

"Union of South Africa"

OFFICE OF THE Superintendent of Natives,

M A F E K I N G.

2nd January, 1912. 19

Chief Lekoko Montsioa,

M A F E K I N G.

Complaints of Geotge Mothuba and others
at Rietfontein.

With reference to previous correspondence on the above subject I have to inform you that I have now received the following from the Secretary for Native Affairs:-

"I beg to state that I shall be glad if you will inform Lekoko that the letter addressed by Mr. Minchin on his behalf to the Superintendent of Natives at Mafeking has been brought to my notice and the Government wishes him to understand that it does not recognise any rights as being vested in him under Section thirty-one of British Bechuanaland Proclamation No. 2 of 1885 to de-spoil law-abiding Natives resident on the Native Reserves in British Bechuanaland.

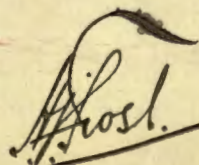
"The lands in question were assigned to George Mothuba and his followers by the late Mr Bell while Magistrate of Mafeking after a full and careful inquiry on behalf of Government into the claims of the respective parties.

"The Natives in question have now complained to Government that they have been unlawfully ejected by Headman Paul Montsioa with the connivance of Chief Lekoko.

"It is the duty of the Government to maintain peace ~~peace~~ and order in the reserves and the Government expects Chiefs and Headmen who are its officers to assist in doing so.

"Unless therefore the instructions of the Government are carried out without further delay serious notice must be taken of Lekoko's failure."

I have therefore to instruct you to see that the lands in question are handed over to George Mothuba and his followers forthwith.



Superintendent.

C O P Y.
-3-3-3-

No: 3159/12/F.718.

Department of Native Affairs.
PRETORIA.

14th October, 1912.

Complaints of George Matuba and others
at Rietfontein.

The
Resident Magistrate,
MAREKING.

In acknowledging the receipt of your minute No. D.21/214/12 dated the 5th of June last, I beg to state that the Honourable the Minister of Native Affairs has approved of the recommendations contained in your minute under reply.

I shall be glad, therefore, if you will cause Letsapa Lekema to be instructed to deliver up possession of the lands in question within a time to be fixed by yourself and if you will inform me when these instructions have been carried out.

The Chief should also be informed that he is not to disturb or interfere with George Matuba and the other Natives residing at Rietfontein as long as they conduct themselves in a lawful manner.

The claim of George Matuba to be recognised as a Chief cannot, however, be entertained.

M. Barrett.

for Secretary for Native Affairs.

S. N. M. 32/ 1912.

Office of the Superintendent of Natives,
Mafeking.

25th November 1912.

The Resident Magistrate,
MAFEKING.

Complaints of George Motumba & Others
at Rietfontein

With reference to the above I have to inform you that George Motumba and Deyeso called at my office on Thursday last and reported that the lands at Rietfontein, awarded to the Basutos ~~announced~~ by the late Mr. Bell in his decision subsequently confirmed by the Secretary for Native Affairs, see his minute No.: 3159/12/F.718 of the 14th October last, had now been reaped but that the Headman, Paul Momoisa, notwithstanding my instructions to the contrary, had again started ploughing the lands which he held within this area. On Friday I proceeded to Rietfontein to verify their statements and found them correct, so called at Paul Momoisa's house, but was informed that he was at the cattle post.

In view therefore, of the question raised by Mr. Attorney Minchin in his letter dated 23rd October, forwarded under cover of my S. N. M. 32/1912 dated 24th October last, I should be glad to receive instructions as to what steps to take in the matter.

H. J. Frost
Superintendent.

Magistrate's Office, Mafeking,

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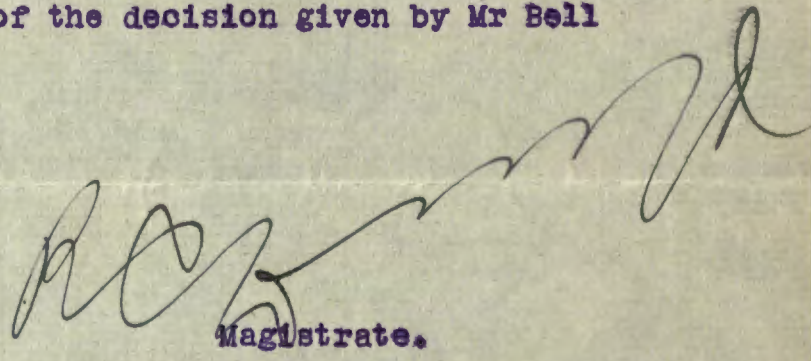
/1913/13.

5th July, 1913.

Chief Lekoko Montsioa,
Mafeking Stad.

**Rietfontein-Lotlakana Dispute - Complaint of George
Mothuba and others re lands.**

In connection with the conversation yesterday and
to assist you in the discussion upon the Lotlakana matter
I send you, herewith, copy of the decision given by Mr Bell
in 1897.


Magistrate.

S.N.M. 2/1913.

Superintendent of Natives.

MAFEKING.

22nd January , 1913.

The Resident Magistrate,

MAFEKING.
-----Complaints of George Matuba and others at
Rietfontein.

Further to my letter of the 8th instant relative to the above and in view of the totally different aspect of the position as shown by the records of the enquiry into the claim for compensation of the Bo-ra-Pulana of Rietfontein against the Bo-ra-Tsidi of Mafeking, held by the late Mr. C.H. Bell, dated 21st July, 1898, which you subsequently sent me, I have made further enquiries into the matter and have to state I am now of opinion that Mr. Bell, in his decision of 1897 (marked "D") evidently only decided the dispute between Abraham Matuba and Mothupi and did not prohibit the Bo-ra-Tsidi from ploughing within the area between the fountain eye and Masiloanuka; where they apparently had lands at the time; this is shown by his decision of 1898 (marked "C") when the Bo-ra-Pulana claimed compensation from the Bo-ra-Tsidi for the lands then taken from them.

Reverting to Mr. W.H. Hall's report dated 1st May, 1912, in which he says :- "Seyisho complains that his land has been taken from him and is now being ploughed by Letsapa - that lands belonging to others of the Bo-ra-Pulana have been taken from them and are being ploughed by the following of the Bo-ra-Tsidi, viz:- Paul Montsioa, Kgule, Sihitlulo, Tsheou, Raditalama, Ochabele, Mothupi Bopalami and Ramolihe."

I have now come to the following conclusions:-

Lands taken by LETSAPA LEKOMA:-

The late Mr. Bell evidently upheld Letsapa Lekoma's right to these lands, vide annexure "C".

Lands taken by PAUL MONTSIOA:-

It would appear from Seyisho Mothibi's

statement (annexure "A") that these lands were taken from Abraham Mothuba and given to Paul Montsioa on the latter's appointment as Headman; the lands, I conclude, going with the Headmanship.

Lands taken by KGULE LEGALATLADI:-

From Manceo Mogamme's statement (annexure "A") the lands now held by this man lie on the south side of the stream, where, in terms of the late Mr. Bell's decision of 1897 (annexure "D") Abraham's followers were not to hold lands.

Lands taken by RADITALAMA AND OCHABELE:-

According to Seyisho Mothibi's statement ("annexure "A") these men hold Paul Mothibi's lands, and these, according to Manceo Mogamme's statement of the same date (annexure "A") were taken by Letsapa Lekoma, their claim for compensation being subsequently disallowed by Mr. Bell in 1898 (annexure "C").

Lands taken by Mothupi, Bopalami & Ramolihe:-

Seyisho Mothibi states (annexure "A") that these lands formerly belonged to Tlhabakoe, who is one of Abraham Mothuba's people, and are on the south side of the stream, therefore, according to the late Mr. Bell's decision of 1897 (annexure "D") Tlhabakoe has no claim to them.

I have now come to the conclusion that all the above claims and complaints are groundless as they all appear to have been settled by the late Mr. Bell.

Lands taken by Sihitlulo and Tsheou:-

The names of these two natives appear on the subscribers list, which is forwarded, as No. 3 Choene Choou and No. 39 Neapeli Robert, the lands having presumably been given to them by virtue of their subscriptions. In this case, therefore, I would suggest that a division of the lands be made on payment by the claimants (Ramokayane and Ari Kgos1) to the present holders of half the amount of their subscriptions, viz :- 10/- in each case.

