



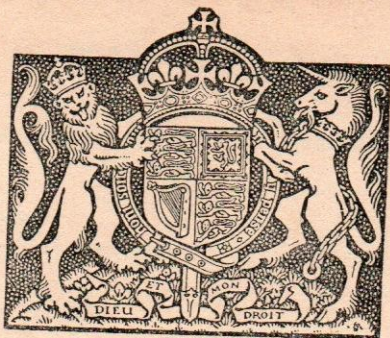
BASUTOLAND MEDICINE MURDER

A Report on the Recent Outbreak
of "Diretlo" Murders
in Basutoland

*Presented by the Secretary of State for Commonwealth Relations to Parliament
by Command of His Majesty
April 1951*

LONDON
HIS MAJESTY'S STATIONERY OFFICE
THREE SHILLINGS NET

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Memorandum

CONCLUSIONS OF THE SECRETARY OF STATE FOR COMMONWEALTH RELATIONS

In July, 1949, with the concurrence of the Secretary of State for Commonwealth Relations the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland, appointed Mr. G. I. Jones, Lecturer in Anthropology at the University of Cambridge, to enquire into and report on :—

- (1) the nature and significance of the large numbers of murders which had recently occurred in Basutoland ;
- (2) the proximate and underlying causes of the apparently increased incidence of the crime ; and
- (3) the steps which the Basutoland Administration might take to remedy the position.

2. The Secretary of State has now considered, in consultation with the High Commissioner, the report submitted by Mr. Jones to whom the thanks of His Majesty's Government are due for his able, careful and thorough investigation of this difficult problem.

3. The Secretary of State accepts the report as eminently fair in its presentation of the historical causes of the outbreak of such murders in Basutoland in 1947 and 1948.

4. The Secretary of State accepts generally the recommendations in paragraphs 185-192 of the report for punitive and other action directed towards the early suppression of the outbreak.

Vigorous action, already taken by the local authorities during and since Mr. Jones' investigation, has been in large part successful in suppressing the outbreak, as Mr. Jones himself acknowledges in the introduction with which he has prefaced his report. Only one medicine murder is known to have been committed in 1950 and the successful investigation of that was made possible by the full and ready co-operation of the Native Authority. But, as the report shows, the causes of the outbreak were deep-seated and it may be some time before it can safely be said that the murders have ceased. Nevertheless the situation has so far improved as to make it unnecessary at present to consider adoption of Mr. Jones' suggestion for the stationing of additional police in certain areas at the cost of the local populace ; this is a measure which the Secretary of State would be very reluctant to adopt.

5. The Secretary of State also accepts the recommendations in paragraphs 193-209 of the report in which Mr. Jones defines closer association of the people of Basutoland with the work of government and the institution of less centralised forms of administration as the longer-term political objectives which should be pursued.

Although development must inevitably be steady and gradual, further changes have already been effected in the native administration system within the past twelve months, as Mr. Jones has also acknowledged in his introduction. These changes are an important step towards closer association of the people with conduct of their local affairs. Enquiries of the type suggested by Mr. Jones will be conducted in close consultation with the Basuto to ascertain more precisely the most acceptable methods for introducing further changes.

6. Further, to ensure that future development of the system of native administration in Basutoland is fully understood and soundly executed, the Secretary of State has directed that tours and visits should be arranged for chiefs and headmen to other colonial territories where they can witness in operation well-established local government institutions.

7. The Secretary of State is confident that the steps contemplated will result in achievement of the objectives recommended by Mr. Jones, in particular greater decentralisation, the creation of effective and representative instruments of local African government, and the development of the chieftainship as a continuing institution fitted to shoulder its modern responsibilities.

COMMONWEALTH RELATIONS OFFICE,
April, 1951.

Introduction

1. The report which follows is the result of four and a half months' work in Basutoland from August to mid-December, 1949. My terms of reference were "to inquire into and report on:

- I. The nature and significance of the large number of murders recently occurring in Basutoland.
- II. The proximate causes of and the underlying reasons for the apparently increased incidence of the crime.
- III. The steps which the Basutoland Administration might take to remedy the position.

I have endeavoured to deal with the first point in Chapter II, with the second point in Chapters III to VII, and with the last in Chapter VIII of this report.

2. The shortness of time at my disposal made any normal anthropological field study out of the question and the method I adopted was to make:—

- (i) A broad general survey of Basuto public opinion and to check this against a more intensive study of particular areas (Butha Buthe, Mafeteng, and Mokhotlong).
- (ii) A detailed study of the criminal records of each particular murder or suspected murder believed to be connected with *diretlo*, and as this disclosed that in the majority of cases the underlying motive was political.
- (iii) A study of the political developments in Basutoland both before and after the years 1938-1939, when the Basutoland Government began to introduce constitutional reforms of Native Administration type and when Paramount Chief Griffith died.

3. The average Mosuto like the average Englishman being irritated or embarrassed by questions, there was obviously no point in using such a method of obtaining information, except of course in the case of Government officers, part of whose duty it is to suffer fools and their questions gladly. Most of my information came from discussion with private individuals and with small groups using the technique which has been called the "multiple interview". By this I mean obtaining information or opinions from a group of people who in the course of friendly talk amongst themselves deal with topics of interest to the interviewer, who forms one of the group but only intervenes occasionally to steer the conversation round to subjects which he wants discussed.

4. I was not able to see everybody I should have done or to visit in my survey every ward or ward section that I should have liked to. I concentrated mainly on the common people and the "intelligentsia" rather than on their chiefs or on Europeans living in Basutoland, and I must apologise to all those persons inside and outside the country who would have liked to discuss these murders with me and whom I was unable to meet. Difficulties of transport and time also made me spend most of my time in the lowland districts where there were motor roads to use as jumping off points and where the population was less dispersed.

5. I was fortunate in having, for a brief 10 days in August, the assistance of Dr. E. H. Ashton who was able to amplify the short study he had made of Medicine murder with special reference to the Mokhotlong area and who made available to me the manuscript of his study of the Basuto, which is

now being published by the International African Institute. I am also deeply indebted to the Reverend J. P. Ramseyer of Adams College, Natal, who worked with me during August, September and October. His profound knowledge of the Southern Sotho language and culture, and his close friendship with the chiefs and people of the Butha Buthe and Mafeteng areas made it very much easier for me to understand and to be accepted by the people of these areas. I am also very grateful to Mr. Kikini of Chief Jeremiah Moshesh's people, Matatiele District, Cape Province, who acted as my Basuto interpreter.

6. I have to thank the Regent 'Mantsebo, Acting Paramount Chief of Basutoland and all sections of her people for the cordial and helpful way they received me; the representatives of the Paris Evangelical, the Roman Catholic, and other Missionary societies, together with members of firms trading in Basutoland, as well as the Basuto independent press and other independent Basuto for the assistance they gave me in my enquiry; and finally the Resident Commissioner, his deputy and all members of his staff for their hospitality and for the patient and efficient way they supplied the information which I asked for and turned their offices upside down in search of obscure references and ancient records. I have also to thank Professor I. Schapera of the University of Capetown for advice and ethnological data on the Sotho tribes.

7. Since leaving Basutoland a number of changes have occurred which make a number of the statements in the final chapter of my report, written in January and February, 1950, either inaccurate or misleading. In the first place I am informed that though *diretlo* murders have not entirely ceased—one certain case and two possible cases have been reported in 1950—they are certainly on the decline.⁽¹⁾ Again the Paramount Chief and her advisers are now taking more positive action about them, for example the placing of Sekhobe Moholobela referred to in paragraph 187 has now been disallowed, and disciplinary action threatened against the new ward chief of 'Mamathe's if any further murders occur there, as suggested in paragraph 191 and its footnote. If, as is probable, it can be assumed that this improvement will continue the more extreme remedies suggested in the report in paragraph 191 (ii) will not be required, particularly as the Police force has been increased by 57 troopers, thus making more men available for patrol work.

8. In regard to political reforms, steps are already being taken to decentralise and to bring government officials, chiefs and people more together. The most important are:

- (i) District Councils are now responsible for the local expenditure of the 1s. *matsema* labour tax referred to in paragraph 139, and for such funds as may be made available for tree planting.
- (ii) District teams have been established which include government officials, the ward chief, or chiefs and two district council members.
- (iii) The Paramount Chief in December, 1949, instructed that quarterly village *pitsos* should be held under the presidency of the appropriate chief or headman, to be followed ten days later by ward *pitsos* presided over by the ward chief and attended by delegates from the village *pitsos*. These ward *pitsos* would in turn send delegates to a biannual meeting with the Paramount Chief. It has been left to the chiefs and people themselves to work out the exact

⁽¹⁾ Though there appears to have been one in Swaziland again. Rex. vs. 1. Silwane
2. Werner, and three others.

form that they wish these council meetings to take, as well, presumably, as the functions they wish them to perform and their interrelation with the district councils and the Basutoland Council.

- (iv) The increase of the number of elected members in the Basutoland Council from 18 to 36.⁽²⁾

The decision to make most of these changes was being made while I was in Basutoland and reference to the District Teams and the *pitsos* in their original form is made in paragraph 202 and in a footnote to paragraph 203.

9. Thus one can conclude this introduction on a note of hope rather than of anxiety. The epidemic of *diretlo* killings appears to be coming to an end, the abuses of the placing system are a thing of the past and the country can now settle down in peace to consolidate and extend the constitutional reforms made during the last twelve years.

G. I. JONES.

July, 1950.

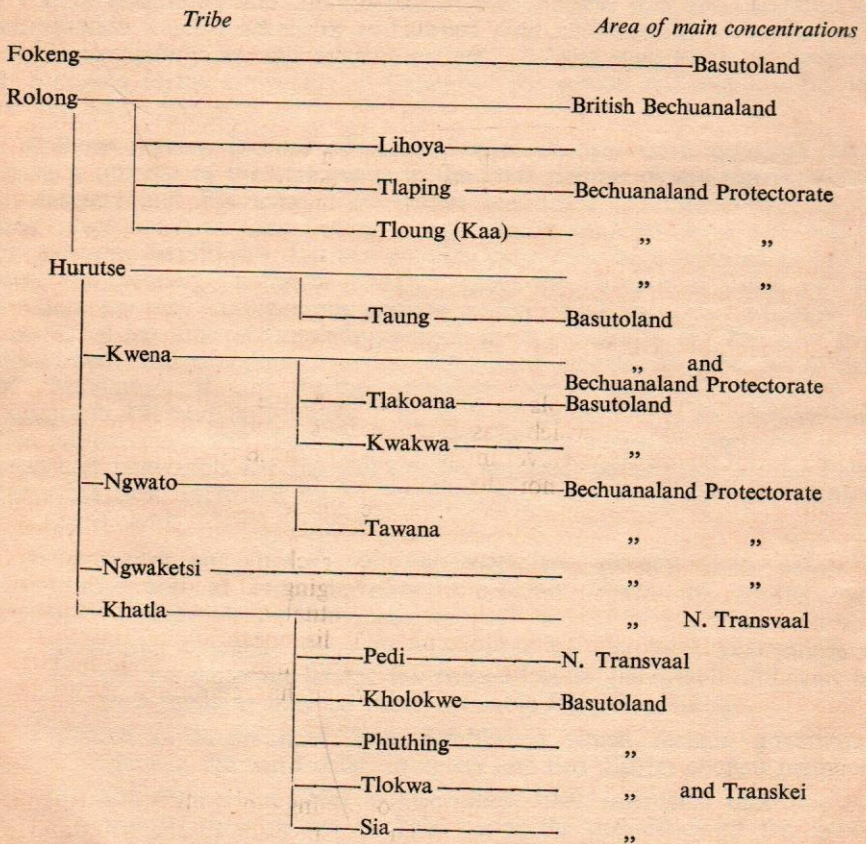
(2) See footnote to paragraph 134.

Background

Tribal Relationship and Early History

1. The Southern Bantu tribes of South Africa divide culturally and linguistically into two main groups usually referred to as Sotho (Suto) and Nguni. Both appear to have come from further north and in the case of the Sotho to have differentiated into the present tribes somewhere in the Northern Transvaal, spreading from there mainly southward and keeping the Nguni tribes on their Eastern flank. The Sotho have preserved the genealogies of their chiefs and founders more successfully than the Nguni and the interrelationship of their main tribes is given below:—

DIAGRAM I
Sotho Tribal Relationship



2. The bulk of these tribes are derived from the Hurutse who themselves are said to have split off from the Rolong. The relationship of Fokeng and Rolong is not clear. Basuto tradition considers them as senior as the Rolong and originally part of the same group. The relationship of the Phuthi, Polane and Phetla, the earliest tribes to reach Basutoland, is not known, but they are now regarded as Sotho.

3. The period of anarchy let loose by the Zulu (Nguni) wars devastated the south and centre of the Sotho area and left it vacant for occupation by the Boers of the Great Trek, and the Sotho emerge into history towards the end of the eighteen thirties in three main concentrations—a North-Eastern group in the Transvaal, a Western or Bechuana group (British Bechuanaland and the Bechuanaland Protectorate) and a Southern or Basuto group in the present colony of Basutoland, and spilling over from there into the Cape Province (Matatiele and Mt. Fletcher districts). In the North and West the highest political unit was the tribe; in the south the genius of Moshesh, a petty chief of the southern branch of the Kwena tribe, had combined under his leadership the disintegrated fragments of Kwena and other tribes which now form the Basuto nation. Basutoland then is an African state which came into being during the 19th century and which was consolidated and developed by Moshesh, first against the attacks of other Bantu tribes and later after 1836 against white colonists and colonial government forces. During this period it was first included in the Orange River Territory from 1843 to 1852, then after an unsuccessful attempt at subjugation by the Governor of the Cape Colony it was disannexed and left to fight its own battles with the Burghers of the newly constituted Orange Free State. At first it was successful but later met with increasing disaster and was only saved from incorporation into the Free State in 1868 by being once more taken under British protection. A good deal of its territory had been lost to the Free State and its people who formerly occupied the land on both sides of the Caledon River were now confined to its southern bank and their expansion limited to the uninhabited mountainous country beyond. The northern part of this lowland strip had been placed under Moshesh's second son Molapo, with the third son Masupha immediately south of him. Letsie I, his first son, administered the central part as his father's deputy and in the south were areas under Moshesh's brothers, Posholi (killed by the Free State Burghers in 1868) and Mohale, under Moorisi and his Phuthi tribesmen and under Moletsane and his Taung. Moshesh died in 1870 and his succession is given in Diagram II.

4. In the same year Basutoland was annexed to the Cape Colony and a period of peace followed which was brought to an end in 1880 by a misguided attempt of the Cape Government to disarm the Basuto. The Government had neither the funds nor the experience needed to sustain the war that followed. It was unable even to protect those Basuto who remained loyal to it and the fighting developed into a civil war between the loyalists and the rebels and between some of the greater chiefs and their followers who found in it a convenient opportunity for avenging old feuds and who took sides as loyalists or rebels accordingly. Eventually, in 1884 the British Government agreed to the Cape Government's disannexation of Basutoland and placed it directly under the British Crown, administered through the High Commissioner for South Africa, a position which has continued up to the present.

Nomenclature

5. A Sotho tribe is a composite group containing not only those persons who acknowledge a common descent from the ancestor of the tribe and a common tribal totem (*seboko*) but a number of other members drawn from other tribes as well, but who become full members of this tribe through their allegiance to its chief. Thus the Ngwato tribe of Bechuanaland Protectorate contains a nucleus of 20,742 true Ngwato and 80,739 persons of the Kalaka, Tswapong, Sarwa, Kgalagadi, Talaote and other tribes⁽¹⁾. The bond that

(1) Schapera: *Handbook of Tswana Law and Custom*, (1938), p. 5.

unites these people is their allegiance to the chief of the Ngwato and their feeling of a common political unity and autonomy. The Basuto nation is merely an enlarged group of this type held together through their allegiance to the Paramount Chief, the head of the nation. But the Basuto nation is six times the size of the Ngwato, and whereas the Bechuana Sotho stress membership of a tribe and allegiance to a tribal chief, the Basuto emphasize allegiance to the Basuto Nation and to the Paramount Chief the Head of this Nation; while the policy of the Paramount Chief with the support of the British Authorities has been to break down any form of tribal allegiance, whether to the Kwena or any other tribe, and to substitute for the tribe a regional group corresponding to it in size, whose members no matter what tribes they might belong to considered themselves a single community, a regional subdivision of Basutoland, and subject to a chief who himself was subordinate to the Paramount Chief and was normally a close relative of his,—a son, brother or paternal cousin. This regional division of Basutoland known locally as a ward is not to be confused with the Bechuana ward which is a subdivision of a village. There was always a tendency for a ward once constituted under an able and ambitious chief to seek to assert its political independence and the earlier days of colonial rule up to the beginning of the century were a period in which the Paramount Chief and the Government were fully extended in checking these tendencies and enforcing the authority of the head of the nation. Their success has been so complete that such separatist feelings and regional loyalties can today find expression only outside Basutoland, for example in the "tribal" fights in the industrial areas of the Transvaal between the Molapo Basuto (Leribe and Butha Buthe districts) and those drawn from the Maseru and the southern districts.

6. All sorts of different words are used when referring to the various Basuto social groupings and their heads and no uniform terminology has yet been agreed upon. For example, government records normally use the term "ward" when referring to a primary subdivision of Basutoland whose chief is directly subordinate to the Paramount Chief, but they also use this word to denote any area held by a chief or headman whether of high or low rank. As an alternative word for ward in this latter context they use the term "caretaking", which is the name applied to the area over which a chief or headman has been "placed" that is appointed by his superior chief. They call the head of a village a *ramotse*, the Suto word, or a "village head", but reserve the word "headman" for the head of a group of villages, such headmen being the lowest grade of executive office holders recognised by the Administration⁽²⁾.

7. The 1938 Native Administration Proclamation and Gazette Notices distinguished a hierarchy of Paramount Chief, chief, subchief and headman⁽³⁾. Subsequently the term subchief was dropped on the recommendation of the Basutoland Council and chiefs subordinate to the Paramount Chief were divided into "principal chiefs" and "ordinary chiefs". Reference was also made to chiefs in charge of a ward who might be either principal or ordinary

(2) "Headman is not to be confused with village head, a person put in charge of a village by the subordinate native authority and exercising no direct authority himself." Para. 21. Explanatory Memorandum on Basutoland Native Administration Proclamation, No. 61 of 1938.

(3) It also called territorial units by the name of the village where their chief or headman was living in 1938: e.g. the ward of 'Mamathe's, more commonly known as the Masupha ward after the chief for whom it was created. 'Mamathe's was a village founded by 'Mamathe the grandmother of the present chief. As a chief may well live in a different village to his father and his heir may live in yet another, this system is not likely to clarify the difficulties which invest Basuto territorial nomenclature.

chiefs and who were called "ward chief", while those ward chiefs whose wards were also administrative Districts or who were considered as the senior chief of the District (e.g. Leribe) were also referred to as "District chiefs".

8. There are no satisfactory Suto terms for these communities or their heads. The word *morena*, chief, can be applied to any person in any position of authority and is the customary salutation made to a European; the word *ramotse*, headman, can mean either the head of a village or the head of a group of villages. Neither the Basuto nor their government then have clearly defined what they mean by a chief or by a headman, but one has the impression that in theory a chief should be a member of the ruling house of his ward in a position of authority, and that a headman is a commoner who has been raised to the position of head of a community. In theory only members of the ruling house should be placed as chiefs, and commoners should not aspire to positions higher than those of headmen: in fact, growth of population and the excessive polygamy of the greater chiefs has led to members of the ruling houses being placed not only as chiefs but also as headmen and at the expense of existing chiefs and headmen⁽⁴⁾, while one also finds commoner headmen occasionally being accorded the rank of chief.

9. In this report for the sake of clarity the term Paramount Chief will be used when an actual Paramount Chief or the office is meant, and the word Regent when chieftainess Mantsebo Seeiso is being referred to personally. Chiefs of the status of ward chief or higher will be referred to collectively as greater chiefs and individually as ward chief or district chief as the case may warrant. Those chiefs subordinate to a ward chief or of equivalent subordinate status⁽⁵⁾ and who were formally called subchiefs will be collectively termed lesser chiefs, and individually called a sectional or subsectional chief. The term headman will be used for the head of a village group except where such an individual has been gazetted as a chief, and such headmen will be distinguished where necessary as gazetted and ungazetted headmen, depending on whether or not they have received government recognition in accordance with the provisions of Basutoland Native Administration Proclamation, No. 61 of 1938. Similarly in the case of territorial groupings, the primary subdivision of Basutoland will be termed a ward, its subdivisions ward sections, and their subdivisions village groups which in turn will be divided into villages; those additional groups, intermediate in size and status between the village group and the ward section will be called ward subsections. Thus the full integration and hierarchy will be as follows:—

<i>Community :</i>	<i>Head :</i>
Nation	Paramount Chief.
Ward	Ward chief.
Ward section	Sectional chief.
Ward subsection	Subsectional chief.
Village group	Headman.
Village	Village head.

The Social and Political Structure

10. The structure which emerged as the country settled down to British rule in the early part of this century was based on a very large number of united self-sufficient local communities which can be called village groups.

(4) In the Taung ward every chief and headman is a descendant of Moletsane the original ward and tribal chief or of his brother Moiketsi.

(5) e.g., Those marked * in diagram IV.

Each of these consisted either of a single very large village or more usually of a large village with a number of smaller satellites or else of a number of medium sized villages which looked to the head of one of these as the headman of their group. In size such village groups contained on an average about 100 tax payers and their dependents. They were integrated into larger units which have been called ward sections usually with a lesser chief (subchief) at their head; these sections were combined again into wards each under a ward chief; and these wards collectively formed the Basuto nation under a supreme chief, the Paramount Chief of Basutoland. But the basic unit of local government was the village group, or in cases where the village group was very small the wider community of the ward section. The lesser chiefs each had their own personal village group within the wider grouping of the ward section, while the ward chiefs had their own village group and their own personal section of the ward, and so with the Paramount Chief. These greater chiefs could have more than one personal area. Thus Paramount Chief Seeiso was ward chief of Likhoele and of Mokhotlong wards as well as of the original Paramount Chief's ward of Matsieng, and in each of these he had his own personal ward section and village group.

