamoli were sent by Ramoetsana to go to the house of Ntolo and look for a girl to be married to Napo, when they returned they told Ramoetsana that Ntolo's daughter had refused to be engaged to Napo because she heard that he was already married to the daughter of Faleni. On the way home Napo had seen the daughter of Motanya and when Ramoetsana heard of this refusal of the daughter of Ntolo he made arrangements for the marriage of this girl. My grandmother 'Ma-Ntolo paid one black and white heifer when this woman was married.

By the Court: I did not hear that Motanya's daughter was to be the chief wife of Napo.

By Philip: Ramoetsana did not tell me that Ntolo's daughter was going to be the first wife of Napo. The cattle that were paid when the mother of Richard was married had previously been used in marrying a woman for Ramoetsana who had deserted him. I know that Molomo

- paid -

paid one beast when the mother of Sechaba was married.
By Ts'ephe: I have always looked upon the mother of Richard as the chief wife because she was married first. Ramoetsana did not tell me anything to the contrary. I thought the daughter of Ntolo would be second to the mother of Richard if she had agreed to marry Napo.
By Motheo: I do not know that the sons of Moshesh were told when these two women were married. I did not see the brothers of 'Manapo when Napo married these women. I do not know whether Ramoetsana ever tried to marry the daughter of Mokamoli for Napo. I do not know who was sent by Molomo when the mother of Richard was married, he had sent Motitsoe when the mother of Sechaba was married.
By Richard: I did not see Makhube and Tapole.

MAHAPELA: I know nothing about the marriages of the mothers of these two boys. The matter was worked by my father and his younger brother Ramoetsana. They have only mentioned my name because they know I am their relative. What I know is what took place when Moorosi and Sechaba were circumcised. I know that there was a disagreement between Napo and his father because Napo objected to Moorosi being bled before the sons of his brothers. When Sechaba was about to marry the daughter of Lerotholi my uncle told me that he had told Lerotholi that his chief son was Sechaba. He told me this on his way home from Lerotholi's. My messenger Mats'abisa also told me that he had heard this matter. It is true that I advised Richard to go about this matter to the chief 'Mako. I did not tell him that he was the principal son of Napo.

- MOTLOANG -

MOTLOANG: We have heard it said that Mahapela has received from Napo a black horse as a bribe. I have also told Mahapela that one Taole had told us that the chief Mahapela had given a ~~xx~~ black horse to Richard. Now we have found out that this black horse had been stolen.

A f t e r n o o n.

NAPO: I am surprised at the way my brothers are dealing with me in this matter. I must state that I agree with what Motloang has said. It is true that 'Ma-Richard was married for me with the cattle that returned from the parents of the woman who had deserted my father. The intention of my father, although he married this woman for me, was to get me the daughter of Ntolo later on as my chief wife. He tried to but the girl did not like to marry me. Afterwards I told my father and mother that I wished to marry the daughter of Motanya and they agreed. Tladi cannot be a witness in this case because he never worked matters with my father. I am surprised that Beo is pretending to know more about my children than I do. The mother of Richard left me during the Langalibalele rebellion. I had just returned from Leribe bringing some cattle of my father's. He gave one cow and calf to 'Masechaba, and 'Ma-Richard was annoyed with this. When afterwards my father gave an ox to 'Masechaba, 'Ma-Richard complained to him, but he told her that it was right

- that he -

that he gave 'Masechaba first because she was my first wife. It was at this time that she left and went to Likhoele and afterwards to 'Mota's. I went to 'Mota's and asked him to tell me the reason why he had kept my wife and he replied that it was because Faleni had not given him his share of the cattle.

My brothers Beo and Motloang were sent to accompany me to Masupha's to claim this woman. The case came before the chief Masupha, Lepoqo being present. 'Mota was fined ten head of cattle and the woman restored to me. She was at the time heavy with child, the child Richard.

Mokhohlane has spoken the truth about what I did at the time this boy's brother was circumcised, there was no quarrel between my father and me. He gave a bull and a beast when Sechaba was circumcised. 'Mako, Mahapela, Beo, Bowker and Khasipe brought a beast each. I slaughtered three making eleven in number.

My father has during his life time shown that he regarded Sechaba as his heir by giving certain things to him, things he had received as fines. I do not regard the letter alleged to be from 'Manapo because she is quarrelling with me about the hut tax money. My father has always shown that Sechaba was the chief and has even paid for him when he had stolen horses belonging to Mahapela. It is generally known at Ramoetsana's that Sechaba was pointed out to Lerotholi as the heir. Many men were present at the time.

By Philip: I was not at home when the child Mpatsi was born so no water was thrown at me, as it is done by the Basuto when the first daughter is born to a man. At one time 'Mampatsi asked me to let her have her tax

- receipt -

receipt, and by this I understood that she was trying to make a claim for chieftainship. My wife and I have quarrelled about some matters and have even been before Molomo, where she was advised to return to me. Lerotholi was not invited to attend the feast of Mpatsi. I do not know who invited Sekake. I know Lerotholi was invited to attend the feast of the sister of Sechaba and he was represented by one Molai who brought a beast from the chief.

PHILIP MOLISE: Mats'abisa, Mokhohlane, and chief Mahapela have spoken most of the words I would have spoken. I did not know anything about the family matters of Napo until one day when the old man Ramoetsana had come to get one of the daughters of Lerotholi as wife for Sechaba. When Lerotholi asked him which daughter, he said: not the daughter of Mohapi, who was engaged for the son of Motloang. He told Lerotholi that the reason he had come in person was that he was anxious to introduce to him the boy who was his heir. He pointed the boy Sechaba as his heir and said the reason he was marrying Lerotholi's daughter for him was that there may be peace between Lerotholi and his sons after he was dead.

Before these two chiefs met Ramoetsana had sent me with a verbal message to Lerotholi on the same subject. There were many people when Ramoetsana spoke these words.

Letter from Phatela is read.

Qhoojoa's words read.

- Paulus Mohale -

PAULUS MOHALE: I have no evidence about the marriages of the mothers of these two boys. I was present at Letsie's court when he asked us what we knew about these boys. I stood by Richard because 'Mako says the lawful son of Napo is Richard. I was blamed by Letsie's court for doing so. They said I was not sent by 'Mako, but I told them that 'Mako was the chief of these two boys and knew about their birth.

On my return home I asked 'Mako to tell me whether I was right or wrong and he said I was right. He said although he was young when these women were married he had been told about this matter by his father Ramoetsana at the time the boys were circumcised. Ramoetsana said Moorosi should be bled first although he was not the chief. 'Mako says he knows that at times chiefs are reduced. He has asked me to tell the Paramount Chief and the Resident Commissioner that Mofoka the son of Sebili was reduced and Leqheku was promoted. He says the father of any children can do what he likes with his children. He says the mother of Hlajoane gave room £ to the mother of Mahapela. 'Mako says that although Ramoetsana told him that Richard was to be the chief of "lenaka" i.e., nominal chief, he did not believe what he said because he did not call the sons of Mohale about this matter, to tell them of this change in the order of his children.

When I asked Mahapela to tell me what he thought of this matter when we heard it was being brought to Maseru, he said Napo should know the order of his children. On our arrival at his home we went to his mother and asked her to tell us who was the chief son of Napo and she said it was Richard. I took this word to 'Mako and told him that 'Manapo also considered Richard as the chief son of Napo. Although the Apostle Paul was not a disciple of Christ yet he gave evidence of him. I

- am the -

am the apostle Paul of the matters at Mohale's.

A f t e r n o o n

HLAKANELO: I ~~was~~ was present when Ramoetsana came to marry the daughter of Lerotholi. When I first heard of this matter it was when Monaheng was sent to engage this girl and Lerotholi asked him to tell him what was the rank of this boy for whom his daughter was being engaged. When he was told it was Sechaba he asked whether he was the son of the daughter of Faleni, and being answered in the negative he got very angry and told them to go back to Ramoetsana and bring him the truth. Later on Ramoetsana brought the bohali cattle, and Likupa, Ramosueu and myself were appointed by Lerotholi to deal with the matter. The marriage was settled by Ramoetsana paying 18 head of cattle.

Late in the afternoon of the same day Phatela came to Lerotholi and told him that Ramoetsana desired to corroborate the words of his first messenger who had been returned to him by the chief. Lerotholi still refused to recognise this introduction, saying the sons of Mohale should be called if Ramoetsana wished to make this boy his heir. The chief drove those messengers away and

- that was -

that was the end of the matter.

By the Court: I know that Lerotholi never agreed to the chieftainship of Sechaba. He said the chief son was that of the daughter of Faleni.