I am returning all papers herewith.

H.J. Frost.

Superintendent.

231 Eastwood St. Healdia

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Dear Chief. Sekoko

I ought to have answered your letter of the 7th of January long before this. But I was very busy preparing for the Synod, and then came the Synod, and since then I have had very much to do.

I am sorry you are having trouble with the Puffontein people. I remember all about the case, though there was no trouble with them while I was living with you. But I am sure that with great care and much patience you will be able to overcome the trouble.

I hope you have had good rains and that there will be plenty of food for the people and for the cattle.

I am always glad to hear about the welfare of the Healdia and I hope you will write to me again.

Send regards
Yours sincerely
H. W. Howard

C O P Y.
-3-3-3-

D.22/ /1913/I.50.

G.G.D.

MAPEKING.

4th March , 1913.

The
Secretary for Native Affairs,
PRETORIA.

Complaint of George Matuba and others at Rietfontein.

Referring to your minute No. 3159/12/F.718 of the 16th January last, and previous correspondence on this matter, I have the honour to inform you that recently I discovered the notes of an enquiry held on the 21st July, 1898, by the late Mr. C.G.H. Bell, formerly Resident Magistrate here, into claims for compensation made by Abraham Matuba's people in respect of lands at Rietfontein which it appears they had been ordered to vacate.

On finding these papers I referred the matter to the Superintendent of Natives with instructions to make further investigations and I attach his report ~~in~~ dated the 22nd January last.

Under all the circumstances I am inclined to agree with the conclusions he has arrived at and I therefore recommend that the instructions contained in your minute of the 14th October, 1912, be withdrawn and that George Matuba and the other complainants be informed that under the circumstances now disclosed by the discovery of the papers mentioned they have no legitimate grievance and that the Government declines to interfere in the matter.

returned
All papers are returned herewith.

MAGISTRATE.

C O P Y.
-3-3-3-

No. 3159/13/7.713.

Department of Native Affairs.

PRETORIA.

11th March, 1913.

Complaint of George Matuba and Others at
Rietfontein.

The Resident Magistrate.

MAPEKING.

In acknowledging the receipt of your minute No.D.23/673 dated the 4th instant enclosing copies of further papers discovered in your office relative to affairs at Rietfontein, I beg to state that under the circumstances now disclosed the complaints of George Matuba appear to be without foundation.

3.Owing to the destruction by fire of most of the old records this office is considerably handicapped in dealing with cases of this nature. In view, however, of the discovery of these papers, I concur in your recommendation that the instructions contained in my minute of the 14th of October last should be considered withdrawn and that George Matuba and the other complainants be informed that the Government does not intend to interfere with the matter.

3.I shall be glad, therefore, if you will kindly carry out your suggestions and at the same time address a suitable communication on the subject to Chief Lakeke.

E. Barrett.

for Secretary for Native Affairs.

No.3159/12/F.718.

11th March 1913

12th March 1913.

Complaint of George Matuba and
others at Rietfontein.

THE RESIDENT MAGISTRATE, MAREKING.

In acknowledging the receipt of your Minute No.D.22/673 dated the 4th instant, enclosing copies of further papers discovered in your office relative to affairs at Rietfontein, I beg to state that under the circumstances now disclosed the complaints of George Mothuba appear to be without foundation.

2. Owing to the destruction by fire of most of the old records this office is considerably handicapped in dealing with cases of this nature. In view, however, of the discovery of these papers, I concur in your recommendation that the instructions contained in my minute of the 14th of October last should be considered withdrawn and that George Mothuba and the other complainants be informed that the Govt. does not intend to interfere in the matter.

3. I shall be glad therefore if you will kindly carry out your suggestions and at the same time address a suitable communication on the subject to Chief Lekoko.

E. BARNETT.

Secretary for Native Affairs.

C O P Y.
~~o-o-o~~

026/1913/609/I.62.

G.G.D.

MAFEKING

15th March , 1913.

The

Chief LokekenMentsisa.

Mafeking Stadt.

Complaints of George Matuba and others at Rietfontein.

Referring to the complaints made by George Matuba and others regarding certain lands at Rietfontein which they alleged they had unlawfully been deprived of, I am directed to inform you that recently further papers bearing on this matter were discovered in this office which threw a different light on the complaints of these people. The whole matter has been therefore reconsidered and the Government has come to the conclusion that the complaints are without foundation and the Superintendent of Natives has been instructed to inform George Matuba and the other complainants accordingly and that the Government does not intend to interfere in the matter.

E.C. Welsh.

MAGISTRATE.

"Union of South Africa"

OFFICE OF THE Superintendent of Natives,

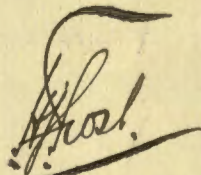
MAFEKING.

23rd May, 1913. 19

Chief Lekoko Montsioa,
MAFEKING.

Complaints of George Mothuba and others
residing at Rietfontein.

Please note that the Magistrate and I intend visiting Rietfontein at about 10 o'clock on Thursday morning, the 29th instant with a view to verifying or otherwise certain allegations made by the Bo-RaPulana concerning the treatment received by them from Headman Paul Montsioa in connection with the lands out there.



Superintendent.

STATEMENTS TAKEN by R.C.LLOYD, Magistrate of Mafeking at Lotlokana on 29th May, 1913, in connection with the Dispute as to Lands there between RAPULANA and RATSILI Natives.

SEISHO MODISE, States:-

The complaints are those of George Mothuba the head of the Rapulana; I am his righthand man. Matlabe is our Chief of Polfontein. The disputes are with the lands on the river and those decided by Mr. Bell, the chieftainship and the tribe. George has nothing of these three, and these were represented before the Superintendent of Natives at Mafeking who went into this matter. A second decision came from Government in George's favour but to-day a third decision has come to the effect that George Mothuba has no right to the land. On this we went to our Chief Matlabe to say that we were not satisfied. Matlabe allows us this part to Abram Matuba because it belonged to our grandfather Rapulana before the war between the Baralongs. We resided here at Rietfontein under Machabi. Motupi was brother of Abraham. When Motupi was here a dispute arose with Chief Montsioa who lived at Sehuba. He came to be against us. He wanted to take Rietfontein from us, and came with armed men. With three assistants Ikakaheng of the Bahrutse, Gopani of the Bahrutse and Jan Masibi of Disaneng. Seventy-eight men were killed and Rapulana were beaten by Montsioa. After that Matlabe with Mothuba (father of Abram) and Chief Moshette of Kunana came together and went to attack Montsioa at Sehuba. There Montsioa was beaten. Montsioa's brother Selere was beaten. We drove them to Mafeking. We fought for this Rietfontein. We besieged Montsioa for two years at Mafeking. All the country was in our possession. General Koertje Snyman of Marico is our witness. One Matsoaloe was sent to Snyman by Montsioa asking to be released from the (our) siege to intercede with Matlabe to have the siege raised. Snyman then secured peace which was made at Maakana (Canon Kopje). Snyman told Montsioa to stay at Mafeking and the Rapulana at Rietfontein. Aaron Mostette knew of these things. We then resided here and built

here....

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here in peace and Montsica at Mafeking. After that Sir Charles Warren and Sir Sidney Shippard came and erected the Transvaal Border - a line separating us from Chief Matlabe. Abram resided here the land being his and his father's property. Shippard came with peace and brought us the Ratsilis and Ratlous together at Mafeking - all the Baralonga together and he told us not to wage war and he then made the boundaries between us all. He made the divisions. He told Abram Mothuba that Rietfontein belonged to him and not to Matlabe as Matlabe was across the boundary at Pelfontein. He told Montsica that all the Mafeking Reserve belonged to him without Rietfontein. He allotted Makgobi the Pitsani Reserve. He did not define the line. He allotted to Chief Phoi for the Ratlous the Setlagoli Reserve. Marumole got Tshidiloamolomo. That is how the divisions were made and confirmed by Government.