11. Each village group formed a close knit community and looked to one person as their head, in the Basuto idiom they turned the doors of their huts towards his, and the open space before his huts formed the *khotla*, the place where the men of the village met together to talk, to do any sedentary work they might have, and while doing it assist with their comments and advice the head of their community in his administrative and judicial business.

12. The Basuto traditional judicial system was also designed for such small units. Disputes and breaches of the community's peace were dealt with by the chief or headman in the *khotla*. Justice was free and the main objective was to get to the bottom of the trouble and to bring about a settlement of it. The parties and their witnesses gave their evidence before the *khotla* subject to the comments of their fellows and to the cross-examination of the chief who gave his judgment before them, either directly or after consultation with some of the older and wiser men. The main function of the judge was to determine whether or not the "law", that is the tribal usage, had been broken in which case those who had broken it, it might be either or both of the parties, paid the customary fine; he had also to determine what compensation if any should be paid to the person who had been most wronged. Compensation and fine were usually paid in livestock, normally in cattle, and the fine went to the chief as head of the community. Justice under such a system was normally speedy and satisfactory and was accepted by the parties, for it was subject to effective public sanctions—neither judge nor litigants could afford to disregard the opinion of the rest of their community who were listening to the case.

13. Similarly on the financial side, the wealth of the community was small beside that of its head; he had the most land and the most stock and any public revenue like fines or stray stock went to him. But he was expected to use this wealth for the public benefit, to feed those who came to him from a distance, to help to maintain the destitute or disabled and to assist the impoverished by lending them cattle if they had none of their own.

14. The organisation which united these local communities into the Basuto Nation was much the same. The ward section and its chief was an enlargement of the village group united through their allegiance to this chief, and similarly with the organisation of the ward itself. Both ward and sectional

chiefs were heads of village groups which differed only in size from those of other village groups, and the superiority of, say, the ward chief over a lesser chief or headman depended mainly on this and on the facts, that all contact with the higher government that is with the Paramount Chief or the District Officer passed through him, that within the boundaries of his ward he controlled the vacant land and mountain grazing land (cattle posts) and that the placing and displacing of lesser chiefs and headmen in his ward depended on him. His wealth was much greater, but so were his social obligations particularly in the entertainment of people who came to visit him and in the maintenance of a personal following, and he had special lands worked by the free labour of the men of his ward the crops from which were originally intended to provide for such entertainment. This public labour (*matsema*) was originally a popular institution which emphasised the political allegiance of the men of a ward by bringing them together periodically to express this allegiance by working on the ward chief's public lands and to feast at his expense when the labour was completed.

15. The Basutoland government is carried out by a Resident Commissioner responsible to the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland, and the territory is divided into nine administrative districts, each in charge of a District Officer formerly styled an Assistant Commissioner. Until recently the administration of the country was a form of indirect rule in which the British Government ruled the nation through its Paramount Chief in what has been described as a parallel system. Under this system certain matters were dealt with by the Resident Commissioner and his officers without reference to the Paramount Chief and the Basutoland Council, while others were left to the Paramount Chief and his ward chiefs with little or no control or supervision by the government officers. The system was an intensively personal one and depended primarily on the relationship which prevailed between particular Resident Commissioners and Paramount Chiefs, and, at the lower or district level, on those which existed between the District Officer and the ward chiefs in his district. An attempt to represent this diagrammatically is given in Diagram III, where for the sake of clarity the structure of only one ward is shown and with the number of village heads, headmen and lesser chiefs considerably reduced. The straight lines indicate the channels through which authority flows, double lines for the British authorities, single for the Basuto, while a continuous line encloses the areas of direct relationship between the two. It will be seen that there is no single and direct communication between the higher or national level of administration, and the lower or district level. The ward chief to reach the Resident Commissioner has to pass through the Paramount Chief or the District Officer while the District Officer has to pass through the Resident Commissioner or through the ward chief to reach the Paramount Chief.

16. Originally the Basuto people had been able to meet their Paramount Chief at a mass meeting, the national *pitso*, and there determine major political issues or approve, after it had been explained to them, any particular emergency action already taken by their chief. These were however extraordinary rather than ordinary meetings and although the Government maintained an annual *pitso* for some time after the country had come under British rule the greatly increased population, and the unwieldiness and expense of the gathering, made it increasingly ineffective and unwelcome and it was replaced in 1903 by a National Council of chiefs now termed the Basutoland Council which in 1937 consisted of the Resident Commissioner, the Paramount Chief, five members nominated by the Resident Commissioner and 94 members

nominated by the Paramount Chief.⁽⁶⁾ The functions of this council were advisory only, but it was a useful machine for sounding public opinion as long as the chiefs were able to represent this.

The economic system

17. The Basuto are cattle herders by inclination and farmers by necessity. Their economic system was well suited to a sparsely populated country where there were sufficient lowland areas to plough annually for maize, kaffir corn or wheat, and ample hill and mountain grazing for their cattle during the summer and autumn. The heavy increase of population has however led to much greater pressure being put on the land with resultant overfarming, overgrazing and consequent erosion. This situation and the consequent migration of the menfolk to labour away from their homes is of course not peculiar to Basutoland but common to all the Bantu territories and reserves of Southern Africa. A considerable expenditure of Colonial Development Funds has been made to arrest this erosion but little inclination has been shown by the Basuto to reform their farming methods, or their attitude towards their cattle, nor is there any strong inducement for them to do so. Basutoland is economically speaking a native labour reserve of the Union of South Africa where a little over half a million Basuto can live in relative comfort provided their young male adults are prepared to find the money for this by migrating to employment in the Union of South Africa, the majority in mining, agricultural and other manual labour. No attempt has been made to develop urban centres in Basutoland, if anything they have been discouraged; there are no secondary industries⁽⁷⁾ and but little development of distributive trades. There is as yet little scope for clerical, professional or business employment within Basutoland and thus little opportunity for the growth of a stabilising middle class. The better educated and more enterprising Basuto find it easier to earn their living outside their country, as do those who are attracted to more skilled manual occupations and secondary industries and are largely lost to Basutoland, for while the miner and the manual labourer migrate only for short contract work, leaving their families behind and returning to them for periods of six months or more, better paid work normally demands more permanent residence at or near the place of employment and those so employed prefer to take their families with them. Agriculture remains a depressed industry, wasteful alike of labour and of soil; it is not likely to change until the cultivator receives greater security of tenure and until the average Mosuto ceases to feel that agriculture and herding are genteel occupations proper to a Mosuto but that if he wishes to make any money he must seek employment outside Basutoland.

18. Thus one finds in Basutoland an unspecialised class system with an unduly large ruling class of chiefs and headmen, supported by a subsidised peasantry, largely dependent on the earnings of its menfolk employed in the Union, unable to grow enough food even for its own needs and unwilling to export any of its redundant livestock to pay for it; a society in fact which is both anachronistic and insecure. This feeling of insecurity finds its most

⁽⁶⁾ The council of 1937 consisted of the following members:—The Resident Commissioner, the Paramount Chief, 13 Chiefs, 16 Sub-chiefs, 37 Headmen, 22 Commoners, 5 Government nominees. (5 seats were unfilled).

⁽⁷⁾ Though if capital were forthcoming there are said to be very favourable prospects for a series of dams and barrages for irrigation and for the production of power. The subsidy expended by the Basutoland Treasury on the development of hand weaving is not likely to achieve very much; the Suto peasant has never woven cloth, and despises cottage industries; his imagination is only stirred by mills and heavy machinery.

obvious expression in the intensification of the Basuto belief in magical supernatural aids usually referred to as "medicines" and it is with one of these "medicines" that has recently become fashionable with the ruling class, that this report is concerned.

SUMMARY OF CHAPTER I

19. The Basuto represent the southernmost concentration of the Sotho speaking tribes of the Southern Bantu. They were united into a Nation under Moshesh a petty chief of the Kwena tribe during the nineteenth century and escaped incorporation in the Orange Free State by being taken under the protection of the British Crown in 1870.

20. The basic unit of their social structure was and is the village group containing about 100 male taxpayers and their dependents and being subject to a minor chief termed a headman. These village groups are integrated into ward sections each under its sectional chief, the sections are grouped into wards each under its ward chief, and the wards collectively form the Basuto nation under its head, the Paramount Chief.

21. Economically Basutoland is a labour reserve of the Union of South Africa; its people are cattle herders and farmers by inclination but can only maintain this way of life through the earnings of their menfolk in the Union. The result is a society which is both anachronistic and insecure, consisting of an unduly large ruling class supported by a subsidised peasantry unwilling to change its methods of farming or herding and feeling that if a man wants to make any money he must seek employment outside Basutoland.

CHAPTER II

Medicine Murder

Rex versus Mamakhabane

22. On a Saturday evening in January, 1948, Mochesela Khoto sat in a hut drinking beer with Dane Rachakana and a number of other people who had come to a wedding feast in Moloi's village. While the party was proceeding the Chieftainess of his ward arrived with a number of her men, others were summoned from the party and when they came were told: "I want you to kill Mochesela for me, because I want to make a medicine horn (*lenaka*) which I will use in the placing of my son. Anyone of you who disobeys this order will be killed." One of them was then sent to let Dane know that all was ready and when he saw him Dane got up and said to Mochesela "Cousin, let us go outside for a while." Mochesela followed him to where sixteen men were waiting for them with the Chieftainess and two of her women attendants. She greeted Dane, reminded him that he had already had her orders, and told the men to seize Mochesela. As one of them caught hold of him, Mochesela cried out: "My father Pholo, are you going to kill me?" and when he did not reply, continued: "Let me free and I will give you my black ox." "I am not your father and I want you, not your ox" replied Pholo. He started to shout, but they gagged him and marched him off away from the village, while Dane threw stones to drive off some boys who had been attracted by his shouting. When they reached a satisfactory

spot they removed their blankets stripped deceased of his clothes and held him naked on the ground. An oil lamp was produced and by its light they proceeded to cut small circular pieces of skin from his body with a knife. Pholo cut a piece from the calf of his left leg, another man a piece from his groin, a third from beneath his right breast, a fourth from the biceps of his right arm. The pieces as they were cut were laid on a white cloth in front of Mosala the native doctor who was going to make the medicine, and one of the men held a billy-can to collect the blood from these and later wounds. Then Dane took the knife and with it removed the entire face of Mochesela. He cut right down to the bone, beginning at the forehead and ending at the throat and he finished by taking out the throat, the tongue and the eyes. Mochesela died while his throat was cut. The Chieftainess who had stood by watching is then reported to have said: "I thank you, my children, for having killed this man for me. I know the Police will come here to investigate this matter and no-one must tell them about it. If they do, I will kill them in the same way as I have killed Mochesela. Take the body now to the house of Steve, where it will remain until Tuesday, when those of you who live near will take it to a place where people will see it." After this she left for her home with her two attendants followed by the doctor and another man carrying the billy-can and the pieces of flesh. The rest carried Mochesela's body to Steve's hut where it remained wrapped in his blanket and placed in a wool pack until Tuesday night. Then it was carried to some low cliffs near the village and after some of the clothing had been placed on the grass and on a tree nearby, it was thrown over and then dragged a little further downhill, to be found there the following morning.

* * *

"Diretlo" and belief in "medicinal" use of human flesh

23. This summary of the case for the Crown in High Court Criminal Case 14/48. Rex vs., Ma-Makhabane and fifteen others (Appendix A, case No. 67) is a fair example of a type of murder which has been occurring in Basutoland all too frequently during the last few years, and which, for want of a better name, has been called "ritual murder". This term "ritual", which implies the taking of a human life for religious purposes or in accordance with a religious or magic rite, is not a particularly happy one for there is no such element of human sacrifice in these Basutoland murders. They are not committed from any religious motives but for the purely material objective of cutting from the body of the victim strips of flesh or portions of particular organs, called by the general term *diretlo*⁽¹⁾ and used in the making of certain magical compounds usually called "protective medicines". In this report, therefore, such murders are referred to by the Sesuto term *diretlo*, or the nearest English equivalent "medicine".

24. Now there is amongst the South African Bantu a very strong and deep-rooted belief in the effectiveness of medicines, those concoctions of their native doctors prepared from all kinds of animal, vegetable and mineral ingredients, whose effects are as much psychological as physiological. They also distinguish between bad medicines employed in sorcery and witchcraft—medicines, that is, which are used to harm a specific person or persons; and good medicines—medicines which are considered beneficial to society, which

(1) Spelt "liretlo" under the present phonetic system of writing Sesuto, but pronounced "diretlo". There is no D in Sesuto only L which is pronounced like D when it comes before i and u.

heal a person, which protect him and his people from harm and which prosper his undertakings.⁽²⁾

25. There is also a very considerable and widespread belief in the efficacy, the power, of human flesh and blood when used as an ingredient in some of the most important of these protective medicines. It is claimed by some that this belief is a modern innovation, by others that it is an ancient superstition that has persisted underground, and which is only now coming to light through improved police methods and increasing willingness on the part of the victims or their relatives to report such things. Neither of these views is supported by the facts, anyhow as far as Basutoland is concerned. It seems more probable that it represents a recrudescence, but in an altered form, of an ancient belief.

26. It is only logical to assume that if the superior qualities attributed to specific animals, or to parts of these animals, are believed to be incorporated in medicines which contain portions of their flesh, we can expect to find portions of man, the highest of animals, being incorporated in those medicines which were to be the most powerful and most effective. In the same way one finds in areas where it is customary to sacrifice animals to achieve a desired result, that people may resort to human sacrifice should the normal sacrifice produce no result, or should a particularly impressive result be required.

27. The internecine tribal warfare of the early nineteenth century created a situation which called for more powerful and extraordinary protective medicines, and people were able to obtain human ingredients for such medicines from the bodies of their tribal enemies killed usually in the normal course of warfare. In the succeeding years, however, as the country became more settled and peaceful this source of supply ceased and protective medicines were concocted from more usual ingredients. But the increased tension and anxiety of modern living has made the native doctors and their clients feel that more potent ingredients were again required. Only, as there are no more wars these ingredients have to be obtained by other means. For example, in Swaziland⁽³⁾ in the period 1908 to 1933, a number of so-called "ritual" murders took place very similar in character to those of Basutoland. The victims were murdered and parts of their bodies used for medicines to promote the fertility of crops and to enhance the personality of important persons. In these murder cases, the victim was usually described as a buck, and in the traditional methods of making such medicines, the victim that supplied the essential ingredients was an animal (black sheep, buck or cow). The Swazi maintained that these medicine murders were a new thing introduced from Natal.⁽⁴⁾

28. Similarly in Basutoland, it is claimed that the *diretlo* murders are a new thing introduced from Natal, that protective medicine (*lenaka*) in which *Diretlo* is now being used, was traditionally compounded from animals—bulls, buck and other large wild animals, and that in these *Diretlo* murders the victim is always referred to as a bull. Others insist that this is not so, that they are no new thing, but the continuance of an ancient custom, that

(2) It would be more precise to distinguish between medicines which are socially acceptable and those which are socially condemned. The former are felt to be good and beneficial for society, the latter harmful and illegal. A medicine which is socially approved can in certain circumstances be as dangerous as an illegal one. For example a charm placed on farm land as a protection against thieves is believed to be capable of harming or even killing any one who steals from that land.

(3) Marwick: *The Swazi*. (1940) pp. 195–217.

(4) Zulu doctors being regarded as superior to local doctors any new fashions in medicines are naturally given a Natal origin.

such *lenaka* were always made with human flesh, flesh which was originally obtained from enemies killed or captured in war. The truth appears to lie between these two extremes.

“Ditlo” and “diretlo”

29. No one denies the fact that parts taken from enemy dead were used by the nineteenth century Basuto for protective medicines. There is a specific word for such parts—*ditlo*. In the earliest recorded instance,⁽⁵⁾ Matuoane chief of the Amangwane arranged for one of his men, Mateleka, against whom he had a grudge, to be killed in Moshesh's area. Later when he sent to bury the body he was unable to find it and charged Moshesh with having taken it to make medicine with. The accounts of subsequent wars with the Burghers of the Orange Free State and with the Cape Colony Forces all refer to bodies of Burghers or Britons killed in the fighting and recovered “horribly mutilated”.⁽⁶⁾

30. But there is a considerable difference between *ditlo* and *diretlo*. *Ditlo* is the traditional name for flesh and other parts obtained from the body of an enemy killed in the normal course of warfare. *Diretlo* is a new term an extension of the word used for slices of flesh cut from the body of an animal killed for eating, and *diretlo* is obtained not from the bodies of strangers or enemies, but from a definite person who is thought to possess specific attributes considered essential for the particular medicine being made. Such a person is usually a member of the same community and is frequently a relative of some of the killers. He is killed specifically for this *diretlo* which has to be cut from his body while he is still alive.

31. The medicine is admittedly of the same type and is prepared in the same way and called by the same name. The flesh is burnt with herbs and other ingredients over a fire until it becomes a charred mass, and this is pounded and mixed with fat (animal or human) to form a black ointment. This ointment is kept in a small horn from a buck or goat or similar animal, which is called a *lenaka*, and which gives its name to the type of medicine. The ointment is used to doctor the person (or persons) for whom it is made being rubbed into incisions made in the skin on various parts of the body. It is also used to doctor the place where he lives being applied to pebbles or stakes of wood which are buried in the ground around it. The form then is the same, but the purposes to which the medicine is put and the people who use it are very different.

32. The ancient *lenakas*, those which contained *ditlo*, were the property of powerful chiefs and their people, while minor chiefs and headmen had to be content with minor *lenakas* made from less formidable ingredients. The Horn of Moshesh for example was the horn of the Basuto nation, and was used to doctor the people for war, to make the initiates of the circumcision schools brave warriors, to protect the chief's village from enemy attack and from the spells of enemy magicians. There is no suggestion that its medicine was ever compounded from the flesh of Moshesh's own Kwena people but ample evidence that it contained the flesh of Tlokwa, Tebele and other enemy tribesmen, so that when at war with these enemies, Moshesh's warriors could be doctored with a medicine which could reinforce their natural Kwena qualities with others innate in these enemy warriors. It is a far cry from this to the present situation, where any petty chief and headman wishing to attain a political objective is advised by his *ngaka* (native

(5) Ellenberger and MacGregor: *History of the Basuto*. (1912) p. 170.

(6) See page 233 of Sir Godfrey Lagden's *The Basuto*, (1909), and *Twenty-five years Soldiering in South Africa* by a Colonial Officer. (1909). Page 128 of the latter describes the mutilation of Lt. Clarke and Privates Magee and White—“The heart of poor Clarke had been cut out to be afterwards used as a medicine to doctor the fighting men with.”

doctor) that it can be secured through a horn that has been newly made or renewed with *diretlo* embodying the qualities of a particular type of person ; and where the flesh is obtained not in the course of normal aggression against outside enemies, but through a morbid inverted attack upon a member of his own group.

Data on medicine murders or suspected murders

33. Data relating to 93 cases, or suspected cases, of medicine murder have been supplied in Appendix A. The cases have been listed in order of their occurrence and have been numbered from 1 to 93 to facilitate reference to them. Their distribution has been given in the map which accompanies this report⁽⁷⁾ and they are summarised in Appendix B. The list of murders is by no means complete, particularly prior to 1930. Basutoland Government archives are no better preserved than those of most other African Protectorates, and one has had to rely in some cases on people's memories which does not make for completeness or accuracy. Cases of alleged medicine murders unsupported by Police or Court records or registers have not been included unless there have been strong grounds for believing them to be correct, and unless they have been corroborated from a number of different sources.

34. The list then is incomplete but a sufficient number of cases have been collected to enable some definite conclusions to be drawn from it. In the first place, medicine murder though it may not be a traditional custom is hardly a new thing. The earliest murder on record took place some time in 1895, and the reasons for it were the same as for many of the most recent ones—to obtain flesh for a medicine to oppose a placing.⁽⁸⁾

35. In the second place, although the records of early cases are too inadequate to justify any definite conclusions, those of later years are fairly complete and show a very startling increase from 1940 onward. The number of murders reached a peak in 1948-49, and dropped suddenly and significantly after August 1949, when the appeal of Bereng and Gabashane was dismissed by the Privy Council and they were duly executed. (Case No. 70.)

36. The map shows that the distribution of these murders was pretty general throughout the territory, only the Quthing District being relatively free of them, and only the Mojela ward being entirely free. The incidence was highest in the District of Teyateyaneng.

The general pattern

37. A detailed examination of the particular cases of medicine murder show that the majority follow a definite pattern, which becomes clearer and more stereotyped in later years as the number of cases increase, a pattern which has the following distinctive features:—

- (i) The murder is for the specific purpose of obtaining *diretlo*. *Diretlo* is never obtained from the victim of an accident or of other forms of homicide.
- (ii) The murder is prearranged and carefully planned, it is never an unpremeditated assault.
- (iii) It is executed by a group of people, most of whom take part not only in the assault on the victim, but in cutting portions of *diretlo*.

⁽⁷⁾ Except for cases Nos. 83, 89, whose position could not be accurately given.

⁽⁸⁾ To prevent the placing of Qhobela son of Joel the ward chief, in the area of Molopi, one of the chiefs in this ward.

The numbers vary according to the standing of the person for whom or by whom the murder is organised. The number participating in Case 54 was over 60.

- (iv) The *diretlo* is taken from the victim while he is technically alive. In some cases he is rendered unconscious by a blow on the head or by a drug; in others he is merely held down by some of the group while others cut out the parts required.
- (v) The victim has to die. If the operation of taking the *diretlo* does not itself cause his death, he is deliberately killed.
- (vi) After his death, the body is hidden for a time.
- (vii) Then it is exposed in such a manner that it will be found with as much publicity as possible.
- (viii) The murder is normally given the appearance of an accident, the body being placed in such a position as to suggest a fall over a precipice or into a ravine, or a death from exposure on the open plain or mountainside.