By Philip: I do not know that this case has been in court for the last three years. This is the first time I hear of the dispute between the sons of Napo. I know that this case has been in court for the whole of the last week. I only came into court yesterday because I had time and did not think of giving evidence. I spoke to many people outside about this case and do not know who told the court that I knew something about it.

26th January, 1911.

Afternoon

RESIDENT COMMISSIONER: I was first asked to enquire into this case by the Paramount Chief Letsie who informed me that the matter had been before him but that one of the parties was dissatisfied.

I do not intend to say many words - we have occupied several days in talking of this dispute as to the chieftainship of Napo's sons. What I wish to say can be best understood if I speak shortly about it.

The evidence that has been given in this court is contradictory and vague. To begin - it has not been

- made -

made clear to me as to how these wives of Napo were married. I was waiting for clear evidence as to which was the great wife but I am still in the dark. It seems to me that these marriages were not well arranged by Ramoetsana and Napo. 'Ma-Richard was first married - the second marriage of 'Masechaba may have been meant as the marriage of the big wife but I have heard no conclusive evidence on this point - It is an important point for Sesuto law as to the inheritance of chieftainship which is clearly laid down in the Melao of the Council (1st Law).

It is not usual that there should be any doubt as to which is the chief wife of a man or a chief, but in this case it is doubtful. I cannot today say (even with the assistance of Basuto advisers) who was the chief wife or who would be the heir according to law. To decide on this poimt it would be necessary to meet the Ba-Mohale and their chiefs and to re-hear the case with the Paramount Chief and other chiefs. It is a point that the National Council might give an opinion upon. I shall consult with the chief Letsie as to the desirability of further enquiry into the matter.

But what appears clear is that Ramoetsana during his life-time indicated his desire as to the succession to chieftainship. It is beyond doubt that he pointed to Sechaba as his heir - whether he did so rightly or wrongly I cannot say with the present evidence. Neither am I in a position to say whether his action in selecting Sechaba was strictly in accord with Sesuto law and custom.

But it is a fact that he did so and that today his son Napo points to Sechaba as his heir and successor.

- As such -

As such Sechaba's village has been built and he has been shown to the Government. For several years he has already received the portion of hut-tax gratuity awarded to the Chief's son in that place. Under these circumstances it is impossible to alter what has been done, to alter such an arrangement would be to introduce fresh cause for strife among Napo's followers, and Sechaba must remain the chief. Napo should however remember that Richard is also his son and make provision for him.

To Richard I address a word of serious warning as to his responsibility if he disregards his father Napo. The Council has spoken very plainly as to the guilt of one who disturbs the peace after having his case spoken in court. Richard must regard Napo as his chief and Sechaba as his elder. I do not promise any re-opening of the case beyond saying that the Chiefs concerned shall have a copy of these words of mine and that I will discuss with the Paramount Chief the question as to whether the seniority of Napo's sons should again be dealt with in the presence of the Ba-Mohale and the sons of Moshesh, in which case I would be willing to again listen to the matter.

Until then I repeat that Richard must regard Napo as his chief and Sechaba as his elder.

In addition to these words I would like to say a few words of advice to you the sons of Ramoetsana and you the people of Ramoetsana at that place. I have, lately, not heard good accounts of you. I have heard reports of your misconduct both from the Magistrate and the Paramount Chief Letsie - I hear of divisions among

yourselves, you sons of Ramoetsana. I hear of your disrespect to Napo who is your elder. I hear that you have been very near the verge of disruption on this very question of Richard and other matters, I also hear bad accounts of stealing that goes on there. I wont mention any names because it is not a theft case that is before me - that case can be dealt with at some other place; but I mention it to you Napo that your own brothers and people are getting themselves into this bad name, which not only endangers your position and chieftainship, but also the good name of the nation of Basutoland.

Now I have spent many years speaking to the chiefs and counsellors of this country, and I think the chiefs and the people and the counsellors of this country as a people do not like the good name of their country destroyed by the quarrels among young chiefs. These things are talked of very plainly in the National Council. The Basutos do not like trouble, the Government does not want it and does not like it. So I speak to Napo and his brothers to/ leave these strifes among themselves, and these thefts that spoil the name of this country.

You must be strong with them, and so long as you are strong I am sure you will have the support of the Paramount Chief, and I know you will have the support of the Government.

BERNARD: I am asked by the chief Napo to thank Your Honour for the judgement.

MAHAPELA, BEO, PAULUS AND PHILIP thank the Resident Commissioner for the judgement.

RICHARD: I am asking the chief to tell me whether this matter has been worked according to law or not. I must

complain because when I appealed to the court of the Resident Commissioner I did not expect that the men of Letsie would come and take part in deciding my case.

I am surprised that the evidence of the mother of Napo, which is in my favour has not been taken, although it is known that she is the mother of the sons of Ramoetsana. I cannot say anything if the intention is to bury me alive, but I must ask whether I have been judged according to law.

RESIDENT COMMISSIONER: I do not gain anything by arguing with you Richard. I have been listening to this case for the last ten days and I do not think I gain anything by listening to you. You can have a copy of these words of mine and think them over, but as to your question, as to whether you have been dealt with according to law, the answer is yes! If you are asking about the constitution of the court, I say it is constituted according to the law of this country.

I regard it as a case of appealing although I did not hear of it first from you but from the Paramount Chief. Before I received your statement I had received a letter from the Paramount Chief. However I regard it as a case of appeal, and this court is constituted in the way in which the law says such courts should be constituted. You will se in the law if you read it that if a man appeals from the court of a native chief, in the hearing of that appeal, that chief or a representative of his court may be present to give the reasons of the judgement. It would not be according to law if I had heard this case without the representatives of the Paramount Chief being present to explain the grounds on ~~which~~ which they did it. If that is what you refer to then I say, yes, you have been dealt with according to law.

Lekhotleng la 'Musisi,

M a s e r u,

26 Pherekhong, 1911.

K a h l o l o.

Richard v Sechaba.

Ho qaleng ha taba tsena ke ile ka kopuoa ke Morena-e-moholo Letsie ho mamela nyeoe ena, a mpolella hore litaba tsena o se a kile a li mamela empa e mong oa batsekisani a se ke a ba khotso.

Ha kea rera ho bua mantsoe a mangata - re se re qetile matsatsi a itseng re ntse re bua tsa tsekisano ena ea borena ba bara ba Napo. Seo ke lakatsang ho se bua se ka utloisisoa hantle ha ke se bua ka mantsoe a seng makae.

Bopaki bo hlahisitsoeng khotleng lena ke bo hanyetsanang bo thekeselang. Taba ea pele - ho 'na ha ho a hloeka hore na basali ba e ba Napo ba nyetsoe joang. Ke ne ke ntse ke lebeletse bopaki bo hloekileng bo supang hore na mosali e moholo ke ofe empa le joale ke ntse ke le lefifing. Ke bona eka manyalo ana ha a ka a reroa hantle ke bo-Ramoetsana le Napo. Ho no ho nyaloe 'Ma-Richard pele - mohl'omong lenyalo la bobeli e leng la 'Ma-Sechaba ho no ho hopotsoe hore ke lona lenyalo la mosali e moholo empa ha kea utloa bopaki bo phethahetseng tabeng ena. Taba ena ke taba e kholo melaong ea Sesotho kaha hlahlamano boreneng e hlalositsoe ka ho hloeka Melaong ea Lekhotla (Molao oa pele).

Ha se kamehla ho 'nong ho be pelaelo hore na mosali oa Morena kapa oa motho e moholo ke ofe: kapa na ke mang

- ea ts'oanetseng -

ea ts'oanetseng ho ba mojalefa ka molao. Hore ke tle ke tsebe ho khaola taba ena ho ka ts'oaneleha hore ke kopane le Ba-Mohale hammoho le marena a bona 'me ke boele ke mamele nyeoe ena ke na le Morena-e-moholo le marena a mang. Ke taba eo le Lekhotla la Sechaba le ka hlahisang maikutlo a lona holim'a eona. Ke tla rerisana le Morena Letsie hore na ho ea ts'oaneleha hore taba ee e ~~kxx~~ boele e mameloe.

Empa ho bonahalang ho hloekile ke hore ha Ramoetsana a sa phela o ile a supa eo a ratang hore a tle a hlahlame boreneng. Ha ho pelaelo hore o ile a supa Sechaba hore ke eena mojalefa - ka bopaki ba kajeno kea sitoa ho re ka ho etsa joalo o n'a nepile kapa a fositse. Ke sitoa le ho re ka ho etsa joalo o n'a hlile a lumellane le molao le mekhoa ea Sesotho.