Now to-day none of the Rapulana lands here as Paul Montsica has deprived us of all land, both sides of the river, also lands away from the river. Last week Paul did something which surprised us very much on my return from Pretoria. Isaac Lerang one of the Pulana had mealies on his lands - a few acres are left to the Rapulana. Two spans of oxen were sent by Paul Montsica to turn over the lands with the mealies as they stood. We do not acknowledge Paul as our Chief - our Chief is George Mothuba. Along the spruit we have a few acres. We have been deprived of almost the lot. The lands are held by the Ratsilis - by Paul Montsica.

(End of Statement)

ISAAC LERANG, States

I am the man whose land has been overploughed by Paul Montsica. I had no chance to see Paul as my son was sick, and therefore it shews Paul is not my chief as he oppressed me when in trouble. I am a Rapulana. Mothuba was our Chief. I am an old resident of Rietfontein and came here in 1875. When the British came they started everything with us - a big stad -

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with its own chief . It is painful that with our lands at our huts one Paul of Mafeking should come here and reside with two of his people we should not be interfered with by the Ratsili . Paul has taken our lands on the river this side -the right side - when we had nothing to do with him. He has taken more lands on this side than on the other. Paul took portion of my lands and of my two brothers who are there and of one Goroanyane. He did this on his appointment after the war. He gave these lands to Letsapa Lekomo whose father never had lands here. This was represented to Superintendent Pringle and Magistrate E.G.Green and I got them back again, and now one has again been taken from me last week. I know of no reason why this land was taken from me. I am applying for assistance from the Government. We have no money and cannot go to law as we cannot stand to pay costs. I have heard what Seisho has said. I took part in the proceedings and what he has said is true. Once Sir Sidney Shippard visited Mothuba here and they met at the Eye of the Fountain. Shippard told Mothuba to use the fountain for his people.

E N D S.

MANCOE MOGAMI, states :-

Paul Montsioa is not our Chief. I had a land on the river allotted to me by my chief Mothuba and Paul has deprived me of it. A second land was away from the river and it has also been taken from me by Paul. A chief would not treat us so and therefore he is not our chief. We have nowhere to plough. We now go to the Transvaal to plough and yet we pay hut tax here which we thought was our father Rapulana's land on which they died and left to us. If we asked Paul why he deprived us of our land he orders us to leave the Reserve. Many of us Rapulana have been driven into the Transvaal. They want to come back but are afraid of Paul.

This

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This is why we are applying for assistance from the Government. We do not live in peace with them as they are not our people. These are all our difficulties.

RAMATSILEDI MOSEKARI, states :-

We do not say anything of the Chief; we do not dispute the headmanship of Paul; we complain of our lives which we live here. We do not prosper. People prosper through the Chief. We had no lands. I am a son of Motupi who had a dispute with Abram. We Rapulana are united. The trouble is with the headman Paul Montsioa: our being deprived of our lands. I ploughed lands twice and they have been taken from me, year before last and last year. They were taken after the ploughing, one before and one after sowing. That land hurt me very much. I do not know what I did to be deprived of such valuable land. I am a taxpayer both to the Government and to the Chief. For the chief a levy is made since Wessels Montsioa's time. This is paid to Paul who sends it to Lekoko.

HERMANUS PHOKOANYANE, states :-

I reside at Rietfontein. I know everything of Rietfontein. I speak of lands taken from me by Paul the headman. Shortly after the war, lands I had made, furrows even. He took all my lands and I know of no reason why. I asked him once why he told me the Government gave him the right to take my lands. Paul has my lands. I am aggrieved at my treatment. Paul is not my chief, he does not even treat me as a headman should. He did this to shew me that I was not one of his people. My lands one of them, was given to Kgoli a second to Sehelelo and a third was kept by Paul himself. I am not guilty of any offence. I am a Pulana, not a Tsili. I am one of the first residents of Rietfontein. I came with Abram Mothuba. I took part in the war against Montsioa. What Seiso says is right,

both....

both as to the war and Sir Sidney Shippard's awards. I say this Rietfontein is the Rapulana's Country and not that of the Tsili's. There are only five families of the Tsilis living here. Those who have our lands live in Mafeking excepting the five families. The Rapulana are very numerous. I do not know how many families in all.

Seisho MODISE, states farther :-

The seven persons mentioned in the letter of 9th May, 1913, plough lands here in Rietfontein. Boteshe came here last year and took Ramatselili outside the river Rabodiba took the lands of Shuping Seatlugho this year, Matshabidinite took the lands of Motlhabi Seatlugho this year., Matshabidinte lives at Delatung miles away. Mashoeo Matumitsi lives at Mafeking and he has taken the land of Maretlus Boetsini last year. Stephen Lefenya of Mafeking took the lands of Motlhabani Lethlako about three years ago. Letsapa Lekomo has had lands since Mr. Bell's time. Letsapa took my lands. Petrus Moregoya of Mafeking took the land of Sesing Mokoena last year. The lands taken by Rabodiba are away from the river. The other lands taken are all at the river.

Matsoalore denies entirely the statement of Seisho that he was sent to Snyman to secure his intervention for peace.

MATSOALORE, States :-

We were besieged in Mafeking by the freebooters with whom were the Rapulanas. Koortje Snyman and another went to Montsioa and said there should be peace. I do not know what reward, if any, the Rapulana got for being with the Freebooters. All this country belongs to Montsioa and Mothupi came in under his control and with him Abram Mothuba. I say now that all this land

is.....

is under the control of the Tsalis.

MOTHUPI, states :-

I have not much to say. I came here as I heard the Baralogg were here to-day, all of them, but they are not. I make no dispute of the land. It all belongs to Montsica. He allotted me the well and his brother with him. I do not dispute this. This land was allotted to me by Montsica and Molema who are my elder brothers and chiefs. That is all. When I came I found lands on both sides of the river. All that land belonged to the Tsalis. I knew I came to live on the land of the Tsalis. I did not come to claim the land. Abram Mothuba was my nephew, Matlabe was our chief. He was at Polfontein when I came from Thaba'Nohu and tried to stop me going to Montsica as he said I was going to interfere with the Tsalis at Rietfontein and I said I was not doing so.

Questioned by Matlabe:

Chief Matlabe went to Thaba'Nohu and fetched us. I was on Matlabe's side when we fought against Montsica. Matlabe was then dead. All the people who came with me fought for Matlabe against Montsica. My son Ntere was killed by Montsica in the war. I was in Rietfontein when Montsica attacked us here. He came first. He could not exclude me because Matlabe vexed first. The freebooters were not here when Montsica attacked. I went to the councils of Chief Matlabe though I was allotted lands by Montsica - that is before the war. I paid taxes to Chief Matlabe, Montsica did not object, he allowed me to pay taxes to Matlabe (Chief Matlabe:- I contradict your statement that Montsica allotted you land). I never saw Rapulana my great grandfather. I have never been told Rapulana is buried here. My grandfather Mosegare I found at Hartebestfontein, Klerksdorp. I recognize Montsica as my chief to-day as I am living on his ground.

LETLHAKO MOSEKARI, states :-

I am brother of Mothupi, Chief Montsica allotted land to Abran Mothuba outside the river at Siboneng and this land is taken away by Chief Lekoko and Baderile.

DURI MOKOTO, states :-

I reside at Pelfontein district of Lichtenburg. I never resided here. Mothupi and Letlhako are my father's elder brothers. In 1872 Chief Matlabe went from Machavie stad to Thaba'Nohu saying that his brothers at Thaba'Nohu were calling him. On his return he brought his brothers Mothupi and I with him saying they were all sons of Mokgoa. They said they were coming to the original native land (coming to Pelfontein) Machavie left Potchefstroom in 1874 and Mothupi came here in 1875 and as they passed they said they came to the residence of their grandfather Rapulana. I may have been mistaken by my fathers. In 1881 Tsilis attacked us here. I came over because of this fight. In October 1881, 17th idem, we attacked Montsica at Schuba. Montsica fled to Mafeking and was besieged there. Mothupi and Letlhako were fighting on our side. I never heard they were allowed the part of the Reserve by Chief Montsica. The war lasted about a year and I never heard that Montsica allotted lands to Mothupi.

BAATJE MOKGOETI, states :-

I reside herein Rietfontein. I know nothing of lands taken from the Rapulana. I corroborate Mothupi's statement who is my chief. We came from Thaba'Nohu. We came in the summer, and found grain on the lands in the river, Montsica had ploughed the lands. Montsica allotted the lands to Mothupi. I do not know who can contradict that Montsica ploughed the lands. I have nothing to do with the dispute.