38. The type of victim and the parts taken from him vary in almost every case. People of every tribe found in Basutoland, of either sex and of any age and physical condition have been selected with, as the common folk are not slow to point out, the very significant exception of the sons of Moshesh and other members of the ruling class of chiefs and headmen. Similarly with the parts taken for *diretlo*, almost any part or portion of the victim's body has been removed and in very variable amounts. In Case No. 48 all that was taken was a little blood from a few small punctures on the inside of a child's arm. In Case 27 nothing was left except the skull, backbone, pelvis, a few ribs and other bones and some of the flesh of an adult male. The parts most commonly taken were from the face and from the genitals. In almost every case, efforts were made to collect the blood from the wounds in billy-cans, bottles, or other containers, and to prevent undue shedding of blood at the scene of the killing by cauterising the wounds with fire, hot stones and boiling water, or in the grosser mutilations by cutting up the victim on a blanket or cloth which could subsequently be washed or hidden.

39. As for the kind of people who commit these murders, they fall into two classes. One class contains those who have committed them primarily for gain, doctors who wanted human flesh for their medicines, e.g. Cases Nos. 9, 12, 15, 16, 31, 34, or people who saw a chance of making money by killing someone and selling flesh from his body e.g. Cases 17 and 75. Murders committed by people of this class usually differ considerably from the stereotyped pattern. Flesh may be taken from the body after the killing, fewer people may participate in the murder, or the body may be hidden and may be discovered accidentally. The second and by far the largest class contains those who murder to satisfy political ambition—persons in authority, usually petty chiefs and headmen or their henchmen, the latter acting either under their instructions or on their own initiative. In some cases, e.g. Cases Nos. 54 and 70, the person for whom the medicine was being made was present and watched or directed operations; in others, e.g. Nos. 36 and 74, the murder was carried out by subordinates who alleged they were acting under his orders, and in others, e.g. Nos. 29, 38, persons who were obviously subordinates were charged with a murder without it being disclosed for whom it was committed or for what purpose the medicine was required.

40. This question of the ulterior motive for these murders—who was the real person for whom the murder was committed and what did he want the medicine for—is one that has given rise to much popular discussion and

speculation, and not without reason. The person organising a *diretlo* murder may tell some of his people what he needs the medicine for, or he may not. Even if he does tell them he may not give them the true reason. For example, in the 'Ma Makhabane case described at the beginning of this chapter the chieftainess said she wanted medicine for the placing of her son Makhabane, but a study of the correspondence relating to the placing of this young man shows that his mother was intriguing to achieve the exact opposite, to prevent his being placed as Chief of the Peete Ward, as this would mean that she lost her position as its Regent; local gossip prefers to think that this murder was to produce medicine to defer her son's placing, and that Case No. 72 was the one which supplied the antidote to it. Again in some cases it is popularly believed that these accused may have been acting under the orders of a higher chief⁽⁹⁾, and in others, e.g. Case 46, it is thought that the accused may have been acting for the benefit of their chief but without his knowledge and authority. Thus it will be seen that those who enjoy this kind of speculation can build up almost any theory that may suit their fancy. Some of the more elaborate of these will be mentioned in due course.

41. It has not been possible in such a short enquiry to discover the reasons for the selection of the victims or the particular parts required for medicine. Most people just do not know, and say that only the doctor who prescribed each particular medicine could answer this; while the doctors naturally say that they do not know anything about making such medicines, and cannot explain the professional secrets of those that do. Judging however by the variation and lack of uniformity the choice is probably determined by inspiration, divination or in some other personal and unpredictable manner.

42. Nor can any explanation for the exposure of the victim be advanced except that it may be an attempt to simulate the older *ditlo* pattern and to treat the victim as an enemy warrior to be left on the field of battle. In Case No. 37 it was suggested by one accused that the victim should be buried, but the accused organising the killing said that this must not happen for the deceased had died as a warrior and should be treated as such. In the same case it was suggested that the reason for the concealment and eventual exposure of the body was to attract public attention to it, so that people from the whole neighbourhood who had been looking for the deceased and talking about his disappearance would come to see it and "as people are attracted and drawn to the body, so they will be drawn to and follow the person for whom the medicine has been made."

43. The reason why these murders must always be presented in the guise of an accident is more difficult to explain particularly as in so many cases it is done so very badly. In these the murderers appear to be conforming more to a set formula than genuinely trying to disguise the killing. Bodies are placed at the base of beetling crags with not a single bone broken; others with frightful mutilations are exposed where they will be discovered almost immediately before putrefaction and the ravages of dogs and wild animals have destroyed the tell-tale wounds. A possible explanation may lie in the Basuto conventions regarding what may be termed official and private statements. An incident may have happened, people may have seen it happen, but if the official version is that it has not happened, then it has not happened. People may talk about it privately amongst themselves, but that is off the record. In public there is only one correct version which may be given—the official one. No Basuto chief however eminent has or had the right to

(9) In Cases 34 and 74 this was actually stated by some of the witnesses.

50. There is the Basuto attitude to homicide. In only very exceptional instances was it ever traditionally regarded as a crime; usually it amounted to a civil wrong, an injury to the victim's family, which could be remedied by the payment of compensation. The British judicial system has scarcely affected this traditional attitude, the majority of homicide cases that come before the British Courts being classed as culpable homicide for which the penalty is a year or more gaol and "compensation to be determined by the Native Court". The accounts of *diretlo* murderers "buying" their victims from their relatives can in some measure be considered the payment of such compensation in advance.

51. All these factors tended, until recently, to make the average person adopt a very tolerant attitude towards *diretlo* murders, particularly as the decline in family and village solidarity had weakened sentiments of loyalty and responsibility towards the members of his community, which formerly had counter-balanced these attitudes. It is said that in the past the enlarged family which consisted of a group of people who traced their descent in the male line through five or more generations to a common ancestor, formed a solid and effective group capable of protecting the interests of its members and avenging their wrongs. This is certainly not the case today. These family groups have shrunk until they are little larger than their European counterparts, most of their able-bodied men are absent from the territory for protracted periods, and unless a family group happens to be wealthy or to belong to the ruling class, it is too weak for any effective or concerted action. Similarly local communities like the village are said to have been larger and more unified and more responsible for the protection of their members, a responsibility that devolved to a large extent on the village head; and so too with the larger groupings of village group and ward section with a headman or a petty chief at their head. All these communities are losing their coherence in these individualistic days with the result that one finds everywhere a loss of community feeling and community responsibility, a decline in loyalties towards the petty chief, headman or village head, and of respect on his part for the rights of his people. Neither the community nor its head feels the same sense of guilt in attacking one of its innocent members, or the same obligation to find him should he disappear, or to bring his murderers to justice when his body is found. That is left to his attenuated family group, and to the Government.

52. But this decline in group solidarity and increase of individualism has now begun to produce other results. The tendency to place individual interests above those of the community and before traditional loyalties is one of the factors that has led to increased feelings of insecurity and anxiety. It is such feelings that have probably driven many of the ruling class to an excess of medicine murders, and it is this excess which is now producing a change of attitude towards them on the part of the common people. People may no longer feel it is their concern to avenge the murder of a fellow villager, as long as it is an occasional and isolated occurrence. A single killing is tolerable; the danger is past, a victim has been found and people can breathe freely again; the chief has got his medicine and it may even be for everybody's good; it is better to agree that the death was accidental and leave it at that. But when the chief is no longer content with one killing, then feeling swings away from loyalty to the chief, and from fear of the results of careless talk towards the fear that it may be one's own turn next, and towards the feeling that these killings are wrong and must be stopped even if it means the arrest and prosecution of the chief. This sudden increase in medicine murders, combined with the determined efforts

made by the Government and Police to prosecute the killers, has jolted the Basuto out of the apathetic tolerance with which they viewed them in the war years, and caused them to take up far more definite attitudes.

53. Speaking very generally, it can be said that the common people, those who are frightened of becoming *diretlo* victims, are feeling more and more definitely that medicine murders are crimes that should be punished with sufficient severity to make people stop committing them, even if this should mean hanging the chiefs found guilty of the crime.

54. The ruling class are equally desirous that they should stop, but for different reasons; the more enlightened are acutely aware of the disgrace these murders have brought upon their country; others are badly shaken by the recent trials and the feeling that they know exists against them in certain quarters and feel that if these murders, and the subsequent rigorous police investigations which have followed them, are allowed to continue, no chief in Basutoland will be safe⁽¹²⁾; while the majority deprecate the extreme penalty imposed upon those of their class found guilty of an offence which they cannot yet bring themselves to regard as one which should merit capital punishment.

55. Chiefs and commoners alike were profoundly shocked by the execution of the two leading chiefs, Bereng and Gabashane in August, 1949, but whereas the commoners' reaction was tempered by a feeling of relief or even of approval that the Government meant to stamp out these murders even if it led to the hanging of the highest in the land, the ruling class had no such satisfaction, but merely the feeling that the Government which in the past could be relied upon to support the chieftainship had now deserted it.

56. This confusion of opinion in regard to *diretlo* killings is well brought out when one comes to ask people what they consider to be the cause of this outbreak, and what they think should be done about it. There seem to be at least eight "schools of thought" on these points.

One blames the *ngaka*, the native doctors who make the medicines—"Control the doctor and you will control *diretlo* killings."

A second blames the "heathen institutions of the Basuto," in particular the initiation schools, which, they maintain, encourage the ritual use of human flesh—"Ban the initiation schools, and you will stop the inculcation of such anti-social customs."

A third blames religious bodies, which by attacking native institutions without first understanding what they mean to the Basuto, are themselves responsible for many of the evils which they now condemn. This attack is focussed very largely upon the Roman Catholic Mission—"The Chiefs being prosecuted and convicted for *diretlo* killing are mainly Roman Catholics. Why?"

A fourth blames the contaminating influences of European civilisation, and considers these killings are derived from the Johannesburg underworld, or from criminal whites in the Union.

A fifth blames the Chieftainship. These killings would never have developed had the Basuto Chieftainship been enlightened and democratic—"The chiefs who rule us no longer consider the interests of their people but only their personal ambitions."

A sixth blames the lesser chiefs and headmen, pointing out that the majority of persons hung for these killings are lesser chiefs and headmen and their followers.

(12) believing that the actual murderers, in order to save their necks, will not scruple to accuse their superiors and say they were but carrying out their orders.

A seventh agrees with the last view, but insists that these lesser chiefs and headmen would never have resorted to such medicine if they had not been deprived of the authority they formerly exercised by the *khubelu*—the native administration reforms introduced by the Government in 1938 and 1945.

The final and the one most frequently met with blames the Government. The Government being all powerful could put an end to these killings by finding out and punishing those really responsible for them—i.e. the doctors, the initiation schools, the Roman Catholics, the Union criminals, the big and little chiefs—, but it won't. "Why won't it?" ask a small but by no means negligible anti-Government group.—"Because it is engaged in selling out to the Union whites. It wants to break the Chieftainship and finds in these *diretlo* murders a convenient means of doing so."

These different points of view will be examined in detail in the succeeding chapters.

SUMMARY OF CHAPTER II

57. It is incorrect to refer to these murders as "ritual murders" as they have no connection with any religious or magical ritual but are committed for the sole purpose of obtaining from the victim particular portions of his flesh. These portions are now called *diretlo* and are believed to possess special properties which can be transformed into protective medicines (*lenaka*) which are used to advance the political and judicial interests of those for whom they are made. For lack of a better term therefore such murders will be referred to as *diretlo* murders.

58. They are probably due to a recrudescence of the belief in a type of medicine used in the early and middle nineteenth century, but whereas the human flesh (*ditlo*) used in these old *lenaka* came from the bodies of enemies killed in warfare the modern *diretlo* is taken from members of the murderer's own community who are believed to possess specific qualities required for a particular medicine.

59. Details of 93 of such murders or suspected murders have been obtained dating from 1895. Twenty-three of these happened before and 70 after 1938. Of these 70, 30 remain undetected or still under investigation. In two cases prosecutions are pending. Convictions have been obtained in only 19 of the remaining 38.

60. The murders follow a regular pattern, they are always premeditated and they are committed by a group of people for the specific purpose of obtaining *diretlo* which has to be taken from the body of the victim while still alive; if this does not cause his death he is killed and his body is then hidden for a short period after which it is exposed in a manner suggesting an accident.

61. The victims have been persons of either sex, of any age and drawn from every tribe or group in Basutoland except from the ruling class of chiefs and headmen. The murderers are predominantly members of this class and their followers.

62. The attitude of the Basuto to these murders varies between two extremes; either condemning them and approving the punishment of the murderers or condoning them and feeling they are more a regrettable necessity than a serious crime. The increase in the number of these murders has led to a swing towards the first view on the part of the common people, the class supplying the victims, while the vigorous prosecution of the murderers which followed, particularly the hanging of two principal chiefs has profoundly shocked the nation and made the ruling class feel that the government has turned against it.

“Heathen” Institutions

The native doctors

63. It has already been said that the South African Bantu have a firm deep-rooted belief in what have been termed “medicines”, this term being used to include concoctions which possess magical as well as pharmaceutical properties. One of the chief functions of these medicines is to restore confidence and relieve anxiety. A man will no longer worry about his health or about the success of an undertaking if he feels that he has a medicine which will attain it for him, and he can similarly attribute his failure not to his own incapacity but to the failure of his own medicines or to the success of the medicines used by his enemy against him. To do without medicines would leave a man alone and defenceless, and dependent on his own weak resources. Few Bantu are therefore prepared to believe that the theory on which most of their native medicines is based is false, though all will agree that many of those who make these medicines are charlatans;—they are charlatans not because their “medical science” is bogus but because their technique is defective.

64. Who are these experts who profess to understand and to practise native medicine? The Basuto call them *ngaka*, the Europeans “witch doctors”, an unfortunate term which suggests that they are either people who doctor society against witchcraft,⁽¹⁾ or are themselves wizards or sorcerers. Now although some *ngaka* profess to diagnose and prevent witchcraft many do not, and in any case this is but one of numerous afflictions which they say they can cure. *Ngaka* then are those skilled in the technique of native medicines who can by divination through casting bones or in other ways diagnose the cause of sickness and other misfortunes, and who can produce a remedy for them; who can make medicines which protect a person and bring him good luck, and who can also if they are so minded do the opposite and make bad medicines which will bring sickness and bad luck, for if one knows how to make good medicines, one naturally knows how to produce the opposite. Some *ngaka* say they can do all these things, others specialise in one or more branches of native medicine—as diviners, as specialists in herbal remedies or in burnt medicines of the protective kind. A few make their fortune from their doctoring, many earn their living by their craft, many more practise in a very small way with one or two medicines or techniques. There is no distinction made between doctors who make bad medicines and those who make good ones. No doctor would ever admit to the former practice and in any case it is not the people who make bad medicines, but the people who use bad medicines that the Basuto regards as criminals: these are *baloi*, sorcerers, witches. They may be *ngaka* or they may be ordinary people who have bought their bad medicines or skills from others; but they are the enemies of society that must be punished, or, should their sorcery be really dangerous, be killed.

65. Now *diretlo* murders have occasionally been referred to as “witchcraft murders”. But a witchcraft murder can either mean the killing of a person

(1) Most African social anthropologists prefer to make a distinction between witchcraft, the antisocial use of inherited or innate supernatural powers, and sorcery, the illegal use of harmful medicines. Such a distinction is not however, generally recognised and in this report the word witchcraft has been used to cover what should more precisely be defined as sorcery.

by witchcraft (a belief that neither Moshesh nor the British Government were prepared to accept) or the killing of a person believed to have been guilty of witchcraft (a killing which they both forbade). Because *diretlo* murders have been referred to as witchcraft murders it is contended that they cannot be a traditional Basuto custom as Moshesh had forbidden them, and his famous proclamation against witchcraft is quoted to support this. But if this proclamation is examined it will be found to refer only to the practice of accusing people of witchcraft and to forbid the killing or punishing of people accused of this offence. In any case the fact that Moshesh had forbidden something does not mean that Basuto did not practise it but usually the reverse. The early Basutoland Annual Reports show very clearly that notwithstanding Moshesh's proclamation the eating up⁽²⁾ and the killing of persons accused of witchcraft was a practice that the Government had the greatest difficulty in eradicating.

66. It is an unfortunate fact that the majority of present day Basuto and for that matter most Southern Bantu, whether educated or uneducated, Christian or heathen, believe as strongly in the efficacy of sorcery and native medicine as did their forefathers. Contact with European culture has not only failed to shake this belief, if anything it has worked the other way. There are quite a number of white South Africans who believe that there is "something in it" and who can quote instances of cases where such medicine "worked". Religious bodies have often been blamed for the continuance of this belief on the assumption that because a Mosuto has been taught by them to believe in Christianity and to abandon his belief in his heathen gods he should also have learned at the same time to cast aside his belief in his medicine and magic. This was not the case in Western Europe where for centuries belief in Christianity and belief in sorcery existed side by side. It will probably be the same in Africa unless the Bantu can be given something as satisfying to put in its place. In the cure of most organic disease European medicine has proved itself superior to native medicine and is preferred by all Basuto who have had any experience of it. But there are a number of ailments and complications neurotic or psychotic in type which European psychiatrists are just beginning to understand amongst their own people. In the cure of these mental conditions amongst the Bantu some *ngaka* are still manifestly more successful than the European specialists. When it comes to the prevention of such mental disease, to preventing anxiety and similar neuroses developing, the European scientist has nothing to offer the Bantu whereas the *ngaka* has his protective medicines. But the tension of modern life is growing, in Basutoland as in the rest of South Africa, and these protective medicines are becoming overworked and failing to achieve their object and probably for this reason we find the Basuto and their doctors turning to more and more powerful ones.

67. It may well be that doctors encourage this belief in protective *lenaka* made from *diretlo*, but it is the Basuto public and their leaders who believe in it. A prosecution of doctors proved or believed to be makers of protective medicine with *diretlo* will, as long as the demand for such medicines continues, merely drive them underground. In fact, something of the sort has already happened; a fair number of doctors have been hanged for *diretlo* murders, but in many recent murders the doctor concerned keeps well in the background; those who require the medicines have to procure their own *diretlo* and frequently even the doctor's name is unknown to the majority of the murderers. The licensing of *ngaka* may bring in some revenue to the

(2) Seizure by the chief of a person's stock and other property.

national treasury but it also gives to a large number of charlatans an official recognition which they certainly do not deserve ; and it is not likely to have any effect on the increase or decrease of *diretlo* killings.⁽³⁾

68. There is no doubt that this belief in protective medicines and particularly in those which contain human flesh is the fundamental cause of these murders, but its eradication like the eradication of the belief in witchcraft will be a very slow process. The Southern Bantu has been in contact with European culture for over 100 years ; during this period he has had ample time to assimilate those features which he considered of advantage to him. The fact that he retains certain features of his own culture, is an indication that he attaches considerable value to them ; it cannot be dismissed as the action of a "primitive" mentality that will change as soon as he can read and write and go to Church. The major figures involved in these *diretlo* killings belonged to the more advanced and not the more reactionary of the Basuto chiefs.

Initiation schools

69. Another heathen institution that has been vigorously attacked, particularly by Christian missions, is the initiation school.

"An assertion that cannibalism was practised in Basutoland, and that the increase in the number of ritual murders in that territory was closely associated with the ceremonies at which native youths are initiated into manhood was made by the Archdeacon of * * * here today.

Blood from the victims of ritual murders was used in the circumcision ceremonies, and it was at some of the initiation 'schools' in the territory that cannibalism was practised. He had obtained this information from three reliable and independent sources in Basutoland."⁽⁴⁾

It is understandable that missions from the first should have distrusted these schools as rival educational establishments which inculcated traditional values many of which were opposed to those of the Christian faith. For this reason a ban on participation in such schools was placed upon all Christians and their children. But it is one thing to ban an institution on religious grounds and quite another to attack it as definitely anti-social, particularly when the proceedings of these schools were held in secret and the initiates sworn never to reveal what went on in them. In the early days this vow of secrecy was observed even by those initiates who subsequently became Christians and the dominant mission, the P.E.M.S. preferred not to press its converts to break the vow, as it considered that this would be immoral. Other missions adopted a different attitude and in recent years this ban of secrecy has been broken both by Christian converts intent on running down the schools and by others who believed in them and wished to defend them. One has therefore to accept what is said about initiation schools with a great deal of circumspection.

70. Those Christians who attack these schools now maintain that even if they do not lead directly to *diretlo* killings they encourage such ideas, as that

- (i) The medicine used at these schools (anyhow in the boys' schools, less is known about the girls' initiation) must contain human flesh.
- (ii) The parts removed at the circumcision are made into medicine.
- (iii) Not all those who go to the initiation schools return to their parents and no explanation is ever given to the parents of any boy who fails to return (the implication being that they are either killed as a human sacrifice or for *diretlo* medicine).

(3) The doctor involved in Case No. 67 Rex v. Mamakhabane, and who was convicted and hung for this crime was a licensed doctor.

(4) Bloemfontein newspaper, 6th October, 1949.

Those in favour of these schools deny the first two charges categorically and although they admit that there were occasional deaths at such schools they say that they were due to natural causes,—from septicaemia or as a result of the rigorous treatment given to the initiates (beatings, exposure to cold, deprivation of sleep and underfeeding).

71. Now it is said⁽⁵⁾ that Moshesh himself was opposed to initiation schools, and for obvious reasons. Their original function seems to have been the emphasis of tribal values and tribal solidarity: for example, a man initiated in a Taung school could not be admitted to the secrets of a Tlokwa school and vice versa. Moshesh wished to substitute for this tribalism a Basuto nationalism, but as in many other things he had to bow to the wishes of his people. Initiation schools continued but in an uncoordinated fashion. Any chief or commoner could if he so wished institute an initiation school for his son and such other boys as wished to follow him; rules and conditions varied in different parts of the country and from being tribal concerns they became an institution which emphasised the local chieftaincy, except in those few areas where the people remained members of a single tribe. A chief would arrange for a school for his son which was attended by all those young men from his ward who wished to be initiated that year. The initiates were ranked in the order in which they were circumcised, the chief's son coming first and the rest in order of tribe, birth (lineage) and age.⁽⁶⁾ They all formed a company ("regiment") which looked to the chief's son as their head. As however the institution lacked any strong backing by Moshesh or his successors, all sorts of anomalies were introduced.⁽⁷⁾ Initiation schools declined to such an extent that many chiefs could neglect the initiation of their sons altogether, so that to-day the majority of the middle aged and some even of the older chiefs have never been to one. At the same time, Mission pressure was sufficient to secure the issue of an order from the Paramount Chief forbidding the holding of an initiation school within four miles of a Mission church or school, an order which virtually prohibited their being held in the lowland area.