Empa ha e le 'nete eona ke 'nete hore o ile a etsa joalo le ho re kajeno mor'a hae Napo o supa Sechaba hore ke eena mojalefa le molula-setulo sa hae. Motse oa Sechaba o ahiloe ho tsejoa taba ena, 'me o ile a supisoa 'Muso. Ka lilemo tse itseng o 'nile a amohela karolo ea mpho ea lekhetho e nehoang ngoan'a morena oa tulo eo. Ha taba li eme ka sebopeho sena ho ke ke ha etsahala ho fetola se entsoeng, ho fetola morero oa mofuta ona ekaba ke ho eketsa lebaka le leng la phapang har'a batho ba Napo, 'me kabaka leo Sechaba o ts'oanetse ho tloheloa e le morena. Empa leha ho le joalo Napo o ts'oanetse ho hopola hore Richard le eena ke mor'a hae 'me a mo lokisetse.

Ho ~~xxxx~~ Richard ke bua mantsoe a maholo a keletso, ke re o na le boikarabelo haeba a ke ke a mamela kapa a hlonepha ntatae Napo. Lekhotla le buile phatlalatsa hore motho ea etsang moferefere taba tsa hae li se li ile tsa buuoa khotla o na le molato. Richard o ts'oanetse

- ho talima -

ho talima Napo e le morena oa hae Sechaba eena e le moholo oa hae. Ha ke ts'epise hore nyeoe ena e sa tla boela e mameloa feela ke bolela hore marena a nang le ts'oanelo tabeng tsena a tla nehoa kopi ea mantsoe ana a ka le hore ke tla buisana le Morena-e-moholo hore na taba ea boholo ba bara ba Napo e ka boela ea sebetsoa mahlong a Ba-Mohale le bara ba Moshoeshoe, 'me ha ho le joalo nka lumela ho boela ke e mamela.

Ho fihlela ho etsoa joalo kea pheta ke re Richard o ts'oanetse ho talima Napo e le morena oa hae Sechaba eena e le moholo oa hae.

Maf. 100 7/12

The Assistant Commissioner's Office,

Mafeteng Basutoland,

13th January 1912

Resident Commissioner's Office, BASUTOLAND. 15 JAN 1912 Regd. Maf 9/12

Sir

I have the honour to acknowledge the receipt of your Minute No 1/12. OL. covering copy of the judgment in the case of the Sons of Napo.

Your instructions were communicated to Sechaba and to Richard, yesterday; and both of them agreed to keep the peace, and do nothing to disturb existing conditions, pending reference of the Provisional judgment in favour of Sechaba, to the next session of the National Council.

Will you please inform me whether the case will be referred to the Council by the Government; or whether Richard, as the dissatisfied party, will have to apply for permission to have the case reconsidered, and evidence of the Barokoale clan, and Ma Napo, taken, in support of his claim.

I have the honour to be

Sir

Your obedient servant

T. Barrett

AC

His Honour

The Acting

Resident Commr.

Basutoland.

overlooked by His Honour, when he gave the Provisional judgment in the case on the 26 January 1911.

I would suggest appointment of a guardian over the Estate of the late Chief Napo; pending re-trial of the question of right of succession. It would be well if something of this nature could be done speedily, as I am detaining both sons of Napo at Kete pending receipt of your instructions; and it is obviously undesirable to keep them here for an indefinite time at Government expense.

As Napo was directed to provide suitably for Richard, and neglected to do so, up to the time of his death; I would point out that it is important that the Paramount Chief should deny that Richard has any right whatever to be considered in the division of the Estate: and I consider that the whole attitude of the Paramount Chief with reference to this case, is unreasonable, and not calculated to allay irritation

I have the honour to be
Sir
Your obedient servant
F Jarrett

ASSISTANT COMMISSIONER.

Makhaleng

(3)

18. 12. 1926

To Assistant Commissioner
Mafeteng.

I greet you, I am well, I got your letter and noted the contents but I do not know when it says I may respect the boundry line made for Daemane.

I took these matters to Mahapela but Mahapela is sick and have not answered, and I am unable to answer.

I say I have applied for an appeal and why I am refused whereas there is nobody who can be refused when he ~~apps~~ asks for an appeal. Every body is entitled to an appeal till he can lose his case, having satisfied himself. I am not satisfied on these reasons.

I am Yours

sgd) Richard Napo

257/26/3

RESIDENT COMMISSIONER'S OFFICE,
BASUTOLAND
22 DEC 1926
51/24/6.
Regd.

Assistant Commissioner's Office
Mafeteng, Basutoland,
21st. December, 1926.

(4)

The Government Secretary,
Maseru.

On receipt of your Minute No 51/24/6 dated 11th Instant enclosing a letter from the Paramount Chief on the subject of the boundary between Richard and Ntaemane, I sent Private Moeketsi to inform Richard of the gist contained in the Paramount Chief's letter and herewith enclose you translation of a letter received from him.

5

Other persons. As boundary has been confirmed by H.H. the P.C. & the P.C. Richard has no appeal.

23/12/26 no further action

(6)

A.B.S

23.12.26 J.C.R. Sturrock.

Assistant Commissioner.

No. 51/24/6.

Resident Commissioner's Office,
Maseru, Basutoland.
30th December, 1926.

The Assistant Commissioner,
Mafeteng.

Your Minute No. 257/26/3 of December 21st enclosing copy of a letter from Richard Napo regarding the boundary between himself and Ntaemane.

You should inform him that as the boundary has been confirmed by His Honour the Resident Commissioner and the Paramount Chief he has no right of appeal and any encroachment beyond the line of demarcation will render him personally responsible.

BBS

Government Secretary.

The Assistant Commissioner's Office,

Resident Commissioner's Office
BASUTOLAND.
25 MAR 1912
Regd. Mag 57/12

Mafeteng Basutoland.

19th March 1962

Sir

Richard Napo Ramoetsana is proceeding to Maseru, for the purpose of bringing his claim as successor to Chieftainship of his late father Napo before the National Council, with your permission.

He proposes to shew that this matter was taken by his late father Napo to the court of the Paramount Chief without its having been previously discussed by the Ba Mokhale clan to whom it should have been referred in the first instance.

He proposes further to prove that the witnesses were subjected to intimidation in the Court of the Paramount Chief and that thereafter incomplete and unsatisfactory Evidence was submitted to the Court of the Resident Commissioner in January 1911, on which evidence a Provisional judgment was given, against him: reference being made in that judgment to the possibility of the matter having to be reconsidered.

65/12

His Honour
The Resident Commissioner
President of the National Council
Basutoland.

Previous

Previous correspondence on this subject will be found in my letter No 1./12. dated 5 January 1912 with enclosures; and prior correspondence therein referred to: also in my letter No. 49/12 of the 4th instant submitting list of witnesses required by Richard Nabo in support of his case.

I would also bring to your notice my letter No. 45/12 dated 29th ultimo addressed to the Acting Govt. Secretary.

I have the honour to be

Sir

Your obedient servant

F Barratt

A.C.

P.O. 318
T. 27

POST OFFICE TELEGRAPHS.
UNION OF SOUTH AFRICA.

No. of Message

Dated Stamp of

MASERU
MR 23
12

If the accuracy of this Telegram (being an Inland Telegram) is doubted, it will be repeated on payment of half the amount originally paid for its transmission; and, if found to be incorrect, the amount paid for repetition will be refunded. Special conditions are applicable to the repetition of Cablegrams. When the cost of a reply to a Telegram has been prepaid, and the number of words in the reply is in excess of the number so paid for, the Sender of the reply must pay for such excess.

N.B.—This Form should accompany any inquiry made respecting this Telegram.

Charges to Pay £_____ ,, _____ s. _____ d.

UNIFORM TIME is observed throughout South Africa.

Handed in at _____ at _____ M

Received here at 8 27 A M

Delivering Office

To

From

R
Molija

To
Resident Mason

Es Lechaba was called by magistrate mr Barnett to go to Mason I I hear richard is there and I do not know who called him.

Resident P C
Surya

22 March Jour 84 who
called Sachaba

G.P.O. 518
T. 27.

POST OFFICE TELEGRAPHS.

UNION OF SOUTH AFRICA.

No. of Message

Dated Stamp of

If the accuracy of this Telegram (being an Inland Telegram) is doubted, it will be repeated on payment of half the amount originally paid for its transmission; and, if found to be incorrect, the amount paid for repetition will be refunded. Special conditions are applicable to the repetition of Cablegrams. When the cost of a reply to a Telegram has been prepaid, and the number of words in the reply is in excess of the number so paid for, the Sender of the reply must pay for such excess.

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Charges to Pay £_____ ,, _____ s. _____ d.

UNIFORM TIME is observed throughout South Africa.

MASERU MR 22 12

Handed in at _____ at _____ M. Received here at 5 11 6 M.

Delivering Office.

From C Mokja

To Resident Commr Maseru

D March PC 84 Sechaba napo is here reporting he is called to Maseru about Richards case & Mr Barrett once said Petrie and Sir Herbert did not decide Richard Sechaba Chieftainship dispute case properly & if this case is to be tried again I request that you don't until am letter so as to be present at trial.