JOHN MOILA, states :-

I reside at Polfontein and am a Rapulana. I speak because Mothupi is my uncle. Matlabe came to Thaba'Nohu to fetch all the tribe of the Rapulana. He was there a whole year. He got them from Chief Mofoka. We trekked to Polfontein in 1874. I was then 22 years old. Chief Matlabe came from Potchefstroom. Chief Montsioa was then at Mochuaneng in the Bechuanaland Protectorate. Chief Molema was at Mafeking. We spent a year at Polfontein. Mothupi was allotted lands there by his brother Chief Matlabe. Mothupi came and asked to go to Rietfontein to remove his cattle post to the lands of his grandfather. Matlabe allowed him to go. Mothupi came to Rietfontein under Chief Matlabe. Mothupi attended the Councils at Polfontein. Abraham Mothuba came in after the war with Montsioa and came from Polfontein. The war found Mothupi here and the Rapulana. The war began by one from Mafeking coming here and assaulting the people, Makolokole by name. Mothupi sent to Matlabe to report that Mokolokole evicted them. I say that Montsioa had no authority here in Rietfontein. All through this land has belonged to Matlabe. Mothupi must know the facts. I know them and how can Mothupi not know them.

SETTLHOLO MONGALA, states:-

I reside at Polfontein. I have heard John Moila's statement and it is correct. I was with the Rapulana in those days with Chief Matlabe and participated in the wars of those days. Matsaloro says we joined the freebooters in the war. There were none in the war between us and Montsioa. In the battle at Sehuba there were no Europeans with us. Europeans came later and said they were fighting for their cattle. We did not get their assistance, we drove them away. My father was killed in the fighting. Matsaloro was sent to Mr. Snyman by the Chief. He need not deny it. I speak of the country not of the lands. This is the property of the Rapulana of the old Chief Rapulana

If this was the Tsilis property we would not claim it. It is shameful being dispossessed of this property. We beat Montsica off the country and our dispute should be with the Europeans as they later took the country from us .

MATLABE, states:-

I am chief of the Rapulana and reside at Polfontein in the Transvaal. I am pleased at being allowed to speak. I have come to listen not to speak. The Superintendent of Natives let me speak on the previous occasion. I took complaints to Pretoria. I believe the Government will listen now to the complaints and is wiser than any of us even when we try to add lies to our statements. All the people of Rietfontein are Rapulana and are my people. It is impossible in administration to send a headman of a different tribe to be over them. Unless the Government settle our present complaints there will never be an end to them. I have no hatred of the late Chief Montsica. I wish the Government to uphold Montsica in peace and the Rapulana in peace. We have no other chief than the Government. Let Rapulana be upheld by the Government at Rietfontein. I wish the Rapulana to be left at Rietfontein as it is their own land and Paul Montsica to be sent back to Mafeking. If this can be done the Government will never hear any complaints. All the Rapulana are complaining and are afraid of Paul who threatens to send them away. The Government must release the Rapulana from slavery.

JOSHUA MOLEMA, states :-

I reside in Mafeking and am a councillor of Chief Lekoko Chief of the Ratsili. Chief Lekoko is the head chief of this Reserve being discussed today. A lot has been said of Rapulana as of old and they speak of this Reserve as of him. In olden times the Rapulana, Tsili, and the Raseleka lived at Sehuba, Detakung, and Rietfontein, all sons of one man - Tau.

It

It is true Rapulana resided at Rietfontein, but subject to Tsili. The first man who came was Mothupi. My own father Molema resided at Mafeking. He was chief looking after the reserve to prevent the Dutch people taking it. When Mothupi came to Rietfontein my father came and asked him why he came without his permission, who was righthand man for Montsioa, who sent him to look after the country. Mothupi said I came to you as my cousin. Molema reported to Montsioa for approval - no one will contradict this. Montsioa came from Moshoaneng and with my father went to Mothupi and then their permission was granted to stay. I do not contradict what was said on the other side. Mothupi bears witness. There was a Stad here when Mothupi was allowed to stay here. There were lands along the river from the Eye downwards. There were lands for Letsapa Lekomo father-lands of Kgoadibane, and a big land ploughed for Montsioa the chief which had been ploughed for his father who died in 1852. The Rapulana used to plough the lands for Montsioa and his brother Seleri. The land is now ploughed by Paul Montsioa. This land was not taken from the Rapulana as they say. The lands ploughed by the Rapulana were given to them for peace sake. We went to Mafeking from Sehuba owing to the lack of water at the latter place. We fought with the Rapulana and freebooters two years. Snyman was with Dantje Botha a late Commandant of Marico.

PAUL MONTSIOA, states :-

I am headman at Rietfontein. I know the dispute as to lands here between the Rapulana and the Tsilis which has gone on for years. It is not true that I have taken lands from the Pulana and given them to the Tsilis. It is not as Seisho says. Isaac Lerang's lands were taken by a man who said he was owner - one Letsapa Lekoko. There is no truth in the statement of Seisho about lands taken. Botshelo did not take Ramatsililis lands. No. to all others. I know nothing of these

11.

these lands. No complaints have been made to me. I have not the power to deprive any man of his lands and give them to another and I have not done so.

MAGISTRATE

M a f e k i n g.

29/5/1913.

22

COPY

S.N.M. No. 2/1913

UNION OF SOUTH AFRICA

Office of the Superintendent of Natives

Mafeking, 9th June, 1913.

The RESIDENT MAGISTRATE
Mafeking.

Complaints of George Methuba
and Others at Rietfontein.

Acting on your verbal instructions I proceeded to the farms of Messrs.D.J.L.Betha, senior, and J.P.Snyman senior, in the Marico District, last week and now have the honour to enclose copies in triplicate of the statements taken from them in reference to the dispute between the Ra-pulana and Ra-Tsili as to land in the Native Reserves.

In addition to the above I have also to report that as a result of general enquiries made in and about Zeerust I was informed that ex-General Johannes (Jan)Celliers, who now, I understand, holds a position in the Transvaal Police Force and recently underwent a course of training at the Military Training College at Bloemfontein, was the officer in command of the European Volunteers who subsequently joined the Ra-Pulana in the war against the Ra-Tsili, and would most probably be able to give further valuable information as to the settlement of affairs on the termination of hostilities.

I regret that I was unable to ascertain this gentleman's present address, but I believe enquiries at the Head Offices of the Defence Force would elicit the required information.

(sgd) H.J.Frost,

Superintendent.

23

G.N.M. 2/1913.

C O P Y

I, JACOBUS PHILLIPUS SNYMAN of WITRAND hereby state that I was resident on this farm at the time of the wars between the followers of Moshette and Motlaba against Montsioa, with the details of which I am familiar; also the war when the volunteers assisted the firstnamed Chiefs against Chief Montsioa. These wars took place in the year 1882. I was at Buur mansdrift at the time when Motlaba's followers attacked Montsioa at Sehuba, and arrived at Sehuba just after the fight. Shortly after this attack on Sehuba Montsioa removed to Mafeking with his followers. So far as I am aware no volunteers assisted Motlaba when he attacked Montsioa at Sehuba. I am unable to give the true cause of the war between these natives. Montsioa had retired to Mafeking with his followers before the volunteers joined Motlaba and Moshette. Montsioa did send for me to come and arrange terms of peace but this was after the volunteers had joined the Rapulana. Commandant D.J.L. Botha was with me on this occasion. We did arrange terms of peace. I am unable to recall the exact terms, but we simply persuaded the natives to stop fighting. This was only a temporary arrangement; subsequently hostilities broke out again. I am not quite positive as to the incidents but all the terms of peace were written down by Mr. S. du Toit (Superintendent of Education in the Transvaal) signed by Montsioa, Moshette and Motlaba and taken by him to Pretoria. The boundaries of each Chief's area were therein defined. The Rapulana (Motlaba and Moshette) certainly got the upper-hand of the Ra-Tsili with the assistance of the volunteers, and it was then that peace was finally arranged.

(sgd) J.P.Snyman,

(sgd) H.J.Frost

Witrand, 6th June, 1913.