72. The decline in Basuto initiation schools seems to have been part of a widespread process which included both Sotho and Nguni peoples; but this decline which began so long ago has not continued and initiation schools to-day are said to be on the increase and Missions are seriously disturbed by the number of young male and female Christians who run off to them frequently against the orders of their parents. But these modern schools are condemned not only by the Christian Missions but by initiated Basuto as well. Middle-aged initiated chiefs and commoners object to these schools almost as strongly as the Missions; they say the instruction given in them is a travesty of the instruction given in the old schools, that they are run not under the aegis of a chief or other person in a responsible position but by doctors and charlatans as a money making affair, that even Europeans are taking advantage of this, farmers over the border allowing schools to be held on their land on payment to them of a fee of £1 per initiate or in default its equivalent in labour on their farm.

⁽⁵⁾ e.g. by the Rev. Dieterlen, P.E.M.S.

⁽⁶⁾ It is maintained that the correct custom was that initiates had to be circumcised in order of tribe, and that this meant that boys of the Fokeng tribe had to be circumcised first. But this rule appears to have been circumvented in practice. I have never met an initiated son of a chief for whom an initiation school was held who was not the first to be circumcised.

⁽⁷⁾ E.g. About 70 years ago Chief Seiso Letsie I arranged for an initiation school for his son. As the son was at a Mission school, he did not attend the initiation school at all but the son of the native doctor who conducted the school took his place. The school contained boys and even men of 25 years of age, drawn from the Fokeng, Kwena, Taung and even the Ndebele tribes.

73. It can safely be said that these schools as run at present are undesirable being condemned alike by Christian Missions and by the older generation of initiates, but it is beating a very dead dog to suggest that they encourage cannibalism and ritual murder and definitely untrue to say they have any connection with *diretlo* murder. It is not denied that in the older initiation schools the initiates before going into the schools were inoculated with medicine from the horns of Moshesh and of the powerful chiefs, nor that medicine from such horns was mixed in the medicinal porridge, *sehoere*, which was given to the initiates after their circumcision. It is very probable that the medicine in these horns was compounded from human flesh, but this flesh was *ditlo* and not *diretlo*. What happens at these modern initiation schools is quite another story on which definite information is lacking. With the belief current in the medicinal efficacy of human flesh it is very likely that it may feature in some form or another in these initiation rites, the exact form probably depending on the inspiration of the *ngaka* conducting the school. But this is mere speculation.⁽⁸⁾ In any case the use of human flesh as such does not necessarily mean a connection with *diretlo* murders, and in not a single case of *diretlo* murder so far investigated was there any suggestion that the *diretlo* was required for medicine by a doctor or other person running an initiation school, while a considerable number of chiefs and headmen charged with *diretlo* murder were Christians who had never been to such schools.

74. It seems that a large section of the Basuto now want initiation schools, probably because they feel that these schools can restore to them something of their native culture which they wish not only to retain but to re-emphasise in resistance to the European cultural and political dominance that faces them in South Africa.

SUMMARY OF CHAPTER III

75. "Witch-doctor" is an inadequate translation of the Sesuto word *ngaka*, as this includes diviners and other specialists in native medicines whose functions are not merely to discover witches but to cure all forms of physical and mental disease. It is probably because people are losing faith in those medicines whose function is to relieve anxiety that some *ngaka* and their clients are turning to stronger varieties, in particular those protective medicines containing *diretlo*. The licensing of *ngaka* or the prosecution of those found to be using human flesh in their medicines is not likely to put an end to these *diretlo* murders as long as the demand for such medicines persists.

76. Certain Christian Missions claim that Basuto initiation schools are responsible for encouraging *diretlo* murder on the grounds that they make use of human flesh in their initiation ceremonies. It is admitted that in the older schools initiates were doctored with protective medicines that very probably contained human flesh, but this flesh was *ditlo* not *diretlo*. What happens at modern schools is not definitely known; they are condemned alike by Missions and by initiates of the older schools. There is however no evidence to suggest any connection between such initiation schools and *diretlo* murders many of which are committed by Christians and other uninitiated persons. Initiation schools after a long decline appear again to be on the increase, presumably because they supply some of the traditional values which the Basuto are now seeking to re-emphasise in resistance to the European cultural and political domination which faces them in South Africa.

(8) E. H. Ashton, in a study of the Tlokwa initiation in Mokhotlong ward maintains that they do not use human flesh.

European Influences

Christian Missions

77. The attack on initiation schools quoted in the previous chapter was not allowed to pass unchallenged, the gist of the answer being that, by trying to eradicate African customs which they had failed to understand, the Missions themselves were responsible for many of the evils which they now condemn. This may be thought rather unfair to the Missions, but it represents a growing attitude amongst the younger and more sophisticated generation of Southern Bantu, an attitude which the churches would do well not to ignore.

78. Basutoland during the last twenty years has been going through a period of intense religious controversy, with the result that the Churches have not been able to give the Basuto any solid and uncontroversial belief, any clear ethical code to which they could turn in a period of doubt and uncertainty. Rather they have increased their confusion; for apart from the fortunate few who can accept wholeheartedly the creed of a particular mission, most Basuto no longer feel that they know what Christianity stands for. For the country now has not one, but two dominating missions, and they happen to belong to two extreme forms of Christianity—the Calvinist Paris Evangelical Mission Society, and the Roman Catholic Mission of the Order of Mary Immaculate: both Missions have their printing presses and their vernacular newspapers which are widely read inside and outside Basutoland.

79. The P.E.M.S. was first in the field arriving in 1832 and for a very long time was the dominant religious body in Basutoland, so long that for many Basuto the P.E.M.S. form of Christianity represents their traditional religion, the religion of their "ancestor" Moshesh. A man may not be a member of the P.E.M.S., but Christianity to him means the doctrine taught by that Mission. The Roman Catholics, though they have been in the country since 1862 remained for a long time insignificant in numbers and influence. Their turn only came in the present century when increased funds and personnel, derived mainly from French Canada, enabled them to launch an evangelising drive which has continued unabated ever since. But by 1920 the bulk of the people were actually or potentially P.E.M.S. Christians; thus the Roman Catholic drive became directed not merely against "heathenism" but also against "Lutheranism". By so doing it filled the average Basuto with perplexity and made him feel that life was much more difficult. Formerly he had only to choose between his native religion and Christianity. Now he had to choose between two very different doctrines, and was in danger of becoming a heretic which was something far worse than being a heathen and placed him in danger of hell fire.

80. The P.E.M.S. particularly in the early days left chiefs alone. It baptized them in their old age or on their death beds, but it was not prepared to accept them as proper Christians unless they set aside their "heathen" customs, in particular polygamy, and adhered as strictly to their Christian discipline as any other Christian: few chiefs could make such a sacrifice. The Roman Catholics took a more lenient view in this matter realising that the flock tends to follow its ram.⁽¹⁾ When the paramount Chief Griffith was converted to Roman Catholicism in 1912 a number of the greater chiefs followed his lead, while other chiefs and commoners who belonged to

(1) "We have won the ram, the flock will follow." Simile said to have been used in Roman Catholic vernacular paper in reference to the conversion of Paramount Chief Griffith.

P.E.M.S. and who favoured this mission had to choose between loyalty to their chief and to their religion. Those who chose the latter and who found this decision hard have become extremely bitter against the Roman Catholic Mission and against the chiefs who have gone over to it.

81. The Basuto like many other African people are by tradition extremely tolerant in matters of religion. They are profoundly shocked at the things the protagonists of the rival religions have to say about each Mission, and they do not see why the two Missions cannot live in peace together. One old headman put it this way,—“I used to belong to the P.E.M.S., but now I have joined the Romans. They organise things better and send a car to bring me to their festivals. But I cannot agree that Luther stole the Bible. There must have been Police and Magistrates in those countries who would have stopped such things. Although I no longer belong to their Mission I still send a sheep to the P.E.M.S. pastor at Christmas. I don't want to quarrel with the religion of my ancestor Moshesh.” Others feel more strongly.—“In the time of P.E.M.S. we never had any trouble about rain. They never had to pray more than once for it. But now with this quarrel between these two Missions, God is angry with them, and neither Mission can bring us rain”; while some of the really bitter like to believe that these medicine murders are sent by God to punish the Basuto for forsaking the religion of Moshesh.

82. These murders have given some very useful ammunition to the supporters of the Protestant cause, who it need hardly be said include not only practising Christians, but those who have received a Protestant education and other free thinkers with Protestant inclinations. They have not been slow to use it. Their argument runs thus:—

“Most of the important chiefs prosecuted for *diretlo* murders are Roman Catholics. No P.E.M.S. chief has been implicated. The only wards whose chiefs are Protestants, namely Quthing and Tebang, are the only wards free from this crime. It is not to be wondered at, that Roman Catholic chiefs indulge in medicine murder, for does not this faith encourage the wearing of medallions and rosaries, the taking of earth from the graves of saints, or the worship of portions of their bodies as sacred relics, and other practices which are closely paralleled by Basuto medicinal customs.”

83. It does not appear however that the Basuto Catholics are as much confused between these Roman and heathen practices as the Protestants would like to think. One woman involved in a *diretlo* murder, this time as a victim, was certainly found to be wearing two rosaries, one round her neck and one round her waist beneath her clothes. A female victim in another case was found to be wearing round her waist a portion of cow's liver wrapped first in a piece of newsprint (*Esquire*) and then in a green cloth. This suggests that Basuto women believe that certain things worn round the waist have protective or curative value, but it does not necessarily imply that they believe that they work through the same agencies, and Basuto Catholics seem to have little difficulty in distinguishing between these agencies. The one, they say, works through faith and prayer, the other through magic and witchcraft. Again the statement that earth is taken from the grave of Father Gerard by some Roman Catholics who believe that like holy water it has protective and curative properties is correct. The statement alleged to have been published in the P.E.M.S. vernacular paper and widely publicised by Protestants, that Father Gerard's body was exhumed, cut up and distributed as relics, appears to be pure fabrication. It was exhumed but was then reburied in a new grave in accordance with the Roman rites relating to his

canonisation. Indeed the worship of relics, though it may be a Roman Catholic practice elsewhere does not seem to be stressed in their teaching in Basutoland. In any case there does not appear to be any connection in Basuto medicinal theory between the use of portions of a human body that has once been buried, and *ditlo*, and *molalahlaheng* (bones and other remains of unburied dead)⁽²⁾: the former belong to the realm of necromancy and witchcraft, the latter to that of protective medicine. *Diretlo* has nothing to do with any of these being obtained from a living body.

84. The fact that a number of chiefs involved in *diretlo* murders are Roman Catholics might have some significance if the proportion of Roman Catholic to Protestant Chiefs were the same, but it is not,⁽³⁾ and all it does do is to underline this; while to argue that because a Roman Catholic chief commits a *diretlo* murder his religion is to blame, is a logical *nonsequitur*.

85. But the fact that Basuto Christians can engage in *diretlo* murders, indicates all too clearly that the Church in Basutoland as elsewhere, has failed to get the average Christian to apply the ethics of his religion to his everyday life. He has no difficulty in keeping his Christian ideals in one compartment of his mind, and his worldly values in another; protective medicines come in the latter category, they are things appertaining to Cæsar, not to God.

The evils of white civilization

86. People who follow this line of thought fall into two groups. The one considers that these *diretlo* murders are a direct result of contact with the evils of European civilization, in particular those the Basuto met in the Second World War and those which they encounter in Johannesburg and other large cities in the Union: the other considers that these murders derive from South African whites.

87. The suggestion that *diretlo* murders derive from the Second World War need not detain us long. It has been suggested that the Basuto Pioneers exposed to the dangers of battle returned to the protective medicines of their ancestors and took flesh for this purpose from the bodies of the enemy dead. They found that these medicines worked and on demobilisation they re-introduced them to Basutoland, but as there were no enemies to kill they had to kill Basutos for their medicines. There is not the slightest evidence to support this view. It is most improbable that the Basuto or other African troops living under the same conditions as other Colonial and British units should feel any great desire to resort to the practices of their ancestors. Even should some of them have wished to do so it is most unlikely that they would have had much opportunity to obtain such *diretlo*, and even more unlikely that they would find in their units any *ngaka* capable of preparing such medicines for them.

88. Another more plausible view is that protective medicines were made in Basutoland for the benefit of Pioneers overseas, and that some of these medicines were made from *diretlo*. In Case No. 36, in Qacha's Nek, witnesses stated that the purpose of this killing was to obtain *diretlo* for a horn for the big chief overseas—that is for their ward chief who was serving with the Pioneer Corps. Now while it is within the bounds of possibility that such a horn might have been ordered by the chief in question, it is more likely that his followers may have decided to procure such protective medicine to safeguard his local interests while he was absent from the ward, and it is again quite if not more probable that the *diretlo* was required for another

(2) Literally—that which lies in the open.

(3) Figures are not available, but the number of chiefs who have now become Catholics is very much greater than those who remain Protestants.

purpose, the name of the ward chief being used to cover and to give greater justification to the killing. It may well be that in some other murders the motive was to obtain protective medicines for Pioneers, but the fashion, and the pattern of these murders had already been established well before the outbreak of the Second World War, particularly in Qacha's Nek where no less than four of them had occurred in the period 1927 to 1937.

89. Another theory links these killings with the Johannesburg underworld, introduced into Basutoland by "Amalaita", "Tsotsi" and other underworld types who had found the city too hot for them. Time was too short to permit an investigation of Johannesburg crime records or of the condition in its native townships, but information from those who claim to have some knowledge of urban natives maintains that none of these underworld killings are of the *diretlo* type, while a study of the Basutoland records shows that none of the persons charged with *diretlo* murder in Basutoland were returned city thugs; they were peasants, their native doctors and their chiefs and headmen. It is true that the third accused in Case No. 37, was a mine *induna* who had lost his job; but he can hardly be considered as corrupted by the great city, rather he seems to have been led astray by his local headman who persuaded him to pay £50 for a medicine horn which would secure his re-employment.

90. There is, however, a good deal of talk both in Basutoland and Johannesburg about the use of human flesh in *skokian* and other forms of native liquor. The object is not to add to the potency of the drink (that is effected by carbide and the like), but to make people buy plenty of it. These allegations may or may not be correct—that would have to be determined in Johannesburg—but there are a number of educated Basuto who believe them, and who believe that there is an export of human flesh from Basutoland for this and for other purposes. Some of the *diretlo* murders, (e.g. Case No. 75) seem to have been committed mainly to obtain flesh for commercial ends and support this belief, but such types of murders are exceptional. The bulk of the *diretlo* murders are a local product in answer to local needs, they may have been introduced from outside Basutoland, but their introducers were *ngaka*, not city gangsters and thugs.

91. The second group consider that such types of murder were unknown in Basutoland; and they maintain that they have either been copied from the whites in the neighbouring territory or planned by them. Now the South African papers which are widely and carefully read by many of the better educated Basuto give considerable space to murders particularly those committed by whites, and some of these, particularly when they are sex crimes, involve mutilations of various kinds, as for example where a white man who had been cohabiting with a native girl and had made her pregnant, shot her in the head and then sought to destroy the evidence of his guilt by removing her head and her uterus. There are also occasional serious assaults committed by whites upon Basuto working just outside Basutoland in the Orange Free State which receive widespread publicity in Basutoland and which are said to involve mutilations or attempted mutilations. A year or so ago, for example, three white men were fined in the Ficksburg Magistrate's Court for assaulting and partially castrating a Mosuto.

92. Few Basuto really believe that such white crimes have inspired *diretlo* killings, as these differ both in motive, in the type of persons involved in them, and in the manner in which they are executed. *Diretlo* murders are committed by normal persons who feel, however misguidedly, that they are acting from higher and not lower motives. They are not acts of revenge, nor of sadism, nor of mob violence. Those who put forward

this theory make little attempt to trace any clear connection between these white atrocities and *diretlo* killings; they are concerned to defend the good name of their country and to show that white people are capable of committing far more degraded crimes; from this they argue that if Basuto are now being convicted of killings which involve mutilation, they can only have caught the idea from these whites.

SUMMARY OF CHAPTER IV

93. In the last 20 years Basutoland has been experiencing an aggressive evangelising drive by the Roman Catholic Mission in a country which till then was either "heathen" or P.E.M.S. Protestant. This has profoundly shocked Basuto ideas of religious tolerance and has left many people uncertain of what Christianity stands for. It has also meant that the Missions have not been able to give the country a clear ethical lead in the moral crisis produced by these murders. The opponents of the Roman Catholics have made capital out of the situation suggesting that the Roman Catholic doctrine must have some connection with these beliefs in *diretlo* as the Christian chiefs involved in *diretlo* murders are Roman Catholics, a logical non sequitur. That Christians can engage in such murders does however emphasise the fact that they are unable to apply the ethics of their faith to their every day life. Protective medicines are one thing, Christianity another, and the average Mosuto and his chief find no difficulty in believing in both.

94. The suggestion that Basuto soldiers were responsible for introducing or reviving these *diretlo* murders is incorrect as the pattern of such murders had been established before 1938, nor is there any evidence to connect these crimes with the Johannesburg underworld. There is a widespread belief that human flesh is used in making native beer in that city and it is possible that some of the flesh so used has been obtained in Basutoland but the majority of *diretlo* murders are a local product catering for local needs. The argument that crimes involving mutilation are inspired by white examples in the Union of South Africa is hardly a serious attempt to derive the Basuto murders from these white atrocities, it is primarily intended to show that Europeans are capable of even more degrading crimes.

CHAPTER V

The Chiefs

The Chieftainship, and the principal chiefs

Background

95. The Chieftainship in Basutoland is by tradition a rule by a strong chief. Of the five chiefs who succeeded Moshesh—Letsie I, Lerotholi, Letsie II, Griffith and Seeiso—only one, Letsie II, could be called weak, and his chieftainship lasted for only seven years. In fact it is not too much to say that the political system of the Basuto could not have functioned successfully unless it had at its head a strong Paramount Chief, for almost every important decision in domestic matters rested with him. This situation has been brought about by the action of the Basutoland Government as

much as by any other cause, for by giving to Letsie I and Lerotholi its unwavering support whenever their authority was challenged by any of the greater chiefs, it so effectively weakened these latter that the power of the Paramountcy could no longer be balanced and offset by any combination of them.

96. Sir Godfrey Lagden, Resident Commissioner, wrote in his Annual Report for 1897-8 referring to the defeat of chief Masupha by the Paramount Chief Lerotholi:—"Whatever advantage may result from late events—and from every point of view the firmer establishment of the Paramount Chief must, with its alternative evils, be deemed of advantage—is therefore due to Your Excellency's determination to insist upon respect for law and order and to support the Paramount Chief in all constitutional ways. This was the determining factor. It enabled me to give the Paramount Chief the assurance and confidence he required", and he added that by alternative evils "may be understood that the firmer establishment of the Paramount Chief and the tribal power it confers upon him and his sons, are elements that have to be reckoned with in the future. The predominating power of Lerotholi's family cannot be deliberately counter-balanced". It never was counter-balanced. Thus today we find that the principal chiefs, the descendants and counterparts of chiefs who in the 19th century could on occasion defy and disobey their father Moshesh and his successors, are today reduced to the status of subordinate chiefs dependent on the Paramount Chief for any authority they may exercise in their wards. The only real check to the power of the Paramount Chief is that of the Government, and at the level of the Resident Commissioner.

97. Now this was a very different system to that of Moshesh. The history of the Basuto nation during the 19th century makes it abundantly clear that the rule of Moshesh and of his successor Letsie I was not that of an autocrat who could do what he pleased. Successive British and Burgher officials failed to understand this, imagining that Moshesh's word like Chaka's was law, and accusing him of chicanery and worse whenever he failed to "keep his promises", that is whenever he failed to persuade various sections of his people to honour the agreements which he had entered into with these white men. He was in the last resort bound by the will of the people over whom he ruled, expressed directly at national *pitsos*, or more normally through their tribal and ward chiefs who were either the leaders of the various groups which form the Basuto nation, or were acting as his advisors and councillors. As long as he could convince them that his actions were in their interests these different sections were prepared to remain loyal to his rule, but should they feel that any of his actions were not, then they considered that they were not bound by them, and any attempt to enforce his authority could be met by the secession of the group and its chief.

98. Thus as long as the danger of war with outside foes continued, the chief of the Basuto nation was dependent on the loyal support of the various sections of his domain and could not afford to antagonise them, but at the same time these sections and their heads depended for their survival on his protection. Thus neither Paramount Chief nor his subordinate chiefs could afford to disregard the ties which held them together. But the establishment of peace under British protection removed these sanctions which held the nation together and the "Gun War" which followed in 1882 developed into a civil war in which the leaders of various sections sought to rid themselves of the dominance of Letsie I and of Jonathan I the head of the Molapo section. But by 1900 the Basutoland Government had attained the position it wanted. The word of the Paramount Chief was

law, it was backed by the Government, and no chief could ignore it or secede with his people from the territory. He might appeal against the order of the Paramount Chief, but provided the Government was satisfied that the order was a customary one, that is provided the Paramount Chief could produce a precedent for it, the order would be upheld even though, as in the placing of Chief Seeiso at Mokhotlong, it was against the wishes of the chiefs and people concerned and against the weight of custom.

99. Now as long as Basutoland had a strong and efficient Paramount Chief and his relations with the Resident Commissioner were cordial, this system worked reasonably well. But trouble could be expected:—

- (i) When the succession to the Paramountcy was disputed by two strong candidates.
- (ii) When the Paramount Chief was weak.
- (iii) When the Paramount Chief's relations with the Government were strained.

All these conditions have prevailed in Basutoland during the last decade.