The Assistant Commissioner's Office,

Mafeteng Basutoland,

March 30th 1911

Resident Commissioner's Office,
3 APR 1911
Regd. Maf. 56/11

The Government Secretary
Maseru

7

105
11

Forwarding herewith a letter which has been received from Chief Napo with reference to the affairs of his son Richard and the Resident Commissioner's decision with regard to them.

J. H. Simms
ASSISTANT COMMISSIONER.

ASSISTANT COMMISSIONER,
MAFETENG.
7 - APR 1911
Regd. No. M/C 72

The Asst. Comm
Mafeteng

The affair will have to be carefully watched. Napo should be informed that the peace of the country must not be disturbed and Richard should understand he will be fully responsible for the results of anything he may do in disregard of the decision

Maseru
5 April 1911

H C Sloley
RC

Masimo
Khotleng Lamotlaki
oa Mosisi Mafeteng
Ke ea ufumeloa Morena
Morena ke fumane
mangolo ahao a Seang
Sa Mosisi Masemu jual
ke Lekile Habiba Richete
Ka Makhotla amarao ka-
khotla Lebaka utile ka
Ba balla ngolo leo kamo
Molao u itseng Keba balle
Lona ka teng jual-
he. Makoae ka Lebalile
nike Ka bile Ka mo
tlaisisi ka Khotla eo
Eboe utlohile achang
Mahlong a Mosisi Masem

MORENA NAPO,
28 MAR 1911
MAFETENG,
BASUTOLAND.

'Me ena u saballa
laba bena Halika
boela lekhotleng La-
Lehaba Parelemente
ka Hlolo eboa teng
'me jwale 'me morena ore
haeba lilaba lieo
ho ka thoe Liahlolisoe ka-
mokhoa ena u ea boa
entse e lekotsi feela
ure u itse mahlong a tausi-
ena a kampa ashoa. jwale-
morena ke saabile hahola
hobane ha ea boa entse
kotsi ficha hoena 'na.
ke rune Rabele Hoffisa ngolo
Leo na oa ha Napo
R. Mohale

Masmouse
28 Mar. 1911

To the Assistant Commissioners Office
Mafeking

I greet you Chief

Chief, I received your letters which came from Resident Commissioner Maseru. I called Richard three times and on the fourth he came. I read that letter to them as I was told to do and when I have finished it, He (Richard) said he does not understand the decision made by the Resident Commissioner Maseru because he ~~he~~ denied it before him. He wished that these matters should be taken to the National Council and the decision to be made there. He said, Chief, if these matters are decided that way, he sees that there will be danger as he spoke before the Resident Commissioner that it would be better for him to die and Chief I am very sorry to see that he is dangerous

Yours

(88a) Napo R Mokale

96.
15c

LEKHOTLENG LA MORENA E MOHOLO
31. AUG. 1915
MATSIENG

Ho Motlatsi oa Musisi
Mofeleng

Hea u Lumelisa
Morena

Re bona Selete a ntse
a nkhathalosa mona ha tsuba tsa
bona le Tota. Haesale Tota a
nka appeal le Khotleng lena ho
ea ho nena. 'me Selete o re
haesale eena Tota o ntsa ile
le mosali oa hae ho fihlela
kajeno. Joale he Morena
ke re a hi bona litaba tsena
hobane 'na ke tsuba mohlo-
mong mong ha mosali a
ka tsoha a hlahisa hotse
'Em lilumelisio
Ka
motsoalle oa hao

N. Griffith Lerotholi
Morena e moholo

96
15

Paramount Chief's Court
Matsieng
31st August 191

To
The Assistant Commissioner
Mafeteng.

I greet you Chief

Chief,

Seleta is troubling me about his matters with Tota, as Tota took an appeal from my court to yours, and he also took Seleta's wife until now.

I ask you to see into this matter because I am afraid that the husband may perhaps cause some serious injury.

With greetings
Your friend
(sgd) M. Griffith Lerotholi
Paramount Chief

Reply — To P.C.

I am in receipt of your letter of 31st August about Tolas appeal.

I have sent the case to the Resident Commissioner and am awaiting his instruction

LEKHOTLENG LA MORENA E MOHOLO
5. JAN. 1915
MATSIENG

Ho Mohlatsi oa Kuseli
Mafeteng.

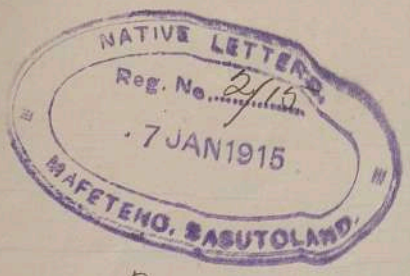
Ke a u tumelisa morena
Morena, Ke nea Jeremia appeal
ke mohlotsi likhomo tse peli bakeng
sa ho kaerela khaitseli ea hae ba
bohaling a moreha rjatsi eo e seng
monna oa hae, mo jale o kopile
appeal.

Ke a motsoalle oa hau

N. Griffith Lerotholi.

morena e moholo.

3/15



The Paramount Chiefs Court
Matsieng
5 Jan. 1915

To
The assistant Commissioner
Mafeteng

I greet you Chief.

Morena,

I am granting appeal to Jeremia, who I fined two head of cattle for causing his sister to break her contract of marriage, and making her to live in adultery with a man, ~~who~~ to whom she is not married.

He applied for leave to appeal.

Yours friend
M. Griffith Lerotholi
Paramount Chief.

At Mafeteng this First day of Septemb
1915

Appeared Seleta who declares:- I am
a man of Seeiso. after the Boer war I mar
a woman called Mosepeli, daughter of
Ra Jeremia, ~~also~~ formerly a man
of Seeiso. Some time afterwards I
caught Tota committing adultery wi
her. I remonstrated with them and
ordered them to separate, as I might
injure either of them, but they
did not do so. Later on I noti
that my wife was going out of
her hut in the night, I question
her about it and she said
she was sleeping in my brother
house. I did not believe he
but however questioned my
brother who flatly denied:
as I suspected Tota I
questioned him and he
allowed that she slept
with him. I then confronted
her with him and she
agreed that Tota's story
was correct. I told Tota
that I had already
warned him to desist from his
intimacy ~~with~~ with my wif
but he took no heed of
my words, I therefore, told
him to pay ten head of
cattle, but he did not pay.
After this I went to the

mountains to look for
my stock, while there I
was informed that my
wife had deserted, I came down
and shortly afterwards I
was summoned to Seiso Court
where I found her alleging
that I did not marry her
but had raped and taken
her to cohabit with me. I denied
this story. Chief Seiso called
her father and my father, who
agreed with me that I married
her with cattle and her story
was incorrect. I stated in the
Court that her behaviour was
bad and suggested that she
should live with my father
so that he should be in a position
to see the truth of my words.
My father agreed and took her
to his village. Some time later
my father gathered my relatives
and placed the matter before
them. They concluded that my
arrangement was not a good
one, as she would always
be dissatisfied to stay there
without her marital rights
and they ordered that I must
take her again. as Tota was
present in this meeting, he
said he would take the woman
as I had allowed him to
cohabit with her, and he was

supported by her brother. The
matter was taken to Seeiso Court
thence to the Paramount Chief's
where Lepolesa was ordered to look
into it, and who decided the
case in my favour, but Tota
was dissatisfied and appealed
to the Paramount Chief, but owing
to pressure of work the case
was not gone into immediately
I should have said before we
went to the Paramount Chiefs,
after our meeting, when I agreed
to take her over from my father
she deserted, but she was
~~over to~~ followed & brought
back by our messengers who
found her with Tota, and
they seized his horse.
When the case was pending
in the Paramount Chief's
Court, the woman was
living with Tota leaving her
children without anyone to
care for, I then removed the
youngest child to my relatives
but Tota took it ~~her~~ away
stating he had instructions
from the Paramount Chief; I went
to Totas to fetch this child
but I was attacked by him
and my brother-in-law
Ramabanta. I returned home
and reported to Chief Seeiso
who referred me to the Paramount

chief, who ordered that Seciso
should take charge of the
child and send us to his
court. This was not done and
Tota was away from home
for about a month. As I was
vexed with Tota's conduct, a
day later after his arrival
I invited my brothers and
attacked him: but he escaped
and we damaged his personal
effects and looted his stock.
We were summoned to the P.C's
Court, and in course of the
discussion of the case, my
father in law and brother in law
namely Rajeremia and Jeremia
respectively were in favour of
Tota, and the case was for my
father to explain facts.
The Court fined Tota 10 head of cattle
Ra Jeremia 2 head of cattle also
Jeremia 2 head of cattle as the
last two were found to be inducing
the woman to reject me.
I was fined 2 head of cattle for
attacking Tota. Ra Jeremia and I
were ~~dis~~ satisfied with the decision
but Tota and Jeremia ~~appl~~ appealed
against it. The Court also ordered me
to return Tota's stock which I did.