Witness.

74

S. N. M. No 2/1913

Copy - -

JOSEPHUS DANIEL LOUWRENS BOTHA, states :-

The Natives at Mafeking were fighting amongst each other before I went there. I was at Rietvlei, Molopo, on the night before the fight at Sehuba. I heard that there would probably be a fight at Sehuba and went over there first thing next morning. I remained near Sehuba for an hour or so watching proceedings but did not take part, nor did I go to the stad. (SEHUBA). So far as I am aware this fight was between the Natives only and before the volunteers joined in. There were, I believe, a few Europeans with the Natives (Motlaba's) but I do not think they took part. I cannot give the date as my memory is now very bad. I was sent with Mr. Jacobus (Koes) Snyman to arrange terms of peace with the natives and Europeans and Natives and Natives to put a stop to the war generally. We arranged the peace. Shortly after this Mr. S. du Toit (Superintendent of Education of the Transvaal), was sent by the President and he probably made any boundaries which may have been made. I cannot say what terms of peace were arranged. My memory as to the events of those times fails me and is generally very bad now. Willem Groenning, who was present at the time of the fighting between the volunteers and natives will probably be able to give you further particulars.

Taken down by me at Weltevreden, No. 61, District of Marico, this 5th day of June, 1913.

(sgd) H.J.Frost.

N.B. Mr. D.J.Botha being now blind and unable to read the above was not required to sign it.

CONFIDENTIAL


MEMORANDUM OF INFORMATION SUPPLIED BY JACOB MOSES, COURT INTERPRETER TO MAGISTRATE, MAFEKING - re RIETFONTEIN

In 1895 when I first came to Bechuanaland the Tsilis ploughed land up to the Five-mile Cottage south of Mafeking up along the Riet Spruit. Kgaye Makolobate was then ploughing about a mile further on, on the south-east side of the Railway line and was subservient to Abram Mothuba.

After May 1900, Wes sels Montsioa (who died in 1903) sent Paul Montsioa, Kgola, Sefithole and Raditalama to Rietfontein to take over the lands as petty chiefs and the other three as his councillors. This was while Abram Mothuba was detained as a rebel by the Imperial authorities. Mothuba was sent from Mafeking. I believe to Cape Town but was released as soon as peace was declared and he returned to Mafeking, i.e. Rietfontein. After this there was continual dissatisfaction between the Pulana and Tsilis under Montsioa.

The fight that took place at Rietfontein was about 1880 or thereabouts between the Pulana and the Tsilis not between the Pulana themselves. The fight between the factions of the Pulana took place somewhere about 1895 or 1897 merely over ploughing. According to statements made to me by Chief Montsioa himself re the fight of 1880 the Tsilis got badly beaten by the Pulana and they were driven into Mafeking from Schuba where they were residing under old Montsioa, Wessel Montsioa's father who died in 1896. The Pulana were always satisfied with old Montsioa because he never deprived them of their lands, but after his death the Tsilis tried their best to compel the Pulanas to leave the reserve at Rietfontein and even went so far as to petition Mr. Joseph Chamberlain on his visit to order the Pulanas from Rietfontein and to do away with Mothuba. Also to clear Makgothu from Polfontein in the Lichtenburg district, i.e. Machavie Location and to extend their, the

Tsili



Tsili's boundary so as to include Polfontein location as well. Mr Chamberlain replied that he could not possibly interfere with the existing conditions and rights of these people but that Mothuba must be recognised as Chief at Rietfontein and Mok - gothu at Polfontein, and if the Tsilis' ground was too limited they could apply to Sir Gordon Sprigg who was present for the enlargement of their reserve.

After the death of old Montsioa many Batsilis subscribed money to pay for the opening of the fountain at Rietfontein with the assistance of Mr. C.G.H. Bell the Civil Commissioner of Mafeking. Chief Wessels Montsioa and others then proceeded to Rietfontein to inspect the fountain with the strict intention of usurping the lands of the Pulana and eventually turn them out. The Tsilis collected the money without the knowledge of the Pulana and without informing them of their intention.

In 1899 just before the war a Dutchman started to open the fountain but the war began and the work was given up. Immediately after the relief of Mafeking the Tsilis went to Rietfontein and summarily took the lands of Abram Mothuba's people.

According to native custom every petty chief and head man has a piece of ground specially set aside and marked off for him and his followers and he again sets apart pieces of land for his followers and no one may disturb such possession - not even a chief. Before the Tsilis went to take Mothuba's lands they asked me to contribute £5 and in return I was to receive a piece of arable land along Rietspruit but I declined as I did not feel justified.

About 1901 it was agreed upon by the Tsilis that the lands of old Mothupe Mosikari should also be taken from him on the west side of the Rietspruit. Accordingly Wessels Montsioa and Lekoko Montsioa drove up to my hut in the Mafeking Stad one day and told me to accompany them to Rietfontein but I refused though later I agreed. Besides the chief there

there were about twenty followers who went to Rietfontein. After we had proceeded on our way for some distance - and after we had crossed Methlonyane Spruit - we were overtaken by Headman Joshua Molema whom we had left at Mafeking and he stated that after our departure from Mafeking a native named Moshosou, a subject of Mofutha, had informed the Officer Commanding the Troops that his lands had been taken by the Tsilis and as Martial Law was still in force we had better return to Mafeking. We did not, but continued to go to Rietfontein on our way to the fountain. We went to the Eye. In consequence of Joshua's report we did not do anything at Rietfontein so we returned the same day to Mafeking.

The Chief of the Pulanas is Matlabe at Polfontein in the Lichtenburg district of the Transvaal. He is of lower rank than the Tsilis because he belongs to the third house.

The Matlou come first the Ratsilis second and then the Rapulana.

(SGD) Jacob Moses

Mafeking
28/5/13

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S. N. M. No.2/1913.

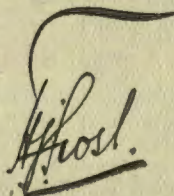
OFFICE OF THE SUPERINTENDENT OF NATIVES,
M A F E K I N G.

27th June, 1913.

Complaints of George Mothuba and others
at Rietfontein.

Please note that I intend visiting Rietfontein at about 10 o'clock on Tuesday morning, the 1st proximo, for the purpose of verifying the diagram and statement with regard to the allocation of lands there given me by Headman Paul Montsioa on the occasion of my last visit, and wish all interested to be present.

In any case I wish to meet the said Headman there then.



Superintendent.

To Chief Lekoko Montsioa. }
Headman Paul Montsioa. }
Native George Mothuba. }

UNION OF SOUTH AFRICA.

OFFICE OF THE SUPERINTENDENT OF NATIVES,

MAFEKING, 2nd July, 1913.

The RESIDENT MAGISTRATE

MAFEKING.

Complaints of George Matuba and others
at Rietfontein.

Acting on your verbal instructions and after notifying all interested of my coming and inviting them to attend, I proceeded to Rietfontein yesterday for the purpose of verifying the statement submitted by Headman Paul Montsisa of the allocation of lands along the spruit there.

I should say there must have been at least from 200 to 300 natives present including Chief Lekoko Montsisa with a number of his Councillors amongst whom was his son-in-law Sebepele Melema, who took down very extensive notes of all that transpired. Chief Monchosi Motlaba of Polfontein with a considerable following and Seishe Mddise with most of the Ra Pulana residents of Rietfontein.

I first read copy of my letter giving notice of my visit, but stated that I had not come to address discuss the Rietfontein question in general but only to verify the statement as to the allocation of lands along the spruit there which I at once proceeded to do. After having called over the names two or three times, making the necessary amendments and checking them, accompanied by the headman and about sixty to seventy other natives, I went down to the second fountain just above the ridge of rocks to ascertain the exact position of the lands between the said fountain and the rocks. I found that Lesapa Lekona's lands on the right bank and Andries Moriakgomo's on the left extend for a

a distance of about 70 yards - I paced it off - above this fountain and considerably below it, the holders below them being on the right bank Pooeachabele Mashoe and Raditalama Maghi and on the left Photsane Legalatladi and Mothupi Bopalame as shown in the enclosed statement, I am also enclosing the original statement which Headman Paul Montsica signed as correct yesterday.