Dispute over the succession

100. Until 1939 Basutoland had been fortunate in having had no real difficulty over the succession to the Paramountcy; on each occasion there had been one obvious choice. Even when this candidate was not in the direct line, as in the case of the succession of Griffith to his brother Letsie II, the obstacle, namely Letsie's II infant son, was conveniently removed by death. But when Griffith himself died in 1939, he left two claimants of equal weight, Bereng his eldest and favourite son, and Seeiso, his son by his second wife (Diagram II). Griffith had intended that the chieftainship should pass to Bereng and had the selection been left to the house of Mantai⁽¹⁾ as it should have been under Basuto custom, this might well have happened, as most of the important chiefs of this house favoured Bereng. But for reasons too lengthy to go into here,⁽²⁾ Chief Gabashane and a number of other chiefs who favoured Seeiso had the succession determined at a full meeting of the Sons of Moshesh (i.e. all the chiefs of any importance in Basutoland). The majority at this meeting strongly favoured Seeiso, and the Government accordingly recognised Seeiso as Paramount Chief. Seeiso had a strong and attractive personality and he had proved his political ability by firmly establishing himself as ward chief of Mokhotlong against the determined opposition of the two powerful chiefs Rafolatsane and Lelingoana, over whom he had been placed.⁽³⁾ There was every prospect therefore that the luck that had so far attended the succession of the Paramountcy would continue. But Seeiso died the following year⁽⁴⁾ and the Sons of Moshesh had to choose between recognising his brother Bereng, as was done in the succession to Letsie II where Letsie's brother Griffith was recognised, or creating a new precedent by recognising Seeiso's senior widow 'Mantsebo as regent for his heir, a 2½ year old boy also called Bereng. Had they selected Chief Bereng, they could be fairly certain that the chieftainship would remain with Bereng and his line, as in the case of Griffith and Letsie II. They preferred to recognise

(1) That is to all the male descendants of Paramount Chief Letsie I by his wife Mantai the mother of Lerotholi.

(2) See High Court judgment in case Chief Constantinus Bereng Griffith vs. Chieftainess Amelia 'Mantsebo Seeiso Griffith, dated 30th March, 1943. Published by Mazend Press, Basutoland.

(3) And who were thus reduced to the rank of lesser chiefs.

(4) It is popularly believed that he was poisoned, though the medical evidence is that he died of gangrene.

Seeiso's widow as Regent and an increasingly large number have been regretting their choice ever since. For the Regent was not a person of strong or masculine character. Her health was poor⁽⁵⁾, she had no political experience and little aptitude for ruling. People, particularly some of the older chiefs, felt that she was very much of a woman, and that any chief who succeeded in becoming her favourite councillor would be able to exercise undue influence in national affairs. The intrigues and factions which had been worked up during the Seeiso-Bereng rivalry instead of dying down became intensified, as rivalries within the Regent's group led to some of her strongest supporters, like Chief Gabashane, finding themselves rejected by the Regent. They naturally joined forces with the Bereng faction.

Attitudes towards the Regency

101. It is against this background that the attacks on the chieftainship must be seen. They come from two very different sections of the community; from the progressive element who have been blaming the chieftainship for its reactionary and undemocratic behaviour; and from the traditional supporters of the chieftainship who want a strong Paramount Chief of the Lerotholi or Griffith type and not a weak Regent.

102. Progressive opinion in Basutoland has for many years past been engaged in blaming the chieftainship for its reactionary temper. The recent *directo* killings and the subsequent prosecutions of those concerned in them, has now split these people into two completely divergent groups. The more radical, whose antagonism against the Government is stronger than its dislike of the chieftainship, prefer to represent the whole business as an attack by the Government on the chieftainship. Their views will be discussed later. The more moderate section consider that this spate of murders would not have occurred had the chieftainship been more enlightened and democratic, and had the major chiefs of Basutoland taken a stronger stand against it in their own wards, particularly in Mokhotlong, the ward of the Paramount Chief which is in charge of Chief Matlere Lerotholi, in Phamong, the ward of Chief Bereng, and in Mamathe's, the ward of Chief Gabashane.

103. The traditional section are recruited from supporters of Chief Bereng, and from former supporters of Chief Seeiso who have lost confidence in the Regent, or who are jealous or afraid of her supporters. They now feel that the appointment of a woman as Regent was a mistake and contrary to Basuto custom which ordains that every woman must be ruled or guided by a man. Alternatively, if it is in accordance with custom, then Mahali, the widow of Letsie II, should be the Regent and not Mantsebo, for Letsie II still has a male heir born after his death.

104. The more generous in both groups merely blame the Regent for her incompetence. A strong Paramount Chief would have taken a strong line over *directo* killings as did Seeiso in Case No. 14⁽⁶⁾. By not doing this the Regent has gravely compromised her position, and brought disgrace upon Basutoland. The Government should remove her and appoint a strong male regent who would rule with energy, consistency and efficiency. Alternatively, the Government should appoint a Regency Executive Council of chiefs, who should advise her how to carry out her duties more satisfactorily.

105. Others take a more serious view. The Regency has failed to take a stronger line about these murders because, directly or indirectly, it was involved in them itself.⁽⁷⁾ The argument takes this form. It is well-known

(5) It has recently become worse.

(6) Where it was largely due to the energetic support of the Police by Seeiso, the then ward chief, that sufficient evidence was obtained to support a prosecution.

(7) One extreme group even likes to believe that these *directo* murders were introduced or re-introduced into Basutoland by the regency under the influence of the leader of a certain Christian cult originally expelled from Basutoland by the late Chief Griffith but now allowed to build himself a house in the Paramount Chief's own village of Matsieng.

that Paramount Chief Griffith considered Bereng to be his heir and passed to him his *tsukulu* (staff of office) and his *lenaka* (medicine horns). Seeiso disputed this and the Government and nation recognised him as Paramount Chief. But on his death Bereng had a doubly strong claim to succeed either as Paramount Chief or as Regent and to become the husband of his brother's widows. How was it that Seeiso's senior widow was able to secure the rejection of this legitimate claim? There could be only one answer—by magic, by the use of *diretlo* medicine. The primary cause therefore of these murders or of their sudden increase, is that they were employed by the Regent to support her claim against Chief Bereng. The latter first attempted to challenge the decision of the Sons of Moshesh by legal action in the High Court, but when this failed, he too fell back on the medicines which the Regent had used with such success against him, and later was able to involve Chief Gabashane in them as well.

106. The murders in the Regent's own ward of Mokhotlong, in Chief Bereng's ward of Phamong and in Chief Gabashane's ward of Mamathe's are thus attributed to a kind of battle of medicine horns between the Regent and Chief Bereng. The other *diretlo* killings in Basutoland are attributed to lesser chiefs copying the fashion set by their superiors. It is admitted that in the three wards mentioned lesser chiefs or headmen were charged with having committed most of these murders, but it is believed that these lesser chiefs were acting on the orders of their superiors, though this would not prevent them being able to use for their own ends some of the *diretlo* obtained from the victim.

The Lesser Chiefs and Headmen

107. The social structure of the South African Bantu is based on attachment to a chief or head. Their local communities are held together, not so much through residence in a particular area, as by attachment to a common head. Remove this head (as has happened in some parts of South Africa) and they become an aggregation of independent families and incapable of any corporate action. In Basutoland the lowest and smallest community—the village, is formed of a number of men and their dependents looking to one man, the village head (*ramotse*) as their head, and as often as not the village is called by his name (e.g. ha Lesala, Lesala's): at the other extreme, the largest community, the Basuto nation is held together through their allegiance to a single chief—the Paramount Chief, *Morena e Moholo* (literally the Great Chief). This structure can be represented as a pyramid whose apex is the Paramount Chief and whose base a vast number of village heads integrated through a hierarchy of lesser and greater chiefs. An attempt to represent this diagrammatically has been given in Diagram III. The important political and social units are those communities attached to the headman, to the lesser chief, and to the ward-chief which have been termed respectively the village group, the ward section and the ward.

The placing system

108. In the past the structure was more simple. The nucleus consisted of one large composite tribe of Kwena which looked to Moshesh as its chief and which contained not only Kwena but elements derived from other tribes as well. To this nucleus were attached a number of other small tribes and tribal fragments, each with its own chief who was either allied to or subject to Moshesh. Within this territory people lived in large villages or groups of villages each with its own head who was either a *ramotse* or a minor chief, and these heads were subordinate either directly to Moshesh or to the chief of their particular tribe. As the population increased, Moshesh and his successors appointed ("placed" is the local term) some of his sons, and recognised some of his brothers as chiefs over portions of his own Kwena,

or over some of the subject tribes. The effect of this was to decentralise some of his authority and at the same time to integrate the headmen in these areas more effectively under a local chief. But this decentralisation was balanced by the family ties which united these chiefs together as members of a single family and subordinate to the head of the family—the Paramount Chief. Family ties, however, tended to be weaker than personal ambition, and but for the firm support of the Paramount Chief by the British Government some of these Sons of Moshesh would have developed into independent chiefs. However the support was given and the result today is shown in Diagram IV in which, for the sake of space, the pyramid has been turned on its side and the Paramount Chief, its apex, is shown at the top left-hand corner instead of in the centre. All areas whose heads are directly under the Paramount Chief are shown with the relationship of these heads to the house of Moshesh. That part of the original Kwena tribal area which has remained directly under the Paramount Chief consists of the Matsieng ward and of the small independent areas in the Mafeteng District marked * in Diagram IV.

109. This system of placing sons was extended to the greater and lesser chiefs and within each ward the ward chief placed his own sons or his father's sons over subdivisions of his ward as chiefs subordinate to him, and eventually each of these subordinate chiefs placed within their ward section their sons and paternal relatives as headmen subordinate to them. The result today is shown in Diagram V, which is an analysis of the Seeiso Letsie I ward of Matelile. It will be seen that it differs from Diagram IV only in size. Not only the sons of chiefs, but commoners could be placed. But whereas commoners were placed as headmen, the sons of chiefs were originally placed at the levels above this.

110. Now the advantages of this placing system were many. It enabled a chief to keep in closer touch with the different areas of his domain by placing over them chiefs who were his sons or his brothers; he could replace chiefs who were disloyal or inefficient or unpopular or who had no close heir to succeed them with men more closely related to him; he could also recognise and reward able commoners in his area by placing them as headmen or in some cases as sub-chiefs. And the system seems to have worked reasonably well in the early days when the population was limited and there was land to spare. The Paramount Chief and the big ward chiefs under him were able to open up new territory in the mountain areas by placing headmen and their followers there to found new villages, and then as these areas developed were able to consolidate them into more efficient administrative units by placing a son or brother over them as their local chief. But the system never worked really smoothly, mainly because of the ambition of the younger chiefs, the sons of the ward chief, who were always endeavouring to expand their "caretakings" at the expense of their neighbours particularly those who belonged to the older generations less closely related to the ward chief, and also because of the weakness and favouritism of these ward chiefs, and for that matter even the Paramount Chiefs, towards their sons. A son could usually count on the support of his father against those elder subordinate chiefs in the ward who had been placed by his father's predecessors,⁽⁸⁾ he might even prevail on his father to place him over one of them, while a favourite son could frequently play his father off against his other brothers, even the one that ranked as the heir.

(8) E.g. "Jonathan's son Tau has been sent by his father to occupy the Pitseng Plateau. There is friction between him and his uncle Khetisa many of whose outlying followers now look up to Tau. This is no doubt hard on Khetisa but it is what is happening all over Basutoland. When the sons of the senior chief grow up and are placed out they absorb the younger sons of the former generation." Annual Report, Leribe District, 1898/9.

111. In 1875 the population of Basutoland was said to be 127,707. By 1890 it had risen to 218,324 and it had reached 559,273 in 1936. This tremendous increase in population resulted in a pressure on the land which had far reaching effects upon many Basuto institutions and not least among these was this "placing system". Most of the land suitable for occupation now had villages on it, each with its village head and grouped under headmen and under sectional chiefs. Sons of chiefs other than their heir could now only be placed at the expense of some other existing chief or headman. At the same time the excessive polygamy of the greater chiefs made placing an economic rather than a political or administrative convenience. As long as a chief's sons or brothers lived with him they had to be given lands and other property from the chief's own village group. But as soon as they were placed they got their lands and their income from the village group over which they had been placed. So that these greater chiefs were always looking for opportunities to place out more and more of their sons, and even when they were dead their successors had to continue the process, for by Basuto custom a widow continues to bear sons to her husband's name long after his death.⁽⁹⁾

112. Now whenever a person was placed he normally went with a number of followers and built himself a new village. This meant a complete readjustment of land holdings for the area in which he settled, in order to provide his new village with land, and it also meant that the person who was formerly recognised as head of that area had to move down one in the social scale; from being a lesser chief he became a headman under the new chief, or from being a headman he became the head of one of the villages under the new headman. It also frequently meant that the lesser chiefs and headmen adjacent to the area might find some of their territory included in the new placing. If one examines for example the Seeiso Letsie I ward shown in Diagram V and which originated in the time of Letsie I about eighty years or so ago, one finds that before Seeiso was placed there it contained six village groups or large villages under Kwena, Taung, Fokeng and Sia headmen, with four other smaller groups who had remained from the earlier days, two with Kholokwe headmen, one with a Fokeng and one of unknown origin. Not wishing to become absorbed into the Mohale ward, they asked Letsie I to place his son Seeiso over them as their chief. Letsie who was looking for a placing for Seeiso agreed and Seeiso came with a number of followers, amongst whom were a number of sons of Letsie I by junior wives. Today the ward consists of a ward chief Joel Moholobela Seeiso, 7 lesser chiefs, and 9 gazetted headmen. Of these 7 chiefs, one is a descendant of one of the original six headmen, one is a full brother of Joel, one is a half brother, one the widow of another half brother, two are his father's full brothers, and one is a grandson of Letsie I by a junior house. Of the 9 gazetted headmen, 5 are descendants of the original headmen, one is a grandson of Seeiso Letsie, one is a grandson of Letsie I, one is the widow of a son of Letsie I, one the widow of a grandson of Letsie I. Of the descendants of the remaining 5 original headmen, 3 have disappeared, and two survive as village heads, respectively under a headman and a lesser chief, both of the house of Letsie I. This is a ward where placings have not been particularly excessive.

113. Not all placings were unpopular; much depended on the tact and political sagacity of the chief who was making the placings and a great deal also on individual headmen or lesser chiefs. If such a headman or lesser chief were able and influential he could probably maintain his position intact;

(9) Chiefs Seeiso Griffith and Bereng Griffith were still in 1938 having to find places in their respective wards of Mokhotlong and Phamong for junior sons of their grandfather Lerotholi.

if weak and unpopular he could expect to find his neighbours trying to extend their areas at his expense, or relatives of the ward chief being placed over him. Again a great deal depended on luck; a ward where both ward chief and lesser chiefs had sons and other unplaced relatives was bound to have trouble over placings. Some placings then were popular, and some were accepted without protest. But a great many were not and were only accepted because there was no legal remedy, or after resistance to the placing had been punished. The later history of Basutoland is full of instances of such placings being resisted by force and of the Government intervening to punish this resistance as a breach of peace. For example, the placing in 1899 of Griffith Lerotholi, in what has now become the Phamong ward, over the chiefs of the two former wards of Baputhi and Baposholi was resisted with such energy, in the case of the Baputhi ward, that their ward chief found himself detained for two years in custody, and then tried and expelled from Basutoland, while the majority of his headmen received varying terms of imprisonment. Today, only one Baputhi headman remains, the one whose grandfather found it expedient to support Griffith⁽¹⁰⁾. The rest have disappeared having been displaced by sons of Letsie I and Lerotholi.

114. Such examples of placings by the Paramount Chief of ward chiefs at the expense of existing ward chiefs belong however to the past, with the single exception of Mokhotlong. It is now the accepted Basuto usage that a ward chief cannot have anybody placed over him, and that the chieftainship of the ward remains in his family. On the death of a ward chief, his successor is selected by his paternal relatives and their choice placed (i.e. approved) by the Paramount Chief. But the chiefs and headmen below this grade have established no such right and can be placed or displaced, or have their territory enlarged or reduced very much at the pleasure of the ward chief.⁽¹¹⁾ In the early days of British rule it seems to have been accepted, anyhow in the case of important placings, that the Paramount Chief's approval was required. Subsequently ward chiefs appear to have been gradually establishing the right to make minor placings in their wards without reference to him.⁽¹²⁾

115. It was at this level of lesser chiefs and headmen that the greatest abuse of this placing system occurred. Ward chiefs and sectional chiefs faced with the need to provide for their numerous sons did not scruple to displace minor chiefs to accommodate the sons of their senior wives, or to carve up the territory of lesser chiefs and headmen to create new caretakings for the sons of their junior wives. It is difficult to say how much further this expansion would have gone if left to itself, for from about 1937 the Government began to feel that something should be done to control it, though for reasons given in the next chapter its attempts to check this expansion by recognising only those subordinate authorities existing in 1937 were not very effective and the placing of new subordinate authorities and the displacing of others continued. Over 1,300 lesser chiefs and headmen were recognised

⁽¹⁰⁾ He is now styled a sectional chief, though his area remains the same as that of his grandfather.

⁽¹¹⁾ The usage had developed, and is now regarded as a definite custom, that a lesser chief or headman should normally be succeeded by his heir (the eldest son of his senior wife) except in cases where his superior chief had need of a "placing" for one of his senior sons, in which case the heir had to give way to this son. A chief was expected to place not more than five of his sons in this manner, but chiefs with large families seem to have ignored this. Since the 1938 reforms there has been a tendency which has had the support of the Government to favour the succession of the heir even against the son of his superior chief. But the decline in polygamy has greatly reduced the number of sons requiring new placings, so that a ward chief has no longer the same need to displace subordinate chiefs and headmen to provide for his sons.

⁽¹²⁾ A right which was revoked by the 1938 Native Administration Reforms.

by the Government in 1938 and there were probably about as many more headmen who considered they had a right to such recognition, some of them mere village heads others with over 100 tax payers. There are no adequate records to trace this expansion, but it is probable that the peak was reached about this time, for the excessive polygamy of the wealthier chiefs which had been one of the principal reasons for this expansion has steadily declined during this century so that the number of sons for whom caretakings were required has been progressively reduced. This decline is now beginning to make itself felt⁽¹³⁾, but in the period 1938 to 1948 all that most people noticed were the abuses of the placing system, which with the more liberal outlook that was developing in Basutoland, seemed to be more intolerable than ever.

Connection between medicine murder and lesser chiefs and headmen

116. Now some of the higher chiefs and their supporters, as well as many other people, maintain that these *diretlo* killings have been committed by or for the benefit of these lesser chiefs and headmen. Their argument is that the higher chiefs have nothing to gain from them, they are well off, their position is assured, and neither they nor anyone else can alter it greatly for better or worse: with the lesser chiefs and headmen it is different, their position is much more insecure and so it is regrettable but not surprising that so many of them have turned to strong medicines to safeguard their positions or to advance their political claims.

117. Now if one excludes the murders committed by ward chiefs Bereng, Gabashane and Mamakhabane, and those murders which still remain unsolved in Mokhotlong and elsewhere, this statement is substantially correct. It is these lesser chiefs and headmen whose position is most insecure, who have most to gain or to lose from the placing system: they can increase their territory by favour of the chief or through litigation with a neighbouring headman, and they can have it diminished through the same causes; they can be placed over a community that does not like them and which intrigues against them, or they can have an unwanted person placed over them. These are all situations in which the tension is frequently, if not usually, relieved by doctoring with protective medicine. Friction over placings can hardly be expected to cease until the majority of chiefs and headmen have small families, until their father's progeny has been absorbed, and until junior sons are expected to go out and earn their own living like other Basuto instead of, as at present, to hang around waiting for some executive appointment. At the same time a less deferential attitude has been developing amongst the Basuto towards their rulers. People have become more aggressive and individualistic, more prepared to stand up for their own rights, the villager against the headman and the headman or lesser chief against his chief. They no longer feel that the greater chief is necessarily their superior in everything, that he is entitled to the best of everything. If a doctor is prepared to make for a lesser chief or headman a powerful medicine, similar to those formerly made only for greater or for tribal chiefs, then that lesser chief sees no reason why he should not have that medicine, and use it to protect himself against anyone who may be thwarting his political ambitions, even against his own superior. There would have been no great harm in this had the chiefs and their doctors stuck to the traditional animal ingredients for these medicines, but these

(13) Indeed this decline in polygamy has begun to raise difficulties of quite another order, those of finding replacements for chiefs or headmen who die without male heirs. The usage is developing, in cases where the deceased has left no sons, of placing his senior widow as chief or headman in her own right, an extension of the older Basuto usage of appointing the senior widow as Regent for the deceased's son. This development is condemned by more traditionally minded Basuto but is naturally favoured by the present Regent.

are now believed to have insufficient power and the type of protective medicine that has become fashionable as being the most powerful and effective is the kind made with *diretlo*. Unfortunately this fashion has coincided with a weak Regency and with a period of friction and intrigue amongst the greater chiefs, some of whom have been convicted of *diretlo* murders and others suspected of having indulged in them with greater success. Thus the lesser chiefs can be excused for believing that these *diretlo* medicines must be the right medicine for their purposes, as they were being used by some of the highest chiefs in the land. Unfortunately, again, this period coincided with what one might almost call a political revolution, a revolution introduced by the Government and designed to transform into a "Native Administration" of the Lugard-Cameron model, the political system of the Basuto which had crystallized into something which probably neither Moshesh nor the earlier British administrators would have approved of, and which was certainly not adapted to modern conditions. These political changes are discussed in the next section.

SUMMARY OF CHAPTER V

118. Basutoland was until 1940 ruled by a succession of strong Paramount Chiefs. It now has a female Regent at its head, who with her advisers has lost the confidence of a considerable number of her subjects. Many people feel that the appointment of a female Regent was a mistake and contrary to Basuto custom and they blame her for not taking stronger action to stop these murders. At the same time the dispute over the succession is linked in many minds with the conviction of chiefs Bereng and Gabashane for medicine murder. A number of people feel that the murders with which they were charged formed part of a "battle of medicine horns" between chief Bereng and the Regent.

119. The abuse of the Basuto system of "placing", under which ward and sectional chiefs can place as subordinate authorities in their territory at the expense of those lesser chiefs and headmen already there, any number of their sons and paternal relatives, probably reached its peak about 1938 when the Government felt it should intervene. This intervention however is only now making itself felt. It is these subordinate authorities (the lesser chiefs and headmen) who with their followers form the largest class of persons charged with these murders and many people consider that it was the uncertainty of their position as a result of this abuse of "placing" that caused many of them to resort to *diretlo* medicines.