Witnesses
Monakeng
Mphaoso

Seleta his + mark

At Mafeteng this ninth day of January 1915 appeared Jeremia who declares:- I am a man of Seciso. The woman Mosapeli is my sister. She has lived with Seleta Rapoholi, as wife and husband. Some time ago when returning from Wepener my father told me that my sister had been refused by Seleta and his people in the Court of ~~the Paramount~~ Chief Seciso. The next day I went to Seciso who also told me the same story. We agreed that Jota should marry her with cattle. Subsequently I noticed that Seleta and his people were planning against me, & then reported to Seciso, asking him to confront me with them in his court. He advised me to see them in our village in the presence of men; but they refused to attend our meeting. I again reported to Seciso who did nothing until one night when Jota and myself were assaulted by Seleta and his people. The assault~~s~~ was reported to the Paramount Chief who enquired into the case and fined me 2 head of cattle, which judgment I am dissatisfied with and am appealing against on the following grounds:-

1. Seleta did not marry my sister

with cattle, but only took her after raping her, for which crime he went with impunity. He had also staked publick that he no longer loved my sisters.

Jeremia his × mark

witnesses 1. Monakeng

2. Mphomo

At Mafeteng this ninth day
of January 1915
Appeared
Jota who declares: I am living in
the ward of Chief Seeiso. Some yea
ago I agreed with one Seleta Rapos
to exchange our wives, which we did.
Some time afterwards my friend Sele
had a trouble ~~which~~ with his wife
and he subsequently deserted her.
When before Seeiso's Court, Seleta
and his people declared that they
loved the woman no longer. Asst
had two children by me, Seeiso aske
me if I would ~~may~~ marry the
woman. As it was stated in the
Court that Seleta did not marry
her with cattle, but took her to live with
him after committing a rape on her,
I replied that I was willing to do so.
Seleta and his people also the woman's
father raised no objection then; but
after Seleta's people consulted with
Solomon Mabathe, they objected.
Seeiso ordered the woman to return to her husband
but she refused and ran away, then
Mahlobela, son of Seeiso, ordered me
look for the woman. When searching
for her, I was met by friends of her
husband who seized my horse
which they took to the Paramount Chief
When we were there Seleta and
his people complained that
the case was delayed and they could

not

not wait any longer. They were called but did not come. I waited there until the Paramount Chief went to the National Council, and before he left he gave me orders through Isepho to take the woman to my home also to inform her father to see the Paramount Chief when returning from the Council also restoring my horse to me. When the Paramount Chief returned her father went, but the Paramount Chief referred the case to Seiso. Before the case was heard by Seiso Seleta and his people assaulted Jeremia & myself in the night, consequently Seiso returned the whole case to the Paramount Chief's where I was also implicated and fined ten head of cattle. Which decision I am dissatisfied with and ~~have~~ am appealing against on the following Grounds:-

1. I had Seleta's permission to cohabit with his wife.
2. I did not despise Seiso's Court but Seiso ordered me to keep the woman, when she refused to return to either her husband or her father.
3. Isepho told me that the Paramount Chief had ordered that I should return with the woman, hence I fail to see how I despised the Court.

I pray the Government to redress my grievances

Tota his +

LEKHOTLENG LA MORENA E MO
5. JAN. 1915
MATSIENG

Ho Mohlaki oa Kuseli
Mafeteng

Le a u lumeliša morena
Morena, Morena ke rehe Tšoa appeal
ea litaba tsa morali enoa oa
bona Rapoholi ke moahlotse ho lèna
bohola lea hae ba ho amoha mor
Rapoholi morali oa hae ena motu
eo le motho ea rang e bokho
homoso hahulo ha litaba tsa lik
ica pele ho lekhotla ba ha
seciso li ahlolaae ena motho enoa
e ba ke hena a ea nka moral
enoa oa mora oa Rapoholi ke
molefiséle lékhono ba peli baka
oa ho utsoa morali eo a se a e
tsoa ica lekhotleng ka motlha
khono baleng ba ena nyéléša le-
khotla eo la ha seciso taha
tseo tsa boca tsaeha ica
pele ho lekhotla casa ica hlaloza
bare morali eo le oa mora Rapoo
li a hoca a moiléaa a se a to
ha lekhotleng eo la ea ke molefisi
tse lékhono tse 4. bajeliseu lekhotl
laha le hoitsamaela le morali
eo a utle a le lekhotleng laha
le moalle lekhono tse 3. ka
moo ke nnang le tlng ke
motho ea tlaha lekotši hau
finyane ea bollo ea malibaea
bonahala bere o utsa morali oa
mora Rapoholi molelang a hae
ne kere morena u moelete

NATIVE LETTERS.
Reg. No. 3/15
7 JAN 1915
MAFETENG, BASUTOLAND.

The Paramount Chiefs Court
Maléseng
5. Jan. 1915

To
The Assistant Commissioner
Mafeteng

I greet you Chief

Chief,

I am granting Tota appeal in the case of ~~the~~ the wife of son of Raposholi. I fined him for aduetery and taking away the wife of Raposholi's son. This man was too proud when the case was before Lecisos court, which gave judgment in the case, but this man took the woman again. I, therefore, fined him 2 head of cattle for taking the woman, after the case has been dealt with by the Court. I fined him 1 beast for contempt of Lecisos Court. The case was brought before my Court and I explained that the woman was the wife of Raposholi's son. He again abducted the woman, after they had been before me; for this I fined him 4 head of cattle, ~~for acting out that he~~ despising my court, by taking this woman when the case was still in my court, I fined him 3 head of cattle. It appears to me that through this man there will very soon be a case of bloodshed, because he takes the woman in the presence of Raposholis son. I wish you to advise this

N. Griffith Lerotholi.

L.B.NO: 128/15.

ASSISTANT COMMISSIONER'S OFFICE
A.G.
APR 2- 1915
114/15.
MAFETENG, BASUTOLAND

Assistant Commissioner's Office,
Mafeteng,
April 28th: 1915.

Resident Commissioner,
BASUTOLAND.
29 APR 1915
Maf. 37/15
Read.....

The Government Secretary,
MASERU.

I enclose statements made by Tota and Jeremiah, who have brought letters from the Paramount Chief granting them leave to appeal.

I mentioned this matter to His Honour when in Mafeteng lately.

As the two cases are the result of an immoral agreement I am not in favour of taking the matter into our Courts, and I have told the plaintiffs so. They are however very anxious that the matter should be refferred to the Resident Commissioner.

Assistant Commissioner.

The Asst. Comm
Mafeteng
Please obtain the statements of Seleta Raposholi on the points raised by Tota
Maseru
24. 8. 1915
HC Sloley
RC

P70.

The Government Secretary
Maseru

Seletao statement
herewith

[signature]

ASSISTANT COMMISSIONER.

ASSISTANT COMMISSIONER'S OFFICE
SEP 9 - 1915
MAFETENG, BASUTOLAND

The Asst. Commissioner
Mafeteng

I have read the
accompanying papers and have
decided not to hear an appeal
from Sota and Lemmidi against the
decision of the Paramount Chief's
Court.

[signature]
A. R. C

Maseru
28. 9. 15

257/17

31. DEC. 1917
MATRIENG

Mollatsi oa Musisi
Mafeteng

Kea u lumelisa

Morena

Ke bitsitse Sota ho tla malla lengolo la hao la No 39/16 la letsatsi la 9 Mphalane 1916 le ho molella hore a phethise Kahlolo ea ka. Ke sumane Sota a itatola are: ha oa ka oa mo phetela letho. Ka baka lena ke bileng ke mo rometseng ho uena ka magora aka Khanyetsi le Moorosi hore a tlo ikpolisa ho uena ke nto molella ho phethisa Kahlolo ea ka. Ke kopa hore kharabo eo u tla nkaraba ka eona u e etse ka lengolo

Ka litumelišo
ke nna mokoalle oa hao
M. Griffith Lerotholi
morena e moholo

A.C. 1.

The Assistant Commissioner's Office,

ASSISTANT COMMISSIONER'S OFFICE
JAN 7 - 1918
MAFETENG, BASUTOLAND

Basutoland.

The Government Secretary
Maseru

Iota appeal case.

Further letter from P.C. is forwarded together with all papers on the subject.

As Iota informs me he will endeavour to interview the Resident Commissioner I think it is advisable to send you these papers.

ASSISTANT COMMISSIONER.