On the right bank there are 26 (twenty-six) holders of lands abutting on the spruit and six again on the outside of these. On the left bank there are 28 holders.

With regard to land No. 6 on the right bank Paul Montsica stated that the widow of Abram Mothuba has the right to plough this land but has not exercised it this year although she did so last year. Seyishe and the Rapulana however deny this statement.

With regard to No. 7 Paul Montsica stated that Seabele Megami ploughed this land since the late war but did not do so this year only. Beabele Megam i denied this and stated that one Schitlhule Neapedi did so. The last named is one of the Ra Tsili tribe.

No. 18 David Separagatla. This land lies on both sides of the spruit by which it is cut in two.

H. J. Frest.

SUPERINTENDENT.

Magistrate's Office, Mafeking,

027/

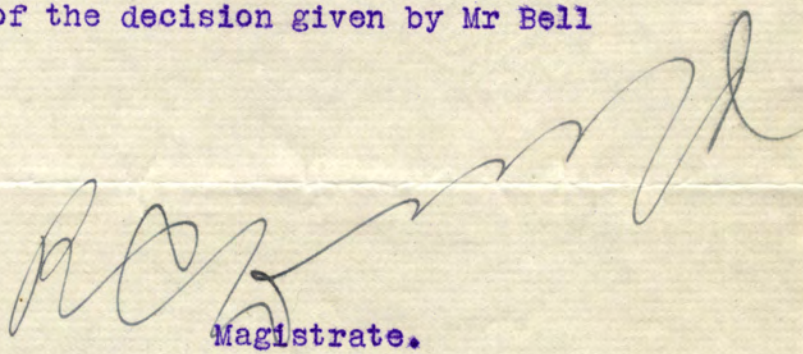
/1913/13.

5th July, 1913.

Chief Lekoko Montsioa,
Mafeking Stad.

**Rietfontein-Lotlakana Dispute - Complaint of George
Mothuba and others re lands.**

In connection with the conversation yesterday and
to assist you in the discussion upon the Lotlakana matter
I send you, herewith, copy of the decision given by Mr Bell
in 1897.



Magistrate.

The formal decision in this matter is that the division between Motupi and Abraham is the stream which now runs between their respective kraals, commencing at the Eye of the Fountain following the course of the river as far as Masiloanuka. Motupi to cultivate the land on the west side, and Abraham on the East Side. Abraham to continue to be the head man and to continue to conduct official business; but to have no right or authority to distribute or regulate the ploughing and cultivation of land of the West side of the stream, the latter will be used by all parties equally, having a due regard to the area of land the individual cultivates.

Charles G.H. Bell.



027/1913/13/13.....

(270) —

In any future correspondence
please quote above number.

UNION OF SOUTH AFRICA.

OFFICE OF THE MAGISTRATE,

at MAFEKING,

10th July, 1913. 19

Chief Lekoko Montsioa,
Mafeking Stad.

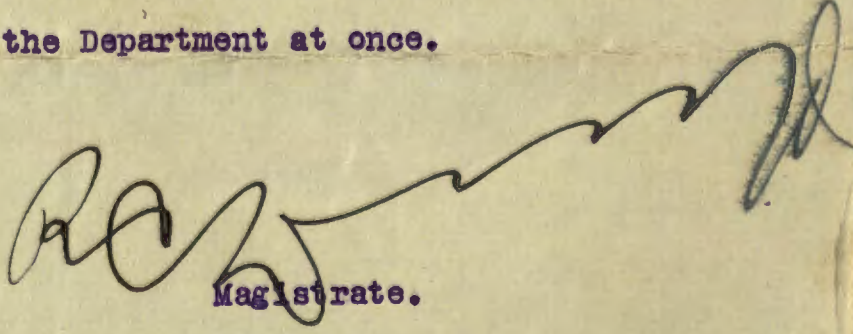
**Rietfontein-Lotlakane Dispute - Complaint of George
Mothuba and others re lands.**

I have your letter of the 7th instant and to inform you that the decision of Mr C.G.H.Bell was given on the 21st July, 1898 and not on the 8th idem as stated by you. It is as follows:—"Matter of Abram Mothuba's people 21/7/98 "who complain they should be paid compensation for im- "provements in lands they have been ordered to vacate "at Rietfontein.

"The Complainants are informed they have no case."

"sgd. Charles G.H.Bell. R.M."

In conclusion I shall be glad if you will let me have any information immediately on this matter as I must forward my report to the Department at once.


Magistrate.

Magistrate's Office, Mafeking,

11th July, 1913.

027/1913/13/13

(271)

Chief Lekoko Montsioa,

M A F E K I N G .

Rietfontein-Lotlakane Dispute - Complaint of George
Mothuba and others re lands.

In continuation of my letter of the 10th instant
on the above matter I have the honour to inform you that
the sum of £50 was advanced the Baralong to open the
Rietfontein fountain which was subsequently adjusted.

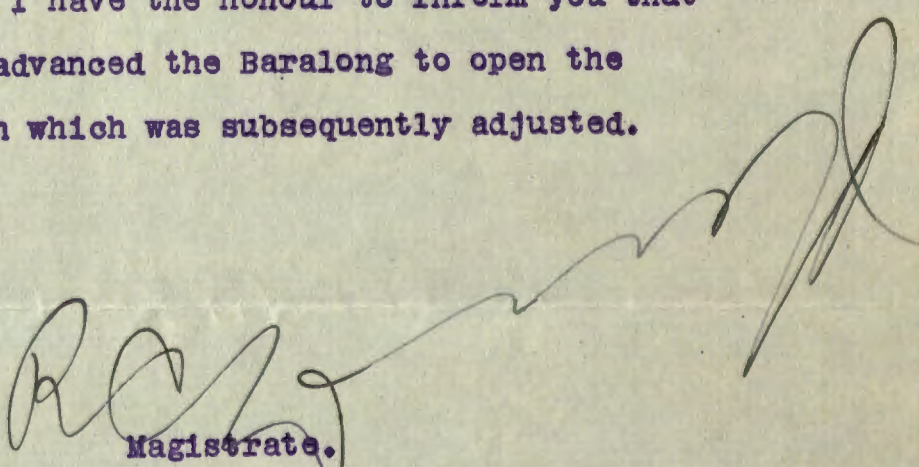

Magistrate.

Exhibit 54
~~SECRET~~

2307/20/120

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MAGISTRATE'S OFFICE, MAPEKING,
23rd July, 1913.

D23/13/13/418.

The SECRETARY FOR NATIVE AFFAIRS,
PRETORIA.

Complaint of George Moshuba and Others
at Lotlekana (Rietfontein).

In compliance with the last paragraph of your Minute No. 3159/12/F.718 of the 9th May last, upon the above subject, I have to report that I proceeded to Lotlekana (Rietfontein) in company with Mr. Frost, the Superintendent of Natives on Thursday 29th May last, and there met a large number of Natives, being the Rapulana with Matlaba (Mochusi Matlaba) and the Ratsili with Tiege and other Councillors who appeared in the absence of Chief Lekoko in Cape Town. The headman Paul Montsisa was also present. Chief Aaron Moshette of the Ratsilis was absent owing to notice of the meeting unfortunately not having reached him in time.

Constable Nehemiah Melesi acted as interpreter.

The proceedings opened with Seyisho Modise stating the complaints and claims of the Rapulana. The latter (i.e. claims) being the greater may be taken first. The claims are based upon the broad grounds that Lotlekana is theirs by right (a) given to them by Machabi, (b) is an inheritance from their chief's forefather Rapulana, and (c) by conquest as against the Ratsilis.

With regard to these contentions I would submit that upon the establishing of the Protectorate by Her Majesty in 1885, whatever may have been the respective claims of the Rapulana and Ratsilis those were finally disposed of by the award of the Lands Commission of 1886, given in Blue Book No. C/4889 of that year a view which I believe has received some recognition by the High Court, Kimberley, in the recent case heard three years ago between
the.....

the Ratlous and Ratsilis upon the subject of the Maritzani Fountains. The Commission purposely refrained from defining boundaries between tribes or section of tribes considering the reserves available for all natives no matter of what nationality.

Par. 3
Annex.

"C" p. 30.

Before proceeding further with the effects of the Commission's findings in this connection, it may be well to deal with the historical view which was raised at the meeting.