CHAPTER VI

The Native Administration

The system in 1937

120. In 1937 the Government of Basutoland commenced a reform of the Basuto political system designed to bring it more into line with those found in other parts of British colonial Africa and usually referred to as Native Administrations. No preliminary study was made of the existing system to see how it could best be adapted to the new requirements and no other reports which give an accurate description of it are available. An outline of the Basuto political system at the beginning of the century has been given in

Chapter I, but this was the traditional, the ideal system of the good old early days of British colonial rule ; it was certainly not the system which existed in 1937. Changing social and economic conditions had made it something very different. Greater wealth had produced greater economic needs, education had developed more liberal ideas and different political aspirations, a division of interests had begun to develop between the ruling class of chiefs and their commoner subjects and a new class of leaders drawn predominantly from these commoners had begun to appear with increasing demands to break with the old traditional system.

121. In the local communities of the village group and its subdivision the village increased individualism and separatism had shown itself in the greater dispersal of settlements ; large villages had become the exception and even small villages had broken down into scattered clusters of huts belonging to one or two men and their dependants. People no longer found time to sit in the *khotla*, they were too concerned with their own affairs ; while their chief found that he could get through his business more rapidly if he withdrew into his office and employed a clerk. The headman's wealth has declined in relation to that of some of his villagers with resulting friction between them : villagers became less deferential towards him while he in his turn was less considerate and more arbitrary in his actions towards them.

122. Chiefs both greater and lesser found themselves in more urgent need of wealth and with less opportunity of acquiring it, and they tended to develop and to exploit the political system so that they could make more out of it for themselves and for their relatives. The greater a chief the more need he had for increasing his income, and the abler he was the more efficient he became in developing the money making side of his office. The sharing of chiefs' wealth with their people disappeared ; chiefs found they could only afford to maintain their own relatives and followers. People who came to visit them had to provide their own food and even in many cases their own accommodation. At the same time chiefs called upon their people for *matsema* labour not only on their lands but for other work as well, like collecting firewood or making or providing material for buildings, and those who provided this labour got nothing in return, not even a meal at the end of their work. Lesser chiefs who never had public lands asserted their right to *matsema* labour from their people and so even did headmen, so that a commoner might find himself called out to work for as many as four different people and at all seasons of the year.

123. On the judicial side chiefs encouraged people to bring their cases to their courts either directly or on appeal from the courts of authorities subordinate to them, and an elaborate system of appeal courts came into being, cases going from the court of a headman to that of his sectional chief, thence to that of the ward chief, thence to that of the Paramount Chief and then and only then to the court of the District Officer. At the same time chiefs both greater and lesser exploited their courts by giving people vexatious and unnecessary administrative orders and when they failed to carry them out fined them heavily in their courts for disobedience. Some turned to even more reprehensible methods, giving their protection to the more efficient and successful stock thieves who on condition they shared their booty or its proceeds with the Chief, were assured of protection if brought before his court.

124. Again, as explained in Chapter V, greater and lesser chiefs both exploited the placing system in a manner that had never been intended, placing their relatives as lesser chiefs and even as headmen regardless of the wishes of the people concerned, and, when no further caretakings were vacant, dividing and subdividing up ward sections and village groups to provide for yet more subordinate chiefs and headmen.

125. All this widened the gap between the ruling class of chiefs and headmen and those Basuto who were emerging as a small but important middle class, men who had managed to raise their economic status by their own efforts and by methods which owed nothing to the traditional Basuto way of life. The chiefs who were exploiting the political system to their own advantage felt that it must be retained intact and that any reform would still further depress their incomes; the new middle class felt that the system must be changed and that the chiefs if they continued to oppose such change must be got rid of. They demanded a change not so much because they wanted a greater share themselves in their local government but mainly to give them greater security of land and other property, and greater freedom from arbitrary exploitation by their chiefs who could order any man in their ward or section at any time to carry a message the whole length of Basutoland and at that man's own expense, who could call a man out for *matsema* labour and fine him a beast or more in their courts if he disobeyed.

126. Not that every Basuto chief behaved in this manner: a great many did not, some because they disapprove of such abuse of office, some because they were too easy going and self-indulgent to feel like making the effort. District Officers may wonder at the popularity that certain drunken and incompetent chiefs enjoy within their wards, but the reason is not far to seek: such chiefs do not worry their subjects as long as they can obtain enough to satisfy their simple pleasures, and the administrative changes which now provide them with a fixed salary, whether they work for it or not, has made it unnecessary for them to resort to other methods of raising revenue. Again the enterprising commoner who found himself victimised by the system was probably the exception rather than the rule but there was always the possibility that such exploitation or victimisation might happen, and by 1937 opposition to the rule by chiefs had become sufficiently vocal for the Government to take notice of it and initiate reforms, while the prospect in the later war years of what might happen if 21,000 war veterans returned from service abroad to find the same system and the same abuses still in operation made the government press on with further political reforms despite their very depleted staff.

The 1938 reforms

127. The Government's first step was to recognise the existing system. Under the Basutoland Native Administration Proclamation, No. 61 of 1938, the High Commissioner recognised the Paramount Chief as Native Authority; and, in accordance with Section 3 of this proclamation, by notice published in the official gazette of the High Commission Territories, he declared approximately 1,330⁽¹⁾ chiefs, subchiefs and headmen as authorities subordinate to the Paramount Chief and to the chiefs or subchiefs shown against their names in the schedule. The object was to prevent any further multiplication of authorities and to exercise some control over further placings; any placing now had to have the approval of Government, such approval not being given without the prior approval of the Paramount Chief. In the same way further multiplication of courts was controlled by a second proclamation (No. 62 of 1938) which restricted the right to hold a court to those persons appointed by warrant. Such court warrants were issued only to the 1,330 subordinate authorities shown in the schedule, and to the Paramount Chief⁽²⁾. The two

(1) It is not possible to give an accurate figure as this schedule has been several times amended.

(2) One of the 1,330 did not receive a warrant—but he was balanced by another headman who was found in 1945 to have been holding a court though he had neither received a court warrant nor recognition in the gazette schedule.

proclamations, together with an explanatory memorandum, were published in English in a blue jacket, and in Sesuto in a red, *khubedu*, and these and the subsequent Native Administration reforms came to be referred to locally as the *khubedu*. It is to these *khubedu* reforms that many Basuto attribute most of their present difficulties. They feel that the Government, by proclamation, suddenly and without due warning and explanation took away from their chiefs and headmen the powers which they formerly exercised and made them subject to controls which they had never before recognised.

128. Now the authors of the 1938 *khubedu* may have genuinely felt that no real change had been made and that all that had been done was to afford official recognition to the existing political structure. But they had no knowledge of what this system consisted of in the lower levels of local administration, and far from consolidating the local communities on which the whole structure was based they were merely adding to their instability and to the insecurity of lesser chiefs and headmen placed in charge of them. As no adequate preliminary investigation had been made of the structure to determine which local units merited official recognition by the appointment of their heads as subchief or headman, the list of names which appeared in the gazette did not tally with the names of those actually performing the duties of subchiefs and headmen in any given ward; in some wards the discrepancies were negligible but in others they were considerable, as will be shown later. Again the clauses in the proclamation giving the Government some control over placings, which were intended to prevent any further abuse of the system, made matters worse rather than better. In the first place, it enabled the Paramount Chief to interfere in the internal politics of the different wards, since all placings made in them now had to be approved by him; in the second place, it enabled the ward chief to alter the status of persons already placed in his ward. For the schedule of subordinate authorities which eventually appeared in the High Commissioner's Notice No. 171 of 1939 was based on lists prepared by District Officers in consultation with their ward chiefs. Few District Officers had a sufficiently extensive knowledge of the political history of the various wards in their division to know the precise status of all the different subchiefs and headmen within it: they had to rely on the ward chief's recommendations. As a result the head of a large village group might find himself gazetted either as a subchief, or as a headman, or even not gazetted at all, according to the fancy of his ward chief. Again, little if any effort was made to correlate the lists of tax collecting authorities shown in the nominal rolls and other tax records with the authorities now gazetted. In fact owing to the depletion of staff and other exigencies caused by the war little effort seems to have been made by District Officers to implement these proclamations and they continued to run their districts very much as they had always done, through ward chiefs and the more important subchiefs and headmen, whether their names had appeared on the gazette schedule or not. Thus it is still possible to compile three lists of subordinate authorities for a ward—a list of authorities who collect tax, a list of *de jure* authorities recognised by government notice, and a list of *de facto* authorities who are performing the duties of subchiefs and headmen whether or not they have received official government recognition. In 1948/9 this gazetted list was revised and a comparison of the 1939 list, the revised list and the list of tax collectors will help to bring out some of these discrepancies.

129. Thus if one takes the Masupha ward of Mamathe's in the Teyatayaneng district, the tax registers show one ward chief and 14 other subchiefs with 233 headmen under them all of whom collect tax. The 1939 list shows one ward chief, 13 subchiefs, one chief subordinate to one of these subchiefs, 137 headmen subordinate to these subchiefs, and 11 headmen subordinate to

other headmen. The revised 1949 list gives one ward chief, 15 other chiefs (called subchiefs in 1939), 4 other chiefs subordinate to these chiefs, and 79 headmen. There are 12 chiefs (subchiefs) whose names occur on all three lists, one whose name appears on the tax list as a subchief and on the other lists as a headman, one whose name appears on the tax lists as a headman collecting from only 54 tax payers and who is shown on the 1939 and 1949 lists as a chief, and two who appear as headmen on the tax list and the 1939 list and who collect from 68 and 100 tax payers respectively, but who appear on the 1949 lists as chiefs. When one turns to headmen and examines the personal areas (ward sections) of the ward chief, the discrepancies between the three lists are even more striking. An attempt to reconcile them is given below.

LIST I. Taken from the current tax registers shows:

Ward Sections	Headmen
A. Gabashane	36
B. Thupakubu area (Gabashane)	27
C. Subchief Motjoka Moabi	31
Total ...	94

LIST II. 1939 Gazette Schedule shows:

Areas	Headmen
Mamathe's and Thupakubu (Chief Gabashane) ...	42

Reconciliation

Headmen shown under A, B, and C in List I... ..	37
New Names	4
Motjoka Moabi now shown as Headman	1
Total ...	42

Reconciliation with List I

Headmen shown on List I omitted	—
List II	57
Headmen shown on both lists	37
Total ...	94

LIST III. 1949 Revised Schedule shows:

Areas	Headmen
Mamathe's and Thupakubu (Chief Gabashane) ...	59

Reconciliation

Headmen shown on Lists I, II and III	22
Headmen shown on Lists I and III but not on List II	33
Replacings	4
Total ...	59

Reconciliation with List I

Headmen shown on Lists I and III	55
Shown on List I and II now promoted to chief ...	2
" " " " now replaced	4
" " " " omitted from III	10
" " " " omitted from II and III	23
Total ...	94

130. Similarly the ward section under Chief (subchief) Sauer Masupha gives the following variations in status of the authorities under him:—

I. Tax records show

Ward section	Subchief Sauer
Headmen	39

II. 1939 Gazette Schedule shows

	Subchief Sauer Masupha					
Subchief		Mphele Masupha				
Headmen	16	2	Motseke Mpopo	Mosiuoa Masupha	Lenkathebe Masupha	Fako Sauer Masupha
Subordinate Headmen			1	1	5	4

Total: 1 subchief, 1 subordinate subchief, 22 headmen and 11 subordinate headmen.

III. 1949 revised schedule shows

	Chief Sauer Masupha				
Chief		Mosiuoa Masupha	Lenkathebe Masupha	Fako Sauer Masupha	Mphele Masupha
Headmen	8	1	1	—	—

Total: 1 chief, 4 subordinate chiefs and 10 headmen.

131. These variations are the more interesting in that the expressed policy of the Paramount Chief and the Government was to reduce and not increase the number of lesser chiefs, and to eliminate wherever possible those who were subordinate to lesser chiefs. No record exists to show why these changes were made in this ward. Similar variations occurred in other wards in much the same way though not to quite the same degree. The Teyateyaneng example shows to what extent an able ward chief could alter the structure of his ward without the District Officer being aware of it, or, if he was aware of it, without his feeling it necessary to comment or explain such changes to the Resident Commissioner, or even to his successors in office.

132. Lesser chiefs and headmen therefore had after 1938 to reckon not only with the normal hazards of placing but with the new ones introduced by these government reforms which they neither appreciated nor knew how to circumvent.

The 1943-45 reforms

133. Having then consolidated what it considered was the existing system by giving it official recognition, the Government proceeded to reform it, and in the period 1943 to 1945 introduced five far-reaching measures, namely:

- (i) A reform of the Basutoland Council by the introduction of a limited number of elected members.
- (ii) The establishment of District Councils whose function was to elect these members and to represent District interests more adequately in the Basuto Council.
- (iii) The establishment of a Basuto National Treasury.
- (iv) The payment of salaries to chiefs.
- (v) A reform of the judicial system.

These reforms will be examined in detail below.

The Basutoland Council

134. All these later reforms were introduced through the Basutoland Council and followed a request from this council to be given a greater share in the government of the country. While not being prepared to give it any *de jure* responsibility, the High Commissioner gave it his assurance that it was "the policy of His Majesty's Government to consult the Basutoland Council before proclamations closely affecting the domestic affairs and welfare of the Basuto people or the progress and development of the Basuto Native Administration are enacted", while the Paramount Chief followed suit by declaring that "it was the policy of the Paramountcy to consult the Basutoland Council before issuing orders or making rules closely affecting the life and welfare of the Basuto people and the administration of the Basuto." In return for these concessions the council agreed to make itself more representative of popular opinion by accepting a limited number of elected members (two from each District, giving a total of 18 elected members) with a corresponding reduction in the number of chiefs nominated by the Paramount Chief⁽³⁾. The Basutoland Council was also made to play the major part in planning these other reforms which were drafted by a committee composed of five government officials nominated by the Resident Commissioner, eight chiefs nominated by the Paramount Chief and four appointed by the Basutoland Council. The committee's recommendations were debated and approved by a majority of the Basutoland Council and were then approved by the Paramount Chief and the High Commissioner and came into operation in 1945.

District Councils

135. Primarily in order to supply the elected representatives to the Basutoland Council, but also to secure a more adequate representation of District interest on this council, nine District Councils were created, each of which elected two representatives to the Basutoland Council. These councils consisted of the District Officer as president, those chiefs in the district who were nominated members of the Basutoland Council and a number of

⁽³⁾ This number of elected members has now been doubled with effect from 1950, and the number of nominated chiefs reduced proportionately.

members elected from various parts of the district. Little criticism of these councils has been met with, except the complaint that like the Basutoland Council itself they had no responsibility. Neither the government nor the Basuto chiefs and people appear to realise that these councils as at present constituted cut right across the existing political structure of the district. Elected members outnumber the chiefs, they are elected without reference to them and they can and do claim to represent the particular area which has elected them, whether they happen to be in agreement with the chief of that area or not. Their electoral areas ignore or cut across the existing political areas of ward section and village group, and the system of election is based on a conception, entirely novel in Basutoland, of one representative for a given number of taxpayers. Thus there are now two parallel and uncoordinated local governments in each district, a new one consisting of the District Officer and a District Council with a majority of elected members drawn from newly created electoral areas, and an old one consisting of the District Officer, the ward chief or chiefs, and their subordinate chiefs and headmen. At present, chiefs and elected members work in harmony on the council but sooner or later one can expect factions to develop and wards to be split by disputes between the ward chief and one or more of the elected members of the ward each with their supporters. In such disputes each side will look for support to chiefs and elected members in other wards and in so doing will extend the dispute and split into these wards as well.

The Basuto National Treasury

136. The keystone of the 1945 reforms was the creation and the establishment at Matsieng of a Native Treasury with a formidable staff of Treasury and other Native Administration officials⁽⁴⁾. In addition to the emoluments of these officials, salaries were paid to the Paramount Chief and to principal and ward chiefs, gratuities were paid to lesser chiefs and allowances of various sorts to councillors and other public servants. The summary of expenditure for 1948-9 (Revised Estimates) is given below.

A.—ADMINISTRATIVE				B.—DEVELOPMENT			
			£				£
I.	Central		5,565	VII.	Works Recurrent		450
II.	District		36,850	VIII.	Works Staff		324
III.	Judicial		43,621	IX.	Education		—
IV.	Treasury		12,555	X.	Medical		—
V.	Basutoland and District Councils		5,445	XI.	Agriculture and Vetny... ..		4,674
VI.	Various		2,051	XII.	Miscellaneous		3,515
				XIII.	Home Industries		8,650
	Total	£	106,087		Total	£	17,613

The whole of Section A is taken up in salaries or allowances, and a good part of Section B also, particularly Heads VIII, XI and XIII. The last is an annual subsidy to develop local hand weaving which is not expected to show a profit for a number of years.

To meet this expenditure the Government made available 31 per cent. of the National Tax, but this was insufficient in itself and the rate of this tax had itself to be raised from 28s. to 34s. in order to achieve a balanced

⁽⁴⁾ 1 Treasurer, 1 Assistant Treasurer, 1 Controller of Stores, 11 Sub-accountants, 74 Tax Collectors, 41 Treasury Clerks, 27 Administrative Clerks, 11 Office Messengers, 339 Court Presidents and Assessors, 296 Court Clerks, 271 Court Messengers and an unspecified number of minor employees including Stray Stock Herds, Bewys and Letter writers, Motor Drivers, Scrubbers and Cleaners and a Caretaker of the Paramount Chief's house.

budget. It was considered that the Basuto taxpayer would gain rather than lose by this as his chiefs would no longer be dependent for their incomes on what they could get out of him by exploitation of their chiefly prerogatives, and this no doubt will be the long-term result. But it is not so apparent at the moment. It is true that the right to exact *matsema* labour has now (1949) been abolished by the Paramount Chief on the recommendation of the Basutoland Council⁽⁵⁾, and chiefs no longer have the right to order a man to take a message at his own expense—he has now to receive an allowance of 2s. 6d. a day. It will be some time however before chiefs cease to be able to avail themselves of all their money making prerogatives. Thus to the average Mosuto the National Treasury was yet another thing at Matsieng which was no doubt good for Basutoland but meant nothing to him locally except that he had to pay more tax. He could see no immediate benefits from it in his own locality and he was only too well aware that a great deal of employment had been provided at Matsieng for Native Administration officials at his expense.

Chiefs' salaries

137. To the chiefs these reforms meant primarily a loss of revenue, for under the new judicial system, inaugurated with the Treasury, all fines and other court revenue had to be paid in to Matsieng. It also meant what they considered an unfair apportionment of salaries between the greater and lesser chiefs, and also between individual greater chiefs. But it also meant something far more important and intangible, a loss of prestige amounting for the majority of the lesser chiefs to a loss of status. Their incomes in the majority of cases had never been large, but they and their people could flatter themselves that they were nevertheless the equals of other lesser chiefs, for their prestige derived not from the number of persons who paid tax under them but from their rank, from their position in the political system. A new criterion had now been introduced, that of salary. Fixed salaries were paid to the Paramount Chief and ultimately to 22 of the greater chiefs, who were styled principal chiefs and ward chiefs. As for the rest a block sum amounting to 5 per cent. of the total Native Tax less the sum paid to the 74 tax collectors was distributed between lesser chiefs and headmen.

138. A great deal of trouble was taken over the question of salaries to be paid to ward and greater chiefs. District Officers were asked to try and get figures giving some indication of the incomes such chiefs were actually obtaining under the old system, and the salaries to be paid to them by the Basuto treasury were decided after protracted discussion in the drafting committee and the Basutoland Council. But in the first place no really accurate estimate of the income of each ward chief could be obtained, as the majority kept no written records and were unable to give any detailed account of their income or expenditure. In the second place no definite decision was ever taken as to the basis on which the new salaries should be calculated. The council and the committee endeavoured to effect a compromise between seniority and responsibility as represented by the number of taxpayers in the ward. Seniority, in theory, though not altogether in practice, was based on closeness of relationship to the ruling Paramount Chief, "looking forward and not backward": that is, the brother of a recent Paramount Chief ranked before a second or other son of Moshesh: for example, Chief Bereng, brother of the late Paramount Chief Seeiso ranked as second chief in Basutoland and before Letsie Motsuene Joseph the great grandson of Molapo the second

(5) This was, incidentally, accomplished by a further tax increase of 1s. a head.

son of Moshesh. This compromise eventually graded these greater chiefs into three grades each containing three classes as follows:

GRADE A.

PRINCIPAL CHIEFS. Salary based on an allowance of 1s. per taxpayer.

Class I.

Bereng Griffith.
Letsie Motsuene.
Gabashane Masupha.
'Mamohlalefi Bereng.
Theko Makhaula.
'Mantsebo Seeiso (as chief of Mokhotlong ward).

Class II.

'Mamakhabane Peete.
Majara Majara.
(a) 'Makopoi Api.
(a) Jacottet Theko.
(a) Seeiso Maama.
Lerotholi Mojela.
Joel Moholobela.
Mohale Mako.
(a) Qefate Sempe.

Class III.

Nil.

GRADE B.

OTHER CHIEFS. Salary based on an allowance of 8d. per taxpayer.

Class I and Class II.

Nil.

Class III.

Jonathan Mathealira.
(x) Masupha Molapo.
(x) Khethisa Tau.
Kuini Mopeli.
Tumane Matela.
Moeketsi Mokhele.
(x) Goliath Mohale.
(x) Phakiso Lebona.

GRADE C.

PARAMOUNT CHIEF'S REPRESENTATIVES. Salary based on an allowance of 4d. per taxpayer.

P.C.'s representative—Likhoel Ward.
P.C.'s representative—Mokhotlong.