Govt. Secretary

As this case has been dealt with by both the P.C and R.C; and the A.C does not think I should see this man, I had better not do so. Should he come here, please see him and inform him to this effect, unless he can produce stronger reasons for my seeing him

R.C.L.S. 11-1-18

Should the P.C send him in, of course I would see him.
R.C.L.S.

25 Y/14

Lekhotleng la Morena E Khoth
31 Dec. 1917
Mafeteng.

To Assistant-Commissioner;
Mafeteng;

I greet you chief.

I called Tota to read you letter no 39/16 of the 9th october 1916 to him and to warn him to comply with my judgment. Tota said you did not tell him anything. I am sending him to you on this reason accompanied by my messengers Khanyetsi le Maarosi to satisfy themselves from you and that I will then warn him to comply with judgment.

I request that any answer you wish to send me should be in writing.

With greetings
I am your Friend
Sgd N. Griffith Lekhotleng
Morena ea Khoth

ASSISTANT COMMISSIONER'S OFFICE.
2 - NOV 1917
MAFETENG BASUTOLAND.

Reply The R.C.

Greetings.

I have received your letter about Tota. He has lied you lies. Tota was inclined to lied that I would not listen to his appeal and he asked that it might go to the R.C. I sent his statement to the R.C. who also said that the appeal could not be heard.

Tota now says that he wishes to

~~Letter to Theresa Edwards~~

~~31st Dec. 1917~~

~~Mayfield~~

go & see the R.C. but if he does so it is not with my consent.

No.32/18

Resident Commissioner's Office,

M a s e r u,

1 March 1918.

To the Paramount Chief Griffith,

I greet you Chief.

Chief,

I have received your letter of Feb. 26th, in which you ask me where the case of Tota ended, and I write now to tell you that I have never seen this man.

The A.C.Mafeteng wrote on Jan 7th saying Tota wished to see me about his appeal, and I replied that as the case had been dealt with by you, and the Acting Resident Commissioner, and that the A.C. was of opinion that I should not see Tota, I would not do so. Since then I have heard no more of this case and I can see no reason for interfering with your judgment.

With greetings,

I am your friend,

E.C.F.Garraway
R.C.

46/18

LEKHOTLENG LA MORENA E MOHOLO
26. FEB. 1918
MATSIENG

Ho
Mongoli oa Muso
Maseru

Kea u lumelisa morena

Morena,

Ke boya mora oa Raposholi mona ea beisoang Seleta, a nkseng a bua ka mosali oa hae a nkiloeng ke Lota. Joale morena kea botsa kere: na taba tseo ka Lota li feletse hae? Ka ha na ke ne ke loketse ho phethisa kahlolo ea ka, ka utloa Lota ave u sa tla ho uena; ka mo jetisetsa ho Mottlatsi oa Mousisi Mojeteng ka magosa aka, a tla are: O kopile ho ea ho Musisi Maseru. Ke ka baka lena ke botsang hore na e feletse hae? Ka ke sitoe ho phethisa kahlolo eaka, ke emetse ho utloa qetello ea taba eo.

Ka litumeliso
Ke nna motsoalle oa hao
D. Griffith Lovelbott
morena e moholo

NATIVE LETTERS
28 FEB 1918
Regd. No. 19/18
MASERU.

Paramount chief's office,
Matsieng
26 Feb. 1918

To the Government Secretary,
Maseru.

I greet you Chief.

Chief,

I see a son of Raposholi here named Sekela speaking about his wife taken by Tota. Now Chief I ask, I say, where has this case of Tota ended I was to cause my judgment to be fulfilled, I heard Tota saying that he was going to you. I passed him on to the Assistant Commissioner Matsieng by my messengers, they came saying that he asked to go to the ~~Chief~~ Resident Commissioner Maseru. It is why I ask where it ended. I am not unable to cause my judgment to be fulfilled, I am waiting to hear the end of the case.

With greetings,
I am your friend,
S. Griffith Lerotholi
P. C.

Lekhotleng la 'Musisi,

M a s e r u,

26 Pherekhong, 1911.

K a h l o l o.

Richard v Sechaba.

Ho qaleng ha taba tsena ke ile ka kopuoa ke Morena-e-moholo Letsie ho mamela nyeoe ena, a mpolella hore litaba tsena o se a kile a li mamela empa e mong oa batsekisani a se ke a ba khotso.

Ha kea rera ho bua mantsoe a mangata - re se re qetile matsatsi a itseng re ntse re bua tsa tsekisano ena ea borena ba bara ba Napo. Seo ke lakatsang ho se bua se ka utloisisoa hantle ha ke se bua ka mantsoe a seng makae.

Bopaki bo hlahisitsoeng khotleng lena ke bo hanyetsanang bo thekeselang. Taba ea pele - ho 'na ha ho a hloeka hore na basali ba e ba Napo ba nyetsoe joang. Ke ne ke ntse ke lebeletse bopaki bo hloekileng bo supang hore na mosali e moholo ke ofe empa le joale ke ntse ke le lefifing. Ke bona eka manyalo ana ha a ka a reroa hantle ke bo-Ramoetsana la Napo. Ho no ho nyaloe 'Ma-Richard pele - mohl'omong lenyalo la bobeli e leng la 'Ma-Sechaba ho no ho hopotsoe hore ke lona lenyalo la mosali e moholo empa ha kea utloa bopaki bo phethahetseng tabeng ena. Taba ena ke taba e kholo melaong ea Sesotho kaha hlahlamano boreneng e hlalositsoe ka ho hloeka Melaong ea Lekhotla (Molao oa pele).

Ha se kamehla ho 'nong ho be pelaelo hore na mosali oa Morena kapa oa motho e moholo ke ofe: kapa na ke mang

- ea ts'oanetseng -

ea ts'oanetseng ho ba mojalefa ka molao. Hore ke tle ke tsebe ho khaola taba ena ho ka ts'oanelcha hore ke kopane le Ba-Mohale hammoho le marena a bona 'me ke boele ke mamele nyeoe ena ke na le Morena-e-moholo le marena a mang. Ke taba eo le Lekhotla la Sechaba le ka hlahisang maikutlo a lona holim'a eona. Ke tla rerisana le Morena Letsie hore na ho ea ts'oanelcha hore taba ee e ~~kxk~~ boele e mameloe.

Empa ho bonahalang ho hloekile ke hore ha Ramoetsana a sa phela o ile a supa eo a ratang hore a tle a hlahlame boreneng. Ha ho pelaelo hore o ile a supa Sechaba hore ke eena mojalefa - ka bopaki ba kajeno kea sitoa ho re ka ho etsa joalo o n'a nepile kapa a fositse. Ke sitoa le ho re ka ho etsa joalo o n'a hlile a lumellane le molao le mekhoa ea Sesotho.

Empa ha e le 'nete eona ke 'nete hore o ile a etsa joalo le ho re kajeno mor'a hae Napo o supa Sechaba hore ke eena mojalefa le molula-setulo sa hae. Motse oa Sechaba o ahiloe ho tsejoa taba ena, 'me o ile a supisoa 'Muso. Ka lilemo tse itseng o 'nile a amohela karolo ea mpho ea lekhetho e nehoang ngoan'a morena oa tulo eo. Ha taba li eme ka sebopeho sena ho ke ke ha etsahala ho fetola se entsoeng, ho fetola morero oa mofuta ona ekaba ke ho eketsa lebaka le leng la phapang har'a batho ba Napo, 'me kabaka leo Sechaba o ts'oanetse ho tloheloa e le morena. Empa leha ho le joalo Napo o ts'oanetse ho hopola hore Richard le eena ke mor'a hae 'me a mo lokisetse.

Ho ~~xxxxx~~ Richard ke bua mantsoe a maholo a keletso, ke re o na le boikarabelo haeba a ke ke a mamela kapa a hlonepha ntatae Napo. Lekhotla le buile phatlalatsa hore motho ea etsang moferefere taba tsa hae li se li ile tsa buuoa khotla o na le molato. Richard o ts'oanetse

- ho talima -

ho talima Napo e le morena oa hae Sechaba eona e le moholo oa hae. Ha ke ts'epise hore nyeoe ena e sa tla boela e mameloa feela ke bolela hore marena a nang le ts'oanelo tabeng tsena a tla nehoa kopi ea mantsoe ana a ka le hore ke tla buisana le Morena-e-moholo hore na taba ea boholo ba bara ba Napo e ka boela ea sebetsoa mahlong a Ba-Mohale le bara ba Moshoeshoe, 'me ha ho le joalo nka lumela ho boela ke e mamela.

Ho fihlela ho etsoa joalo kea pheta ke re Richard o ts'oanetse ho talima Napo e le morena oa hae Sechaba eona e le moholo oa hae.