Upon the death of Tau, Chief of the consolidated Barolong Tribe, in 1760, owing to the weakness of character of the elder branch (Ratlou) the tribe broke up into clans in a war of succession but there is no evidence to show what portions of the whole of Bechuanaland which formed part of Tau's country were occupied by each of the several clans and the allegation that Rapulana occupied and died at Lotlokana may or may not be true. In the late 20's and early 30's of last century owing to various vicissitudes and particularly the inroads of Moselikatse, the Barolong tribes, three of them, were driven from pillar to post finally settling at Thaba 'Nchu where later they were joined by the young chief Matlaba of the Rapulana. As far as concerns the later history of Bechuanaland, only the Ratsilis were there of any importance. These Barolongs assisted the Boers in the defeat of the Moselikatse and in return were promised the lands of their forefathers.

In the late 40's the three tribe - Ratlous, Ratsilis and Rapulana - moved to near Potchefstroom and thereafter the Ratlous moved to Setlagoli in this district and in 1850 the Ratsilis under Tawana moved to Lotlokana in this district whilst Matlaba remained at Potchefstroom. At Lotlokana, the Ratsilis power increased rapidly, Montsioa becoming chief on his father's death, Montsioa having failed to observe his obligation to the Boers was in 1852 called to account whereupon he abandoned Lotlokana, destroying his huts and burning his kraals and fled to Moshong north of the Molepe in the present Bechuanaland Protectorate leaving his younger brother Melema with a small following upon the Molepe.....

Heal's
History
Vol. 3, p.
320.

Molope in the neighbourhood of Mafeking. In the year 1873 or early in 1874 Mentsica returned to his old place on the Molope. The old disputes as to land etc. continued between Mentsica and the Beers, and the South African Republic and in 1874 President Burgers acting under authority of a treaty with Moshette chief of the Ratlous in the neighbourhood sent Chief Matlabe with his Rapulana section to Polfontein whence Mentsica's people and some of the Ratsilis were displaced. Mentsica had previously acknowledged Moshette's paramountcy which was also acknowledged by Matlabe and is by his successors.

Mentsica protested but in vain. During the same year 1874 or in 1875 Mothupi, a brother of Matlabe with a section of the Rapulana came to reside at Lotlekana, with - the Ratsilis allege Mentsica's consent - without such consent, but by authority of Matlabe - the Rapulana allege. Mothupi who is still alive stated at the meeting that he had Mentsica's permission and this is borne out, at page 87 paragraph 24 of Blue Book No. 6/4889 and also at page 6 of Blue Book 6/4890. It is difficult to find an explanation why so astute a man as old Mentsica came to permit the Rapulana, who were in league with the Beers against himself, to settle at Lotlekana, that is if he, Mentsica, was in possession or at least had the control of the place. Apparently the Rapulana were left or remained in possession until 1881 when Mentsica attempted to remove them but failed after Matlabe had dared him to fight. Later, the same year, Mentsica attacked Lotlekana and killed about eighty persons, Mothuba another brother of Matlabe acknowledging defeat. Later in the same year the Rapulana under Matlabe with the aid of the Ratlous under Paramount Chief Moshette defeated Mentsica at Schuba just north of Lotlekana and drove him into Mafeking and layed seige to the place in the meantime overrunning the Ratsili's lands as far as Disaneng (Jan Masibi's

Kraal).....

Kraal) which they burned. The Ratsilis strongly deny that Montsica sent to Commandant Snyman to come and arrange terms of peace, even the alleged messenger denies this but a statement has been obtained from Commandant Snyman who states the fact and this is also supported by the Record at page 89 paragraph 48 of Blue Book 4889. Peace was arranged in October, 1882. The Land Commission held, vide pages 71 and 72 of the Blue Book 4889 that the terms of this treaty could not be upheld at least in so far as Europeans were concerned. The Rapulana remained in possession of Letlokana, yet Montsica alleged that his people ploughed there for two years thereafter. It was during these troublous years in 1884 that Abram Methuba a sub-chief of Matlabe removed to Letlokana from Polfontein. Montsica was beset with difficulties at the hands of the Boers up to the time the Protectorate was established in 1884.

To return now to the findings of the Commission. Soon after Sir Sidney Shippard's arrival in October, 1885, Montsica protested very jealously against Matlabe's people, i.e. the Rapulana being allowed to retain Letlokana just as he had done in the case of Metseakhume at Pitsani. In both cases his protests were considered to be undeserving of consideration. In support of this it is well to quote the whole of that portion of the Administrator's despatch affecting this matter, vide page 6 of Blue Book G/4890 : - "In giving to Andries Machabi, Chief of Polfontein, permission to send his cattle for safety across the Border at Letlokana or Rietfontein as a cattle post. I was influenced by the following considerations.

"Ever since 1884, when the Chief Montsica gave Machabi permission to occupy Letlokana or Rietfontein as a cattle post, Machabi's sub chief or vassal Abraham Matuba has resided at Letlokana on behalf of Machabi, and although Abraham Matuba was on one occasion attacked by Montsica in order to drive

Machabi's.....

"Machabi's People out of Lotlokana, Montsica has never
 "up to the present time succeeded in dislodging them, and at
 "the date of the Annexation of British Bechuanaland Abraham Mat-
 "tiba and his people though continuing, according to native
 "customary law, to be subject to Andries Machabi of Polfontein
 "were to all intents and purposes domiciled in this territory.
 "Soon after my assumption of office here, last October, Abra-
 "ham Matiba and his principal followers waited upon me and
 "begged earnestly that they might be allowed to remain in pos-
 "session of the kraals, cattle posts and lands in and around
 "Lotlokana, occupied by them on behalf of the Chief Andries
 "Machabi of Polfontein since 1874. I returned a guarded
 "answer to the effect that their claims would be considered in
 "due course by the Land Commission.. I subsequently visited
 "Lotlokana with Lieut. Haynes R. B. Montsica protested very
 "jealously against our allowing Machabi's people to retain
 "Lotlokana just as he protested against our permitting Mot-
 "seakhume and his people remaining at Pitsani. In both cases
 "I consider Montsica's protests undeserving of serious consider-
 "ation. The Land Commission has since provided for the
 "natives at Lotlokana, who are Barolong though of a differ-
 "ent branch to that of Montsica. As however, according to
 "native law, the cattle posts and grazing rights at Lotlokana
 "belong to Andries Machabi of Polfontein just as much as
 "Moshette's de facto grazing rights in British Bechuanaland
 "belonging to the latter, whom Machabi acknowledges as his
 "paramount chief, and as moreover it might even be fairly con-
 "tended that the grazing rights of the subordinate Barolong
 "chiefs Machabi, are, according to native law, included in
 "the de facto grazing rights of the Paramount Chief Moshette.
 "it appears to me that I could not equitably deny to Machabi the
 privilege.....

5

privilege he sought. I say nothing of common humanity in "this case, as I am of opinion that my decision on this "point is based on sound legal grounds. Machabi, who was "profuse in his expressions of gratitude, informed me that "he would keep his cattle at Lotlokana under the sole care "of his councillor Piet Metuba."

In the Commission's report it will be found that the Rapulana were no small section in Bechuanaland. On page 66, paragraph 1, section 3, it is stated the Bera-Rapulana Barolong who obey Matlabe of Lotlokana and Polfontein whose headman at Lotlokana is Abram.

In paragraphs 3 and 10 the number of the Rapulana is given as 960, being the Machabi's Barolongs in the Molepe Reserve and in paragraph 9, page 67, (C^o 4889/1886) their holding is more clearly defined - to quote in full "9. Those "of Machabi's Barolongs who are settled in British Bechuana- "land live at Lotlokana close to the Transvaal Frontier. "Their garden grounds and cattle posts are in the vicinity "of that place.

It appears that in 1885 Montsion agreed to the creation of the belt of farms for European occupation on the Transvaal Border along the whole of the Molepe Native Reserve except at Lotlokana, vide page 40, paragraph 10, (Blue Book 4890) which reads "On my first arrival in Mafeking, about the end of last "October, Montsion with his Council cheerfully agreed that for "defensive purposes a belt of farms should be marked out for "white occupation along the Transvaal Border, save of course "at Lotlokana, which since 1874, has been occupied by Machabi's "people under Abraham Mathuba."