This list was subsequently revised by the elevation to Class I of those chiefs marked (a), and by the deletion of those marked (x). Even as revised this list of seniority presents a number of anomalies and bears little relation to the genealogical structure shown in Diagram IV. If it is based on responsibility, then Jonathan Mathealira head of one of the largest

wards in the country should hardly be graded as B III. If on seniority looking forward, then Mohale Mako, descendant of a brother of Moshesh should hardly feature as a Grade A chief, while in the case of Qefate Sempe, head of the Quthing ward, responsibility and seniority surely entitle him to a rank higher than the bottom of Class A I. However, these greater chiefs had at least the satisfaction of knowing that their salaries were fixed by their fellows after prolonged discussions and that any appeals they might have had against such awards were heard and settled by a Claims Committee consisting of the Resident Commissioner and 7 representatives of the Basutoland Council.

139. The lesser chiefs and headmen had far less consideration. No efforts were made to assess their incomes and their responsibilities⁽⁶⁾, their remuneration was left at what it had been before the reforms, namely 5 per cent. of the Native Tax less the cost of the salaries of the 74 tax collectors. This amount was later increased by about £3,000 deducted from the vote for ward chiefs' salaries. This reduction in ward chiefs' salaries meant an appreciable loss to the persons concerned but did not go very far amongst those of the 1,330 odd chiefs and headmen whose names appeared on yet another list of authorities, this time a list of those authorities recommended for the payment of tax gratuities. The actual share of the 5 per cent. tax received by those lesser chiefs and headmen who were fortunate enough to find their names on this list was again not based on any definite principle but left to the judgment of the District Officer and the ward chief. The selection of these authorities, and the apportionment of their gratuity, was based on another compromise, which took into account the worth of the chief or headman, his seniority, and the number of tax payers in his section or village group, those who collected from less than 100 tax payers being considered ineligible for a gratuity. Thus, once again the lesser chiefs and headmen were made dependent on the caprice of the ward chief and his advisers. An examination of the Teyateyaneng district list for 1948-9 shows the following entries:—

No.	Name	Tax Payers	Tax Collected	Gratuity Recommended	Remarks
14	S/Chief Dyke Peete ...	223	£ 329 9	£ 32	Excellent
15	S/Chief Mahajobe Lejaha...	241	355 5	25	
24	S/Chief 'Malira Hlajoane...	334	419 5	23	Good
29	Headman Motetepa Seisa...	86	139 6	8	Excellent

A comparison with the list of tax collecting headmen shows at least three headmen collecting from over 100 taxpayers whose names are omitted from the gratuities list for this ward, and three collecting from under 100 whose names appear there. Thus the payment of salaries can hardly be said to have lessened the feeling of insecurity of the lesser chiefs and headmen; it merely gave them a new grievance. This grievance has recently been considerably increased by the abolition of the right to *matsema* labour, and its replacement by a 1s. increase in the tax rate. The greater part of this sum

⁽⁶⁾ Their incomes, like those of the greater chiefs, came from two sources; private, in land and livestock inherited from their fathers; public in fines, free labour and other perquisites of their office. Both varied enormously according to the size of the caretaking and the property the chief had inherited, and according to his administrative and judicial capabilities. A weak or corrupt chief could not, for example, expect to obtain much income from his court, as people would avoid it or appeal against his judgments to a higher court, in which case that court was entitled to any fines paid in the case. A capable chief could expect a fair income, its size depending on the size of his caretaking.

is to be paid by the treasury to the ward chiefs, the rest being retained to meet the cost of construction and repair of native courts. None of it is to go to the lesser chiefs. Now there is little doubt that originally lesser chiefs and headmen were not entitled to *matsema* labour. But many of them had established such a right and were exacting such labour. The loss of it was therefore a further reduction of their income, and the payment of an allowance in lieu of it to ward chiefs further emphasised the reduction in status of the lesser chiefs in relation to that of the greater ones.

Judicial Reforms

140. But the reform which most drastically affected the position of the lesser chiefs and headmen was that of the judicial system. It was planned and approved by the Basutoland Council and its drafting committee but it is doubtful if either of these bodies realised the full implications of this reform, which amounted to the substitution of a British judicial system and of British judicial ideas for the traditional ones of the Basuto. Under the original Basuto system the administration of justice was part of the functions of the chief, it was free, no distinction was made between criminal and civil matters (the majority of offences being regarded as a breach of Basuto law, for which the penalty was a fine paid in livestock with or without the additional payment of compensation to the aggrieved party), and few if any records were kept except in some of the more important courts (e.g. Chief Bereng's). Under the new system a distinction was made as far as chiefs were concerned between executive and judicial functions.⁽⁷⁾ In the new native court system the administration of justice was no longer the function of the chiefs but of a number of courts of various grades whose judges and assessors were nominated by the ward chief and approved by the Paramount Chief. Justice in them had to be paid for by court fees, it was no longer free and a distinction was introduced between criminal offences, for which the punishment was a fine or imprisonment, and civil ones where compensation or damages but no fine or similar penalty could be awarded. In addition the court had to keep full records of the proceedings as well as registers, cash books and all the accounting paraphernalia of the British courts.

141. This system as finally approved represented a compromise between the views of those who wanted a completely new system and those who wished to keep some parts at least of the old one. Thus the organisation of the courts was on the basis of the ward, not of the district, all except the smallest wards having one or more courts of first instance and an appeal court. The appeal from the ward appeal court went not to the British subordinate court of the District Officer but to the appeal court of the Paramount Chief, and thence not to the Resident Commissioner's court, or to the High Court which had replaced it, but to the subordinate court of an Administrative Officer who was given the title of Judicial Commissioner; and from this court there was in certain cases an appeal to the High Court. This Judicial Commissioner had been carried over from the original system: he had been appointed several years previously as a travelling appeal court to relieve District Officers of their appellate judicial work from the 1938 native courts in their districts. This commissioner now found himself at the apex of the new system, yet his powers were defined as equal but not superior to those of District Officers in charge of a district. They were given powers to intervene at any stage of the proceedings in any courts in their districts and to hear the case on

⁽⁷⁾ No such distinction was made in the case of government administrative officers below the rank of Resident Commissioner. They continued to be both District Officers and Magistrates of those British courts' styled "subordinate courts" the appeal from which lay to a High Court; it was only at this level that such a distinction was made, the High Court being the court of a Chief Justice whose jurisdiction covered the three High Commission Territories.

appeal or transfer it to another court, and the Judicial Commissioner had no powers to amend or alter their judgments. Thus the normal channel for litigation was from the court of first instance to the appeal court of the ward, thence to the appeal court of the Paramount Chief, and thence to the court of the Judicial Commissioner; but a District Officer could if he so wished short circuit this system by himself intervening, and confirming or amending the judgment of a court of first instance or an appeal court, and from his judgment there was no further appeal except to the High Court. Again, in order to ease the change from a very large to a limited number of courts, and from free to fee litigation, chiefs and headmen were allowed to arbitrate in civil disputes should the parties wish to refer such disputes to them, provided they charged no fees, imposed no fines—in fact provided they derived no remuneration from such arbitration.

142. This then was the compromise approved by the Basutoland Council. The Resident Commissioner responsible for carrying through these reforms was transferred to another colony soon after, and it was left very much to individual District Officers and ward chiefs how they applied these reforms in their own areas. Some did their best to tone them down so as to upset the political system as little as possible. Thus many ward chiefs were told that although they were not appointed presidents of the appeal courts in their wards this should not be taken as debarring them from sitting in them as president of the court should they so wish. Few availed themselves of this permission; they had enough administrative work to keep them occupied and they received no additional remuneration for so doing. Again in many areas no person was allowed to take out a summons in a native court unless he brought with him a note from his local headman or lesser chief authorising him to do so. The headman could not refuse him permission to go to the court but it was felt that it was more deferential and in line with Basuto custom to pass through the headman to the court, which was regarded as the court of the ward chief. Similarly, although arbitration tribunals had been intended as a face-saving concession to those chiefs and headmen who had been deprived of their 1938 courts, ward chiefs varied very much in the manner they applied this concession. Many regarded such tribunals as being on a par with the new native courts, and the prerogative not of the lesser chiefs but of the ward chief. Thus they created parallel systems of native courts and "arbitration courts"⁽⁸⁾ both with appeal courts at the ward centre and both with judges appointed by the ward chief. In most of these arbitration tribunals no fees or fines were levied, but some tribunals continued to impose fines, and were thus in effect a continuation of the old 1938 courts.

143. Officials of the new courts were appointed direct from Matsieng. Judges and assessors, who were usually from the ranks of lesser chiefs and headmen, were nominated by the ward chiefs concerned and approved by the Paramount Chief and the Resident Commissioner on the advice of his District Officers; but as in the case of the gazetting of subordinate authorities few District Officers felt that they could or that they should investigate these appointments and satisfy themselves that they were approved by the local people. Again although District Officers had the duty of supervising these new courts this supervision concentrated mainly on seeing that the court revenue was properly accounted for and in reviewing serious criminal cases in which the accused had been given terms of imprisonment. District Officers might keep an eye on other criminal cases; they certainly had not the time to see what kind of judgments were being given in civil litigation and appeals from such cases never came before them. One has the impression that most District Officers, though they frequently visited these courts, had

(8) E.g. in Thaba Bosiu and Likhoele wards.

very little idea of what went on in them or of the competence of the judges and assessors appointed to them. Arbitration tribunals were not their responsibility and they had therefore no direct knowledge of how, or even of where, they were functioning.

144. It is not surprising therefore to find that the new courts come in for considerable criticism, but the interesting feature of this criticism is that it is quite frequently constructive rather than the reverse, that it is concerned mainly with details of the system and that it is not directed against the system itself. Nobody in the course of this enquiry expressed any desire to return to the former system: what they wanted was a reform of the various abuses and anomalies that had arisen in the application of the new one. Their criticisms can be summarised under four heads—Personnel, Procedure, Appeal Courts, Nomenclature.

Personnel

145. The lesser chiefs and headmen in many wards complained that the ward chief, in his nomination of judges and assessors for the courts in his ward, used this power for political ends or to provide his near relatives with lucrative employment. Examples of the latter complaint can be found in most wards of Basutoland, perhaps the most glaring example of the former is in the Mokhotlong ward. It has already been indicated, in paragraph 100, that this originally consisted of two wards which were combined, against the wishes of their ward chiefs, into one ward over which the Paramount Chief Griffith placed his son Seeiso, in a very close parallel to the earlier placing of Griffith himself by his father Paramount Chief Lerotholi over what is now the Phamong ward. A political struggle has been going on in Mokhotlong ever since, fought out mainly in the British courts, between Chief Seeiso and his successors and Chief Mosue Lelingoana, head of the Tlokoa section of this ward. Mosue has had his status degraded from that of greater to lesser chief, but has managed to keep his territory intact and he has had repeated official assurances that his rights as chief of the Tlokoa tribe and tribal area would be respected. The establishment of the new court system in Mokhotlong enabled the ward chief to deprive the Tlokoa chief of any judicial authority within the Tlokoa area. No appeal court was established for this area, though it is larger than many Basuto wards which possess one; no Tlokoa judge or assessors were appointed to the ward appeal court; the judges and assessors for the four courts of first instance established in the Tlokoa area were nominated by the ward chief without reference to the Tlokoa chief, and the appeals from these courts went direct to the appeal court at the ward chief's headquarters (Thabang).

146. Ward chiefs, and for that matter District Officers, complained that reference has to be made to the Paramount Chief before they can take any action against court staff, thereby giving the Paramount Chief a right to interfere in the internal affairs of their wards which he never possessed before, making supervision and disciplining of these courts unnecessarily cumbersome and wasting an unnecessary amount of time and correspondence.

147. In not a few areas one received the complaint that the court staff were exploiting the new system to their own pecuniary advantage while keeping within the letter of the law. Thus if a person sentenced to a fine failed to pay within the period given to him for this purpose he was not imprisoned in default of payment but distraint was exercised upon his property which was brought to the court and there sold by auction. Few people were present at such sales and the property was sold at prices very much below its value, to members of the court or its staff, to be resold elsewhere at considerable profit.

Procedure

148. Turning to procedure, few people appreciated the necessity for court fees and many were strongly opposed to the idea. They felt that justice, whether criminal or civil, should be free and only the guilty penalised. In other words, they preferred the traditional Basuto system of justice. Most people approved the keeping of records, though they could not see why it should make judicial business such a lengthy and protracted matter.

Appeal Courts

149. Few people liked the present system of appeal courts. Most felt that there should be only two appeal courts, one Basuto and one British, and that either the ward chief's appeal court should go, being replaced by a Paramount Chief's appeal court, one in each district, or that ward chiefs' appeal courts should remain and the Paramount Chief's appeal court disappear; for the judge of the ward chief's appeal court being appointed by the Paramount Chief, should rank not as the ward chief's but as the Paramount Chief's representative.

Nomenclature

150. The universal name given to these new courts is "treasury courts". The Government disapproves strongly of this title and has been at some pains to insist that it is incorrect, but to the Basuto they remain treasury courts, and for the same reason that the old courts were called "chief's courts". In the latter, the court revenue went to the chief, in the new courts it goes to the treasury.

Paramount Chief's Advisory Council

151. A final political reform necessitated by the great increase of business thrown upon the Paramount Chief by these reforms, was the creation in early 1949 of an advisory council for the Paramount Chief appointed by the Regent with the approval of the Resident Commissioner. The council consists of three chiefs, two of them ward chiefs. They remain at Matsieng in almost continuous session and they deal with the voluminous administrative and other business that is now referred to the Paramount Chief. Although the Regent does not have to follow their advice, in practice she never seems to go against it.

Results

152. These five major reforms have revolutionised the Basuto political system much more than is realised locally. In the first place the personal and autocratic rule of both Paramount Chief and of ward chief has been considerably reduced. The Paramount Chief, or at least the Regent—and it is doubtful if any succeeding Paramount Chief will be able to revert to the previous practice—no longer makes major decisions by herself but has become increasingly guided by the will of the Basutoland Council, by the advice of her advisory council and of other major chiefs whom she may call upon to advise her, and by the advice of senior officials of the Native Administration. It is difficult to assess how much of this change has been caused by the assumption of the position of Paramount Chief by a female Regent, and how much by the reforms which have just been discussed; but the change can be seen in the different approach to the 1938 and 1943-5 reforms. The first were introduced after discussion between the Resident Commissioner and the Paramount Chief; the later reforms were drafted by a committee of Government officers and chiefs (mainly the latter), and only after these reforms had received the approval of the Basutoland Council did they receive

the assent of the Paramount Chief and the High Commissioner. But while the chiefs and particularly the greater chiefs have been obtaining a greater measure of control over the actions of the Paramount Chief, so the Paramount Chief in his turn has been able to compensate to some extent for this loss of power by being able to intervene to a far greater degree than formerly in the internal affairs of their wards. All appointments whether placings of lesser chiefs and headmen or of Native Administration personnel now have to receive the approval of the Paramount Chief. Thus both Paramount Chief and greater chiefs alike can well feel that these reforms have robbed them of a considerable measure of their former power, and both are left uncertain of the effect of these changes on the balance of power between Paramount Chief and greater chiefs.

153. This reduction in the personal element in the Basuto system has been accompanied by the creation of a new impersonal bureaucracy of Native Administration officials which has taken over a great many functions formerly exercised by the chiefs, and through which all correspondence with the Paramount Chief has to pass. Even ward chiefs have ceased to be rulers by natural right: they are now subject to recognition by the High Commissioner and are salaried agents paid by this Native Administration machine.

154. Along with this Native Administration bureaucracy has gone a far greater measure of centralisation. There are now two secretariats in Basutoland, the original Government one at Maseru and a Native Administration one at Matsieng which sedulously imitates it. District Councils and District Officers and ward chiefs are allowed little if any responsibility or control in local administrative, judicial or financial matters; most decisions and all local expenditure has to receive prior approval from the Paramount Chief or Resident Commissioner or both—that is, it has to pass through both Matsieng and Maseru secretariats.

155. Of more immediate bearing on this enquiry is the effect on the large group of lesser chiefs and headmen. Whereas prior to 1938 many lesser chiefs could feel that the difference between a greater and a lesser chief like themselves was one of degree but not of kind, now they can have no such illusions. The powers of the ward chiefs may have been curtailed in their relationship with the Paramount Chief and his office at Matsieng, but this has been more than counterbalanced at the expense of the lesser chiefs and headmen, who are now shorn of such judicial powers and incomes as they formerly possessed and made more dependent on the ward chief than they have ever been before, while at the same time they have been given no means of controlling his actions towards them. Their position, which the abuses of the placing system had made particularly fluid and uncertain, has been rendered even more so, as under the new system there is more to gain as well as to lose in lucrative court and other appointments. It is not therefore very surprising to find some of those most affected by these reforms resorting to supernatural remedies, particularly when there seemed to be no more effective methods of achieving what they wanted.

156. Finally all these reforms have been applied from the top downwards, and this is the main reason why they have been so misunderstood. The Native Administration edifice constructed by the drafting committee of Government officials and chiefs is very impressive and imposing at the top, but if it is not to subside the foundation on which it rests must be consolidated and where necessary reinforced so that it can support it properly. This foundation is made up of an undetermined number of local communities which have been called village groups. The interests of these communities and of the lesser chiefs and headmen in charge of them were taken

for granted or ignored by those who planned these reforms. They were never consulted about them but were expected to take what was handed out to them and to like it. This they might well have done fifteen to twenty years ago when people were more docile and submissive to their chiefs and when the latter were more in touch with their people's interests and therefore better able to represent them. But neither is the case to-day; hence one finds these local communities resentful and distrustful of these changes and of the Government and Native Administration that have introduced them.

SUMMARY OF CHAPTER VI

157. In 1938 the Basutoland Government took the first step to check abuses which had developed in the Basuto political system by officially recognising about 1,330 subordinate authorities, the majority being lesser chiefs and headmen: but as it had no means of knowing what authorities were actually functioning at the lower levels of administration it added to the existing insecurity of these lesser authorities by gazetting some and omitting others, the selection depending very largely on their ward chiefs.

158. In 1943-5 the Government introduced five far-reaching reforms to bring the Basuto political system into line with other native administrations: the Basutoland Council was given greater control over the Paramount Chief and acquired a number of elected members representing regional (district) interests; nine district councils were created to supply these members, but were not properly integrated into the existing political structure of the district; a Basuto National Treasury was established, staffed by permanent officials and centralising all Native Administration at the Paramount Chief's headquarters; fixed salaries were paid to the Paramount Chief and the greater chiefs, but only gratuities to the lesser authorities, and subject, again, to the ward chiefs' recommendations; and a new judicial system was introduced which deprived all chiefs of their former courts, and which left the appointment of the judiciary of the new courts in the hands of the ward chiefs.

159. The main effect of these reforms has been to make the Basuto political system less autocratic and personal; to make the Paramount Chief and the greater chiefs more inter-dependent; to introduce a new bureaucracy of permanent Native Administration officials; to give the greater chiefs more security, but to depress the lesser chiefs and headmen still further at their expense and to make them more than ever dependent on the greater chiefs.

160. The greater chiefs were consulted and took an active part in framing these reforms, the majority of the lesser chiefs and headmen and their people were not, which may explain why these reforms have been misunderstood and have led to so much distrust of the Government and the Native Administration.

The Government

"Basutoland is ruled by a Trinity—the High Commissioner, the Resident Commissioner, and the Paramount Chief, but it is not like heaven".⁽¹⁾

Those who blame the Government

161. The number of people who blame the Government for these *diretlo* murders is considerable, though their reasons for doing so vary greatly. The largest group are those who feel that the Government being all powerful could, if it so wished, stop these murders, and for that matter cure all the other ills which afflict Basutoland with the single exception of its variable and inadequate rainfall. There are far too many people in Basutoland at every social level who, while very ready to criticise things, feel that there is nothing that they can do about it themselves. The Government to them is something remote and distant, the concern of the High Commissioner, the Resident Commissioner and the Paramount Chief. A few progressives may have wished to change things in the period just before the last war, but the great majority of the Basuto people and of the white missionaries and traders resident amongst them were quite happy for this state of affairs to continue, provided the Government continued to function in the manner to which they were accustomed, a manner which they understood and knew how to deal with. But when it began to introduce changes and abruptly disturb this peaceful equilibrium, people found that they had suddenly got to readjust themselves to a new situation and they did not like it: they felt that these changes were unnecessary and they naturally attributed to them any unpleasant things which happened after them. Thus one finds a very large number of people in Basutoland who honestly believe that these *diretlo* murders are a new phenomenon, that they only began to happen after the introduction of the Native Administration reforms referred to in the previous chapter and that they are therefore directly attributable to them. According to this line of thought, if there had been no *khubedu*, no Native Administration reform, there would have been no *diretlo* murders. Reinforcing this view is the more active antagonism of the vested interests affected by these reforms, particularly the more conservative elements of the ruling class of chiefs and headmen. These feel that whereas in the good old days the Government always supported and backed the chieftainship, in its *khubedu* reforms it deserted them, allowing them to be robbed of their birthright and converted into salaried office-holders, while in its intensified drive to put an end to *diretlo* murders it has definitely turned against them.

162. Added to this feeling is the growing opposition to the government of the progressive element, as yet small in number but gaining an increasing influence over public opinion. These progressives fall into two main types, moderates and extremists. It would be a mistake to qualify with either of these terms the rudimentary political groups or parties, e.g., Lekhotla le Bafo, formed by some of the leaders; each group contains men of all shades of opinion. Again, it would be most misleading to label the extremists as "Communist inspired". Their ideology is that of nationalism, though social conditions in the Union of South Africa have caused this nationalism to become confused with racialism, and they are naturally prepared to avail themselves of any techniques that may lend themselves to the achievement of their purpose. Such extremists feel that no good can come from any

(1) Comment by a Leribe "progressive."

Government of Basutoland that is of alien and white origin, and they interpret every government action as contrary to the interests of the Basuto nation. Some of their leaders and spokesmen are activated by genuine if fanatical patriotism, others are people whose personal ambitions are unlikely to be satisfied under the existing regime, and they differ from the moderates in having ample leisure in which to express their views and to solicit support for them. The moderates, on the other hand, are professional, clerical, business and other self-made men, together with some of the more progressive chiefs. They feel that a greater measure of responsible self-government should be devolved on the Basuto. But they are too fully occupied with their own duties and careers to have much time to devote to politics, and are as yet unable to organise themselves into an effective political pressure group, or even to decide exactly what they want to do and how they intend to set about doing it. The attitudes of a great many of these moderates is much the same as that of many Europeans who have the welfare of the Basuto at heart. Both feel that they know what is good for the Basuto and that all that is required to achieve this is action by the Government; neither have any urge to build up public support amongst the Basuto people for their views. The political influence of these moderates therefore carries much less weight than it should, though it is now beginning to find some expression in the Basutoland Council.