H.Q. Reg No 25/12
H.Q. Reg No 72/11

The Assistant Commissioner's Office,

Mafeteng. Basutoland.

25th March, 1912. 190

Resident Commissioner's Office,
BASUTOLAND.
28 MAR 1912
Regd. Mag. 57/12

The Government Secretary,

M a s e r u.

Attached correspondence in the case of Richard and Sechaba ~~are~~ is returned herewith as requested.

L Barnett

Assistant Commissioner.

PCB 2/12

Reg h. 2/12

Office of the Paramount Chief

Palamong

4 January 1912

To

The Assistant Commissioner

Mafeking

I greet you Chief

Sir

As I understand you to say in your telegram that Richard denies causing disturbance I send you copy of a letter from Makapela which is clear evidence that Richard is causing disturbance

I request that you will not encourage Richard at all, because if you do so there will be trouble. Sechaba is Chief. This was decided, and my judgment was confirmed by the Resident Commissioner, that Sechaba was Chief

With greetings

I remain your friend

Letsie II

Paramount Chief of Basutoland

G.P.O. 508.
T. 20.

POST OFFICE TELEGRAPHS.

No. of Message _____

A. _____

Office Stamp

Prefix _____ Code _____ Class _____

Stamps to be affixed here and obliterated by clear impressions of Office Date Stamp.

Office of Origin and Service Instructions. | Words. | Sent. At ____ M. To ____ By ____

Charge.

A Receipt for the Charges on this Telegram can be obtained, price Twopence.

Copy

FROM Please Write Distinctly. TO

P.C. Morija | A.C. Mafeteng

4 Jany. PC 3. I have just received your letter in which you say Richards statement makes you wish to consult Mako x Mako has nothing to do with Ramoetsana's ward x Mako's ward is directly under me x Richard wishes to see Mako implicated in this disturbance x Mako is known to be mentally weak x If you call Mako to Mafeteng you will be encouraging Richard to defy the law of this land x Resdt Comms has already confirmed my judgment, therefore there can be no more case between Richard and Seahaba

Signature of Sender _____

Address _____

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay, or non-delivery of Telegrams.

H52 50,000Pads 10/10. G.T.Ltd.—8858.

G.P.O. 508.
T. 20.

POST OFFICE TELEGRAPHS.

No. of Message

A.

Office Stamp

Prefix Code Class

Stamps to be affixed here and obliterated by clear impressions of Office Date Stamp.

Office of Origin and Service Instructions. Words. Charge. Sent. At M. To By

A Receipt for the Charges on this Telegram can be obtained, price Twopence.

Copy

FROM AC Chaffetin

Please Write Distinctly.

TO P.C Moinja

4 January

I have consulted with Le Bolesa, Isaak, Labane, and them about your Telegrams respecting sons of Napo. We consider it unsafe to allow them to return home b'por some arrangement is made to prevent distinbance betwen them x You should consult with Heads of Basutoland and try to get dispute satisfactorily settled, otherwise it may lead to bloodshed x Napo's corn fields are now ripe, and there will be fight over who may reap them, unless you take steps to prevent

Signature of Sender Barrett

Address AC

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay, or non-delivery of Telegrams.

252 50,000 Pads 10/M G.T.144—[illegible]

G.P.O. 508.
T. 20.

POST OFFICE TELEGRAPHS.

No. of Message

A.

Office Stamp

Prefix Code Class

Stamps to be affixed here and obliterated by clear impressions of Office Date Stamp.

Office of Origin and Service Instructions. | Words. | Sent. At M. To By

Charge.

A Receipt for the Charges on this Telegram can be obtained, price Twopence.

Copy

FROM Please Write Distinctly. TO

P.C.
Morija

3rd Jan PC 2. Your telegram x according to Basuto Custom the rightful heir in any Estate is the Eldest Son x There is no need to appoint guardian x In Napo's Estate Sechaba is his heir apparent x The matter of fair division is entirely in the hands of Sechaba x If they dispute Chieftainship you might send them all here
I am now considering your suggestion about appointing guardian in Napo's Estate

True Copy
Signature of Sender

Address

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay, or non-delivery of Telegrams.

M52 50,000 Pads. 10/34 G.T.I. & S.

G.P.O. 508.
T. 20.

POST OFFICE TELEGRAPHS.

No. of Message _____

A.

Office Stamp

Prefix _____ Code _____ Class _____

Stamps to be affixed here and obliterated by clear impressions of Office Date Stamp.

Office of Origin and Service Instructions. | Words. | Sent.

Charge. | At _____ M. To _____ By _____

A Receipt for the Charges on this Telegram can be obtained, price Twopence.

FROM **Please Write Distinctly.** **TO**

A.C. | Paramount Chief Moija

1913

2 Jany | Sons and brothers of Napo are here Your message has been read out to Richard who denies wishing to cause disturbance X Who is proper guardian of Napo's Estate? You should appoint guardian quickly before these boys commence taking their late fathers property, as there ought to be fair division made between them

Signature of Sender A Burnett

Address A.C.

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay, or non-delivery of Telegrams.

H52 50,000Pads 10/13 G.T.Ltd.—3888.

G.P.O. 508.
T. 20.

POST OFFICE TELEGRAPHS.

No. of Message _____

A. _____

Office Stamp

MAFETENG Dec 26 11

Prefix _____ Code _____ Class _____

Stamps to be affixed here and obliterated by clear impressions of Office Date Stamp.

Office of Origin and Service Instructions. | Words. | Sent. At _____ M. | Charge. | To _____ | By _____

A Receipt for the Charges on this Telegram can be obtained, price Twopence.

FROM Please Write Distinctly. TO

P.C. Thorija

A.C. Mafeteng

393. Richard defies as heir apparent Napo younger son of late Jeckabi's authority x Unless you reprimand Richard I shall simply ride my horse and arrest him and have him expelled

Signature of Sender _____

Address _____

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay, or non-delivery of Telegrams.

H52 50,000Pads 10/16 G.T.Ltd.

G.P.O. 508.
T. 20.

POST OFFICE TELEGRAPHS.

No. of Message

A.

Office Stamp

Prefix Code Class

Stamps to be affixed here and obliterated by clear impressions of Office Date Stamp.

Office of Origin and Service Instructions. | Words. | Sent.

Charge. | At M. To By

A Receipt for the Charges on this Telegram can be obtained, price Twopence.

Copy

FROM Please Write Distinctly. TO

P. C
Moija

AC
Nafetang

393. Richard younger son of late Napo defies Seshaba's authority as his apparent unless you reprimand Richard I shall simply ride my horse and arrest him and have him expelled.

From Copy

Signature of Sender

Address

N.B.—The Department is not liable for losses incurred through incorrect transmission, delay, or non-delivery of Telegrams.

H52 50,000 Pads 10/12 G.T.Ltd.

The Assistant Commissioner's Office,

Resident Commissioner's Office,
BASUTOLAND.
7 - JAN 1912
Regd. Mal 1/12

Mafeteng Basutoland.

5 January 1912

Sir

I have the honour herewith to forward for your information copies of the following Telegrams which have passed between this Office and that of the Paramount Chief

I P.C. 393. dated 26 Dec 1911, calling upon me to reprimand Richard for alleged defiance of Sechaba, failing which P.C. will personally chastise him

II A.C. 2 January 1912. Informing P.C. that his message was communicated to Richard; and recommending appointment of guardian in Estate of late Napo.

III P.C. No 2. 3 Jany. says guardian not necessary, as Estate is in the hands of Sechaba. Later, says considering suggestion

IV A.C. 4 January. Communicating opinions of Letsolesa Isaak & others that it is unsafe to allow sons of Napo to go to their homes; and suggesting consultation with heads of Ba Mokhale

V. Further telegram from P.C. (4 Jany P.C. 3) objecting to consultation with Mako: and saying

His Honour
The Acting
Resident Commissioner
Basutoland

saying that as the Resident Commissioner has already confirmed the P.C.'s judgment there can be no more case between Richard and Seetaba.

VI Letter dated 4 January 1912 (Translation attached) from P.C. to A.C. also affirms this, that the matter is settled, and confirmed by the Resident Commissioner, that Seetaba is Chief.

~~Lt~~ Reference to the judgment in question shews that it was of a provisional nature; and that His Honour realized that the case might have to be reheard, as the evidence addduced was conflicting and unconvincing: and reference to the heads of the Ba Rokola clan is therein distinctly suggested. Vide Record, dated 26 January 1911.

The Paramount Chief has from the Commencement taken up a wrong position in this matter, i.e

not

MINUTE PAPER.

TO BE RETURNED TO

Subject:

Judgment in case of Richard and Sechaba.

Orig. No.
Date
Regd. No. O.C. 1/12
Recd.