The object of this belt of farms was to form a buffer between the Boers and Montsion. The question naturally arises if the Ratsilis allege Montsion was chief and in possession of Lotlokana why was the buffer or barrier not extended along the

the border there. From the Ratsili side no adequate explanation seems possible, as not only were the Rapulana at Lotlokana adherents of a chief just across the border who himself was a subject of the Transvaal but also Mentsica could not dispose of lands in the possession of a people over whom he had no authority. It is noteworthy that in the map "A" Liet. Hayes map in Blue Book 4890 at page 37 - Mentsica's Barolong are not shown as being at Lotlokana nor are the Rapulana, but the index of colours gives the Lotlokana Barolongs as distinct from the Mentsica Barolongs.

It is abundantly clear that notwithstanding Mentsica's protests, Sir Sydney Shippard was convinced that there was no reasonable claim by Mentsica in 1886 to the lands at Lotlokana and decided accordingly, which decision Mentsica apparently loyally recognized up to the time of his death in 1896 from which date the present disputes between the two factions begin.

Early in 1897 the Rapulana quarrelled among themselves as to rights to lands at Lotlokana with Abram Matuba on the one side and Mothupi on the other. Wessels Mentsica who succeeded his father Mentsica, attempted to settle the matter, but Abraham Matuba refused to recognize him as chief or to accept his authority. Authority derived evidently from Proclamation No. 32 of 1887 which has been taken advantage of by the Ratsilis to their fullest interests.

The then Civil Commissioner, Mr. G. G. H. Bell held an inquiry resulting in the lands on the left bank of the valley being awarded to Mothupi's people and these on the right bank to Abraham Mothuba's people. A plan of the lands held at present was prepared by the headman Paul Mentsica and it is significant that all but two of the lands on the left bank are held by Rapulana followers of Mothupi who acknowledge the authority of the Ratsili's chiefs, whilst few lands on the right bank are held now by Mothuba and his followers.....

Betty
Nehelaw
Humbin
Le had
authority

Matubi
Mothubi
Mothubi

followers who reject the authority of the Ratsili Chiefs. It is from Mothuba and his followers that the Ratsili have taken lands, the cause of the present complaints. At the inquiry held in 1897 Chief Wessels Mentsica stated he wished to drive Abraham away and that he, Abraham, denies his authority. From the decision at that inquiry to which Chief Wessels was a party it seems clear that Abraham Mothuba and his followers were allotted all the lands on the right bank from the fountain to Mesildanuka.

Attached hereto is a statement by my Court Interpreter Jacob Moses, who is a member of the Chief line of the Ratlous being a relative of Chief Letlhogile of Genesa, setting forth how persistently persistent the Ratsilis have been since Mentsica's death in despoiling the followers of Abraham Mothuba.

Another inquiry followed in July 1898, by which time the Ratsilis had dispossessed several of Abraham Mothuba's followers of their lands who in lieu claimed compensation. With the finding at the inquiry namely, that the claimants had no case it is impossible to agree, the decision having been come to upon statements of those interested in despoiling the particular section of the Rapulana. Neither upon historical nor legal grounds is the decision correct. This was followed by a still more unfortunate incident in the following year, viz: the opening up of the fountain at a cost of £50 which was done by the Ratsilis in the ignorance It would seem that it was taken for granted that the Ratsilis OF THE Rapulana/were in authority at Letlokana and could go the length of removing law abiding persons from lands and-held and cultivated by them. Then came the Anglo-Boer War of 1899-1902 in the course of which Abraham Mothuba was sent to prison, and out of that fact the Ratsilis made all capital. (see Jacob Moses statement).

After...

Whole
decision
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this

£50
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fountain

8

9.

After the war Wessels Montsica not content with what had already taken place at Lotlekana petitioned for the grant at Polfontein Matlabe's headquarters in the Transvaal.

This was refused. Unfortunately, in May 1900, Paul Montsica

a Ratsili was appointed Headman - an appointment from which the Rapulana who are hostile to the house of Tsili could expect very little. The disputes as to land and authority

have continued to date and as put by Monchuse Motlabe will not cease until the oppression of the Ratsilis is stopped.

Against the Rapulana contention there are two strong facts

(1) Abraham Muthaba in his statement at the inquiry in 1898 stated he did not claim the lands which he held from Montsica (2) The Rapulana have paid taxes levied by the Ratsilis - taxes for which there is no authority in law.

After a careful perusal of all available papers I come to the conclusion that the claims of the Rapulana are sound and just. These need not be decided upon any facts antecedent to 1886 though it may be well to observe that whether or no they first took possession of Lotlekana with Montsica's consent they certainly established rights thereto by force previous to 1885, rights which were given effect to by the Lands Commission and by the Government of the day through the Administrator Sir Sidney Shippard, and ten years later on the 29th August, 1895, when annexation was about to take place that officer placed on record the fact that the native reserves be retained for the use of the natives in terms of the award of the Lands Commission in 1886: in other words the Rapulana were to have and to hold Lotlekana in terms thereof.

I have purposely refrained from all reference to the de facto rights of Moshette though now I would call attention to the views expressed by Sir Sidney Shippard at page 6 of Blue Book 4890. The exercise of these rights particularly in view of Union, will I am persuaded come up for

decision..... 9

decision in the near future and would do so as soon as Matlabe claims to exercise jurisdiction at Lotlekana under his superior Chief Aaron Moshette.

It is hardly necessary to add that I do not concur in the views expressed by my predecessor in his minute to you No. D22/673 of the 4th March, last, nor in your confirming minute No. 3159/12/P.718 of the 12th idem as I am of opinion that the decision was come to without a sufficient consideration of the matter. As stated above I cannot find anything in the inquiry held in 1898 which would warrant a decision upon the claims of the whole tribe when the matters in issue then were special claims by and against particular individuals

Whatever decision is now come to by the Government upon the general question, it will be exceedingly difficult to give effect thereto, as evidenced by the position taken up by Chief Lekoko who denies the right of Government to interfere in this matter - vide Mr. Minchin's letters of 23rd October, 1912, and 28th November, 1912, and the Superintendent of Natives report of 2nd December, 1912 - a position strengthened possibly by the admissions contained in paragraph 5 of your letter of the 14th June, 1911, forwarded to me under cover of your Minute No. F.1331/2234 of the 28th idem.

I have not dealt with the special complaints of individual persons, which I propose to leave in abeyance until you will have given a decision upon the major claims of the tribe, whereupon I think the individual matters may be dealt with by the Superintendent of Natives. When this is being done the conduct of the headman Paul Mentsica can be fully dealt with, and thereafter a decision arrived at as to whether or no he should be continue at Lotlekana.

The enclosures to this minute are : -

- (1) Statements taken by myself at the meeting on the 29th May, 1913.
- (2) Statements by Messrs. Snyman and Botha.

- (3) Statement by Jacob Moses.
- (4) Plans of lands in valley of Letlekana framed by the Headman Paul Mentsica.
- (5) Verifying plan of same framed by Mr. Frost, Superintendent of Natives.

The above report was written some five weeks ago but has not been transmitted to you as I have been awaiting a communication from Chief Lekoko and this only reached me to-day. In his statement of facts there is nothing of serious issue except the alleged intent of the decision or award of Mr. Bell in 1897, the award is in writing conveying a plain meaning which is exactly that contended for by the Rapulana. Any evidence in support of a variation of that meaning is not admissible.

A matter of importance is raised in the second paragraph of Chief Lekoko's forwarding letter upon which a definite and immediate intimation should be conveyed to him, admitting his right to exercise judicial and only judicial functions among members of his own tribe and firmly disallowing any pretensions to the exercise by him of any administrative functions except such as the Government may be pleased to vest in him.

The matter in dispute is purely an administrative one calling for no exercise of any judicial powers.

If you so desire, I shall, pending your decision upon the general question convey these views to Chief Lekoko.

Chief Lekoko's letter dated 23rd instant with enclosure is forwarded herewith.

R. C. Lloyd ~~R. C. Duff~~

MAGISTRATE.

Lloyd

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Silas T MOLEMA and Solomon T PLAATJE Papers

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