ASSISTANT COMMISSIONER, MAFETENG. 12 JAN 1912 Regd. No. A.C. 10. 71

The Assistant Commissioner,

Mafeteng.

With reference to your letter No. 1 of 5th January 1912, I enclose copy of Resident Commissioner's judgment in case of Richard and Sechaba, sons of the late Chief Napo. The judgment though provisional is perfectly definite. As the matter stands at present Sechaba is to be regarded as the heir and Richard as his junior, but in view of the uncertainty attending the marriages of their mothers this judgment may be looked on as provisional, as the National Council may order the whole question to be reopened and reheard by a Court consisting of the Resident Comm. and the Paramount Chief and the Bamohali clan; but pending such reopening of the case Sechaba is to be regarded as chief and Richard is formally warned to obey him.

formally

This being the case it would appear that the Paramount Chief is right in supporting Sechaba at any rate until the case has been reheard.

It would appear that the proper course is for

Sechaba to be recognised as the chief until the next meeting of the National Council which will probably be in the latter half of March when its opinion can be obtained as to the desirability of reopening the case. Meanwhile Richard must understand that he must obey Sechaba in terms of the Resident Commissioner's judgment and that he will be held responsible should trouble arise through insubordination on his part.

I shall consult with the Paramount Chief as to the advisability of putting a guardian over the estate. It seems however hardly necessary in view of the very explicit terms of the judgment — Richard should of course receive fair treatment as younger brother.

11.1.12.
Maseru.

Acting Resident Commissioner.

Copy of judgment retained.

The Assistant Commissioner
Mafeteng

The question of referring this matter to the National Council will be held over until the return of Sir Herbert Stanley.

Maseru
16.1.12.

GOVERNMENT SECRETARY.
BASUTOLAND.

Tota Appeal

The .P.C

I greet you Chief

Chief,

I have received your letter of Feb 26th, in which you ask me where the case of Tota ended, and I write now to tell you that I have never seen this man.
The A.C Mafeking wrote on Jan 7th saying Tota wished to see me about his appeal, and I replied that as the case had been dealt with by you, and the Atty R.C, and that the A.C was of opinion that I should not see Tota, I would not do so. Since then I have heard no more of this case and I can see no reason for interfering with your judgment.
With greetings I am etc

R.C.H.L 1-3-18.

Sub Boundary book

File

Resident Commissioner's Office,
BASUTOLAND.
JUN 10 1913
F. 23.
Regd. .....

MAFETENG,

June 7th, 1913.

Sir,

In accordance with instructions received from Your Honour, I on Tuesday the 3rd instant proceeded from Maseru to Ramoetsana's ward for the purpose of assisting in defining a boundary between Sechaba and Richard the sons of the late Chief Napo, and have the honour to report as follows:-

Chief Mojela who had been deputed to make the boundary met me on the west bank of the Makhaleng on the 4th instant and after consultation it was agreed that half the party should ride over the north part of the ward while the others including Mojela and myself should ride over the southern part.

The next day the 5th we met on the ridge west of the Makhaleng and overlooking the country inhabited by the people of Ramoetsana. After hearing the opinion of the Chiefs and Councillors, Mojela decided that the stream of the Masemouse from the krantz or waterfall at its head to where it joins the Makhaleng River should be the boundary. Sechaba to have the portion on the south bank and Richard that on the north bank of the stream. The line decided on is I think a very fair division and considering circumstances the only one possible. Richard will undoubtably have the largest portion but it could not be arranged otherwise. I therefore on behalf of Your Honour approved of the boundary described. Chiefs Mahapela, Qaba and nearly all the Councillors expressed

- themselves

His Honour
The Resident Commissioner
of Basutoland.

themselves as being in favour of this boundary. There were however three against it viz:- Mahao, Qamako and Austin who wished to make a line from Mokhethi's village down a small kloof and donga to where it joined the Makhaleng.simultaneously with the Masmouse.

There are a good many ravines on the slope of the mountain all conveying into the Masmouse and I append a rough sketch plan showing the northern or main ~~road~~ head which has been taken as part of the line.

The following is a list of those who were present and assisted in defining the boundary between Sechaba and Richard.

J.P.Murray. Assistant Commissioner, Mafeteng.

Chief Mojela

" Mahao
" Qamako
" Mahapela

Messenger Isaac Tsenodi

Interpreter Griffith

Sergeant Stenki

Chief Moholobela
" Ramosueu
Qaba
Kubutu
Frank
Rayoale
Tsephe
Sekhaopane
Origen
Makhasane
} of Chief Seeiso

Tumo
Solomon
Seeiso
Hlalele
Moronti
David
} of Chief Mojela

Austin
Matsabisa
Muso
Ramokoae
} of Chief Mahapela.

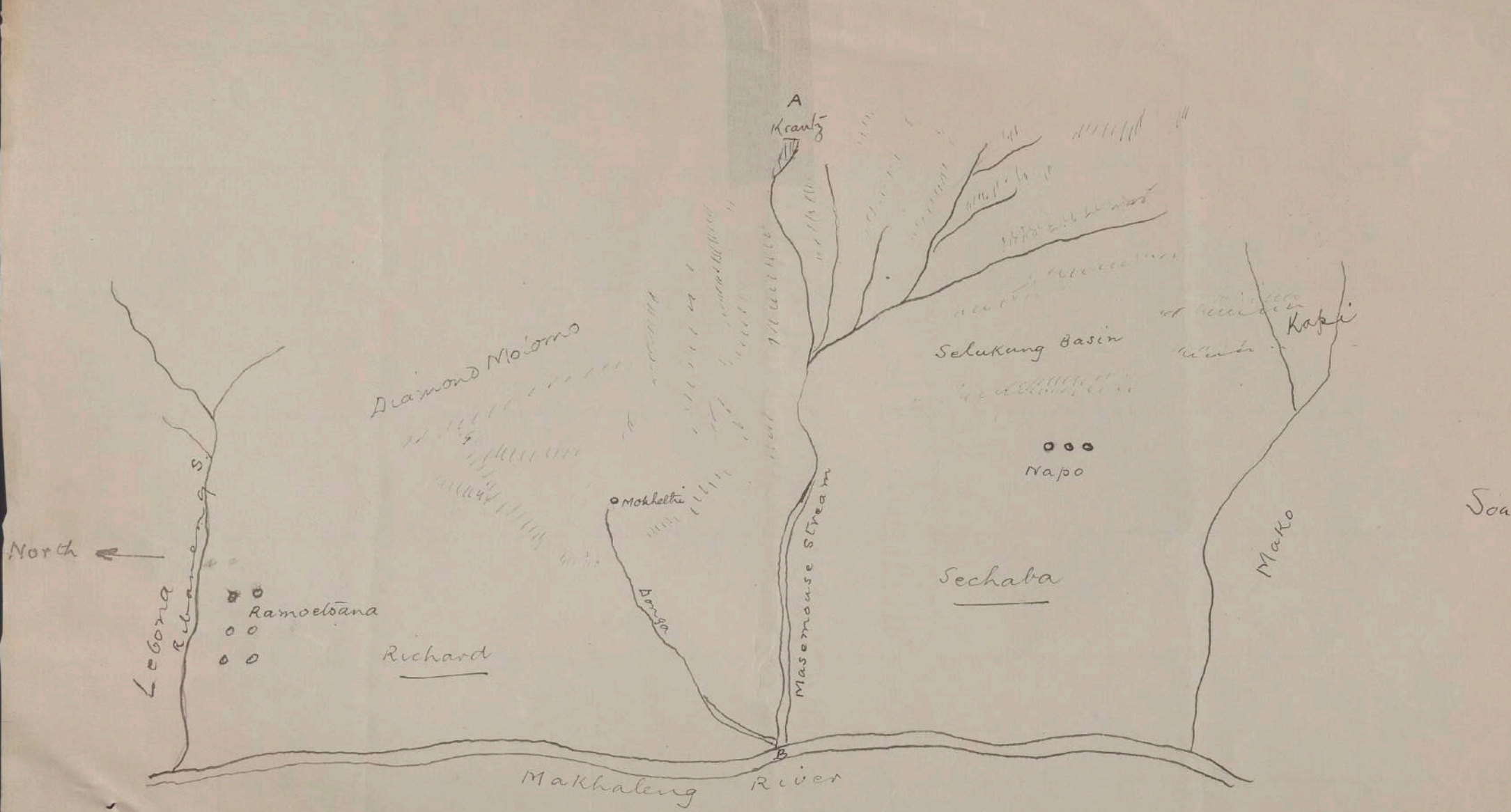
Sechaba and Richard were present and also their uncles Monaheng, Rantholo and Beo.

I have the honour to be,

Sir,

Your obedient servant,

Assistant Commissioner.



A – B Boundary line between Richard and Sechaba
actual Stream of masemouse to be the line