The legend of betrayal to the Union

163. An emotion upon which both extremists and moderates can always play is the ever present Basuto fear of expropriation by the Union of South Africa. Although the Mosuto proudly boasts that, unlike the Zulu, he has never been conquered by the white states that surround him, he is well aware that only the timely intervention of the British Crown prevented his absorption into the Orange Free State in 1870, and he is convinced that withdrawal of British protection will mean only one thing, the expropriation of his territory for white settlement. Thus, any government measure unpopular with the progressive element usually finds itself stigmatized as designed to further incorporation into the Union. Two examples can be given of the reaction produced by *diretlo* murders on this attitude. Commenting on the case of chiefs Bereng and Gabashane (No. 70) one man who believed in their innocence considered that these chiefs had only been accused of this murder because the police officer in charge of this investigation was a South African national and therefore intent on destroying the Basutoland chieftainship. Commenting on another case (No. 86) in which the headmen concerned had been acquitted, contrary to local expectations, another man who believed that the chieftainship was responsible for these murders remarked that this acquittal was only to be expected as the judge was a South African national and therefore naturally wished to encourage these crimes which were destroying Basutoland.

164. Before 1938 when the Government and chiefs worked in harmony, the extremists devoted most of their energy to attacking the chieftainship as reactionary and the tool of the Government. With the introduction of reforms which affected the status of these chiefs, and which were followed by the intensified police drive against *diretlo* murderers, most of these extremists and a number of the moderates changed their attitude and rallied to the defence of the chieftainship. They now insist that these *diretlo* killings and the prosecution of chiefs which has accompanied them is nothing but a government plot aimed at breaking the chieftainship prior to the handing of their country over to the Union whites. The chief agents in this plot are the police whose white staff, they maintain, are all drawn from the Union of South Africa, and who bring illegal pressure to bear on people to make them give false evidence against their chiefs.

165. According to this theory in its most developed form, as held by some agents, the witnesses are told what to say by the police, the judges are unduly influenced by their white assessors^(?), and should the case reach the judicial committee of the Privy Council, pressure is brought to bear on this body by the Basutoland Government to make it dismiss the appeal. Thus, to take the two cases against chiefs Bereng and Gabashane, this view maintains that both murders were in fact deaths by natural causes. In the Paramente case (No. 54) the body was brought in its natural state to the mortuary and there mutilated by the police, for had not the medical officer stated in his evidence that the police knew where he kept the key to the mortuary and where he kept the dissecting knives which he used there? In the Meleke Case (No. 70), the case on which these chiefs were convicted, the doctor had admitted that the death was an accident, for in his evidence he stated that the mutilations (of the lips) had been caused by crabs. The judge in this case was persuaded to condemn the accused by Mr. H. J. D. Elliott, District Officer, one of the European Assessors. He first persuaded the judge to dispense with the Basuto interpreter, when they retired to consider their judgment, which placed the two Basuto assessors at a disadvantage, and then falsely stated to the judge that chief Ntoane, one of the accused who died in hospital, had, when delirious, admitted the crime and the complicity of the other accused in it. When this case went to the Privy Council on appeal, both the Resident Commissioner and the Chief of the Basutoland Police hurried to England and saw the Privy Council, and the appeal should be allowed.

166. Now quite a number of people are prepared to believe this legend, regardless of the facts—

- (a) That it was common knowledge that Paramente's body was found already mutilated at the foot of the Mamathe's cliffs, and that independent witnesses stated this at the trial.
- (b) That the two Basuto assessors in question were both fluent in English (one was a retired sergeant of the Basuto police).
- (c) That there was a popular rumour widely current in Maseru before and during this trial that chief Ntoane had confessed to this murder while delirious^(?).

167. The suggestion that the appeal from this case was dismissed owing to the efforts of the Resident Commissioner and Chief of Police while in England is more understandable. Both happened to be on leave at the time, and as far as most people in Basutoland could see the legal points at issue in the Bereng-Gabashane appeal were the same as those in the Tunahole Bereng appeal (Case No. 52), which the Privy Council had just upheld.

168. Similarly, in the Meleke case (No. 70), the doctor's evidence established that Meleke had been murdered. He stated that Meleke's death was due to his having been rendered unconscious and while in this condition placed face downward in a pool of water, as a result of which he drowned. But the doctor also stated under cross-examination that the mutilation of Meleke's lips might have been caused by crabs while the body lay in the pool; while

(?) A judge in the Basutoland High Court is assisted by two white and two Basuto assessors.

(?) Mr. Elliott in a sworn statement submitted to the Privy Council declared as totally untrue the assertion that he had told the judge that Ntoane had confessed to the murder. He stated that as a District Officer he was naturally aware of the rumour.

under re-examination he admitted that it might have been due to some other agency. It is natural that those who believed in the innocence of the accused would prefer to forget that part of the doctor's evidence which was against them.

Allegations against the police.

169. This is the extreme form taken by this view and is only advanced by a limited number of people ; the more general form which it takes is an attack on the police alone, a view which is widely held and vigorously propagated by many liberal progressive Basutos inside and outside Basutoland, as well as by many of the ruling class of chiefs and headmen. According to this view, some *diretlo* murders may in fact occur, but they are not nearly so frequent as those in authority imagine, and the government, through its agents the police, are at present engaged in a witch hunt, every accidental death being regarded as a *diretlo* murder committed by the local chief, and the police using bribery and third degree methods to obtain false evidence which will lead to his conviction.

170. This view is not so unreasonable as it sounds. The majority of the prominent chiefs and headmen prosecuted for this crime were not enemies of society, but highly respectable members of it. Many of them were popular, both inside and outside their caretakings, and District Officers and other Europeans who knew them well and who were more able to form an unbiassed judgment of them found it extremely difficult to believe that they could be involved in such crimes. The evidence against them was necessarily mainly that of accomplices, people who had been accessory to the murder or in many cases had actually taken part in it, and who had turned King's evidence to save their necks ; the defence was a complete denial of having any knowledge of or connection with the crime. Relatives, friends and admirers of such chiefs would naturally find it easier to believe the evidence for the defence, in which case the evidence for the prosecution must be false. But it was equally hard to believe that these Crown witnesses would of their own volition have made up such charges against their chiefs ; the only explanation which made sense was that they had been forced to do so, and some of these Crown witnesses, when they got home and were asked to explain why they had betrayed their chief or headman naturally found it easiest to say that they had been forced to do so, particularly should the chief or headman against whom they had given evidence have been discharged by the court. The manner in which the police conducted their investigations into these murders also lent colour to this view. People, particularly those who belong to the ruling class, felt that in these investigations the police were using methods which were unfair, underhand and contrary to accepted usage. Previously the police investigated crime in an open manner. Constables sent out to investigate a crime went and reported to the local chief, told him what they had come to do and were given a messenger by the chief to help them do it. Under this system the main function of the police was to arrest the accused and bring him to headquarters along with the witnesses connected with the case, while the chief and his messengers did most of the work of getting hold of the accused and the witnesses. The system worked reasonably well, except in cases where the chief himself might be involved in the crime. When this crime became medicine murder the police soon found that it was impossible to investigate such crimes by this method, so as a result of their representations the Paramount Chief agreed to their being empowered to investigate crimes without prior reference to the chief or headman of the area concerned. But

(4) In Case No. 54, over 60 accused were involved of whom 35 were eventually charged.

172. The real reason for this detention was that it was about the only way in which most witnesses of such murders could be induced to say anything at all about them. The problem that faced the police was how to get a witness to tell what he knew about a crime when, in the first place, it was contrary to his accepted code of behaviour to betray the head of his community and when, in the second place, it was very much against his own interests to do so. To break down this resistance the Basutoland police, a force which possesses more than its fair share of able police officers, applied not third degree methods but sound psychological principles. They first detached the witness from his local community and kept him isolated from it; they examined him by himself as an individual, convinced him that the first statements he had given them were false and that they knew what had actually happened; at the same time they sought to win his confidence and to convince him that he had more to gain than to lose

171. The charge of unfairness went deeper and affected a greater number of people. Now it is not seriously contended, even by the extremists, that the police have in any case employed what are usually termed "third degree" methods to extort incriminating statements from witnesses or accused, nor is there much reason to suspect it. Anyone with any knowledge of the native obstinacy of the Basuto knows that the best way to make him shut up like a clam and deny everything is to attempt to browbeat or otherwise force him to admit something he does not want to. The method all complain of is the detention of witnesses, and there is no question but that witnesses have been detained at police stations for unduly long periods during the investigation of many of these murder cases. Now it is contended by those who condemn the police methods of investigation that such detention inflicted undue hardship on the persons concerned, and that it was used by the police as a means of forcing them to make statements which would incriminate their chiefs and headmen, while it is argued on behalf of the police that the number of persons involved in these cases and the vast amount of evidence that has to be sifted⁽⁴⁾, the small size of the police force and the even smaller number of those available for the investigation of crime, and the situation of the police stations on the borders of the territory instead of in the centre of the districts, made some detention of witnesses inevitable. There is something in both arguments but not nearly as much as those who advance them suggest. If one examines the first, one finds that witnesses are fed, and well fed by Basuto standards, they are housed and provided with blankets if they want them, they are not normally locked up nor kept in any form of close confinement but are merely prevented from talking to each other and from returning home, and except at particular periods of the year they suffer little if any economic loss by being kept away from their homes. Again, had the police wished to use detention as a third degree weapon, there was nothing in law to prevent them applying for a warrant of arrest against any witnesses they had reason to suspect of knowing something about the crime, and keeping them under arrest while they continued their investigation—meanwhile holding out offers of their release on condition they were prepared to talk. If one examines the second argument it can be shown that many murders occurred fairly close to the police stations. For example Mamathe's village, in Case No. 54, was less than 5 miles from Teyateyaneng police headquarters, and witnesses could have easily lived at home and visited the police station as required.

It was only natural for the chiefs and headmen to resent this change and object to the new system under which the first intimation a chief might have of police investigation in his area might be his own arrest.

if he told what he knew about the crime. By the time a witness had been confronted first with proof of the inaccuracies in his original statement, and then with proof of the even greater inaccuracies of his subsequent statements in which he tried to explain the first ones, and at the same time had become convinced that someone else had already given the police the whole story, he had also begun to feel that the police could protect him if victimised by the relatives and followers of the people concerned in the murder, and his resistance gave way and he was prepared to speak without reserve. But like most psychological processes all this took time: hence the length of the detention, hence also the real reason for people's objections to it. For such methods naturally shocked the Basuto as being contrary to all their accepted standards of behaviour. It seemed thoroughly immoral to play upon the human weaknesses of an individual and turn him into a Judas.

173. But because a statement has been obtained by methods regarded as immoral it does not follow that it is false. Some witnesses, for example in Case No. 41, have made one statement at the preliminary examination and denied it at the subsequent trial. This is advanced as proof that the first statement was false and only extracted under pressure. But the converse is quite as probable. It is not only the police that can be accused of bringing pressure to bear on witnesses in medicine murder cases⁽⁵⁾. Most of the Crown witnesses in these cases were simple, slow-moving peasants and herdsmen, the evidence they gave was straightforward, detailed and circumstantial. It is most improbable that they would have either the wit or the malice to be able to invent and to clothe with such a wealth of incident the evidence they gave: it is even more unlikely that they could have memorised it successfully if told them by someone else. Nor can the police be considered any more capable of fabricating such evidence. Their rank and file are Basutos with the same background as the witnesses; their white officers whether drawn from South Africa or England are too detached from the Basuto people to have any profound knowledge of the day to day incidents of their lives. Again, many of the accused in these cases were defended by some of the ablest counsel in the Union. Had the evidence against them been fabricated, it is most improbable that it could have stood up to the heavy cross-examination it received at their hands. But the most telling argument for the veracity of most of these Crown witnesses is the fact that the common people in whose area a murder has occurred accept it as genuine. In the few instances where it was possible to get such people discussing a local murder without fear of what they said getting to any higher authority, the account they gave of the murder was the same as that of the Crown witnesses; there was no hostility evinced towards the police—the only complaint was that they had not hanged those accomplices who by their own admission had participated in the crime.

174. As for the suggestion that the government and police are committed to a witch hunt, this is hardly supported by the facts. In Case No. 80, the police themselves, through the Attorney-General, drew the attention of the court to the fact that the principal witness for the Crown had originally included as accessories to the murder two of his enemies, who they found on further investigation had nothing to do with the crime. In Mokhotlong District a post mortem report⁽⁶⁾ on a mutilated body found drowned in a river ascribed the mutilations to human agency. Police investigations established the fact that they had been caused by crabs. This hardly suggests

(5) And there are numerous instances of witnesses asking to be allowed to remain under police detention as they were afraid to return home.

(6) Post mortem on Motlatsi Machache dated 20th October, 1946.

witch hunting. There is, however, in the Buthe area a feeling, which, unlike the former one, is shared by chiefs and people alike, that bygones should be bygones and that the police should call off their investigations of cases which are 9 and 10 years old (for example, Cases Nos. 24, 25, 26, 30).

175. So much then for this attack on the police. There is nothing to support the assertion that they fabricated evidence to convict members of the ruling class of *diretlo* murders, or that they forced witnesses to do so. It is not denied that in their investigation of these cases, and in their treatment of Crown witnesses, they used methods which the Basuto chiefs considered contrary to accepted usage and immoral. The fact that they had to do this and that a large section of the ruling class of Basutoland believe that they compelled these witnesses falsely to incriminate their chiefs clearly indicates three things:—

- (a) Loyalty towards and fear of his local chief or headman is still too strong to allow the average peasant to give evidence against him.
- (b) The ruling class is more concerned with the threat to its own security than with the effective prosecution of these murders.
- (c) There is danger in allowing a government department to operate in isolation, unassociated with the district and Native Administration. Instead of District Officer and ward chief and Paramount Chief's representative being actively associated with the investigation of each individual murder and bringing all the administrative pressure they could to break down the wall of secrecy and silence that surrounded it, all three withdrew and left matters entirely to the police. Naturally, as soon as police enquiries were directed against persons and institutions which were valued by Basuto society the resentment aroused became focussed on them alone; and when they brought to trial and conviction some of the highest and most respected chiefs in the land, the anger and sorrow felt by a large section of the ruling class were vented on the police who became the scapegoat for this "crime".

176. In conclusion it need hardly be emphasised that the increased distrust and suspicion of the Government mentioned in the early part of the chapter derives not merely from these *diretlo* murders and the prosecution arising from them, but from a widespread feeling of frustration and lack of directive which exists among all sections of the community, white as well as Basuto, and which of course is a phenomenon by no means confined to Basutoland. This feeling has intensified amongst all classes of Basuto the ever present fear of incorporation with the Union of South Africa; while amongst the chiefs, and for that matter amongst government officials, it expresses itself in a feeling of powerlessness in face of the political bureaucracy, referred to variously as Matsieng, Maseru or Pretoria, according to the speaker's position, a machine which they believe themselves unable to influence in any way, and a machine which they feel that neither the Paramount Chief, the Resident Commissioner nor the High Commissioner really understands or knows how to control or direct.

SUMMARY OF CHAPTER VII

177. There is a tendency amongst all classes in Basutoland to blame the Government for any misfortune which may befall their country. Their natural resistance to change made them feel the political reforms described in Chapter VI were unnecessary, and attribute to these reforms the *diretlo* murders which followed them.

178. The determined prosecution of chiefs charged with this crime, in particular of chiefs Bereng and Gabashane, has aroused in very different quarters strong feelings of resentment and has been represented as an attack by the Government on the chieftainship. The extremists explain it as a plot to break the chieftainship and betray the country to South African whites, while the more general reaction of many "moderates" and chiefs has been to focus this resentment on the police who are accused of forcing witnesses to give false evidence against their chiefs.

179. It is very unlikely that any chief or commoner has been convicted on false evidence, though it is not denied that the police used methods regarded as underhand and immoral by the Basuto chiefs. The average Mosuto is clearly too frightened and too loyal to want to give evidence in these cases, and the ruling class is more concerned with its own safety than with the eradication of *diretlo* murder, while this attack upon the police force indicates the danger of a government department working in isolation.

CHAPTER VIII

Conclusions

Causes

180. The primary cause of these *diretlo* murders is the general belief of the Basuto and other South African Bantu in the efficacy of magical concoctions, usually termed "medicines", and their particular belief at the moment in those protective medicines which are compounded from human flesh—*diretlo*. Until it is realised that such medicines are incapable of performing the functions attributed to them there will always be a certain number of people who will value them more highly than they do human life, and who will be prepared in certain circumstances to go to any lengths to obtain this *diretlo*.

181. The secondary causes of these murders, the reasons why they suddenly became so frequent and fashionable are almost entirely political, namely:—

- (i) The unchecked development of certain parts of the Basuto political system, in particular the undue multiplication of minor chiefs and headmen, and the "placing" system which gave them no real security of tenure.
- (ii) The friction over the succession to the Paramountcy between Chiefs Bereng and Seeiso and the appointment of a female Regent on the death of Chief Seeiso. This has altered the balance of power, weakening that of the Paramount Chief and increasing that of the greater chiefs. Neither the Paramount Chief nor the greater chiefs have yet appreciated this change and both are trying to adjust themselves to it, while the minor chiefs and common people do not know what is going to happen next.
- (iii) The dispute over the Regency, which became linked in many people's minds with the prosecution of Chiefs Bereng and Gabashane for *diretlo* murder, and encouraged the belief that these medicines must be effective as they were being used by the highest in the land.

(iv) The political reforms introduced by the Government, which instead of remedying this situation intensified it by:—

- (a) Reducing the autocratic power of the Paramountcy, and bringing it more under the control of the greater chiefs, as exercised through the Basutoland Council and the Regent's Advisory Council.
- (b) Lessening the power of the greater chiefs in their own wards, for example by giving the Paramount Chief a greater measure of control of appointments and placings within these wards.
- (c) Strengthening the authority and enhancing the status of the greater chiefs at the expense of the lesser chiefs and headmen, firstly by making the position of these lesser authorities subject to government recognition, a recognition which was based on the recommendation of their ward chief, secondly by depriving them of their judicial powers and by making the new judicial system operate on a ward basis, and thirdly by paying fixed salaries to the greater chiefs only and making the remuneration of the lesser chiefs and headmen dependent once more on the recommendation of their ward chief.

182. Thus many of these lesser chiefs and headmen, the people most adversely affected by these political changes, seem to have turned more and more to these medicinal aids, as their status and their security degenerated. They were encouraged to do so, firstly because the situation resulting from the Regency and the Native Administration reforms made them feel that they had more to gain as well as to lose, secondly because there seemed to be no other more effective way of influencing the course of events, and thirdly because many of them felt that the greater chiefs and even the Regent, though they might publicly condemn them, were themselves secretly making use of such *diretlo* medicines. Similarly, it is not surprising to find that a few of the greater chiefs whose political ambitions had been aroused and then disappointed should resort to such medicines when other methods of attaining their ambitions had failed them.

183. It is also only to be expected that the chiefs as a whole have allowed their loyalty to their kin and to their class to blind them to their duties to their people. Thus instead of making vigorous efforts to stamp out this evil and to bring those responsible for these murders to justice, they were content to leave it to the police; and when the police investigations threatened one of their relatives they preferred to regard the evidence against him as false, only given by those who wished to get him into trouble, and extracted by the police by improper methods. It was also only natural that those who were opposed to the Basutoland Government, and who saw every situation in terms of white versus black, should have glossed over the actual murders and focussed attention on the hanging by the British courts of Basuto chiefs, the leaders of the Basuto nation and symbols of its nationhood, and have claimed that it was all part of a white plot to break the Basuto nation by destroying its chiefs.

184. On the other hand, though it may surprise the chieftainship and those progressives who now support it, it will surprise nobody else to know that many of the common people, the people being murdered for *diretlo*, feel that the whole chieftainship from the Regency downward is involved in these crimes, that a number of Basuto, both educated and uneducated, now in the Union of South Africa are afraid to return to their homeland through fear of being murdered, and that in many areas of

Basutoland, notably the Teyateyaneng and Mokhotlong districts, people still go in fear of their lives, particularly at night, live under a self imposed dusk to dawn curfew and never travel any distance except in groups.

Remedies

185. These can be treated under two heads: firstly, punitive and protective action against further *diretlo* murders; and secondly, action to remedy the political conditions that have encouraged the employment of such medicines.

I. Punitive and Protective action

186. The present methods which aim at putting an end to these murders have proved ineffective. They were of two kinds, namely propaganda, by the Government and the Paramount Chief, against them, and investigation and prosecution of individual murders by the police and by the police alone.

187. Propaganda against medicine murder, that is calling upon people through circulars or at public meetings to assist in the eradication of this crime, is not likely to succeed as long as the people believe that the chieftainship does not mean what it says; and they will continue to believe this as long as they see no efforts are being made by the Regent and her advisers to punish any chiefs or headmen believed by them either to be involved in these crimes, or to have condoned them by taking no active steps to bring the criminals to justice. The Regent and her advisers may claim that this would be contrary to the principles of British justice, and that no chief should be considered guilty unless proved so in a court of law. But it can be and is argued with equal force and logic, that the Paramount Chief is primarily concerned with Basuto law, that he has the power to place and to displace, that if a person who has been placed fails to carry out his duties he can and should be displaced, and that one of the cardinal duties of a chief or headman is to protect the lives and interests of the people over whom he is placed. For example, in the case of Sekhobe Moholobela, the full brother of Joel Moholobela ward chief of Matelile (Diagram V), a new placing was created for Sekhobe by Joel and approved by the Paramount Chief but this placing was unpopular locally and led to litigation in court. There is little doubt that the *diretlo* murder with which Sekhobe was charged (Case No. 80) was directly connected with this friction over the placing, and it is the popular belief that it was committed by Sekhobe for medicine to ease his placing and make it more acceptable locally. Joel Moholobela's ward is the black spot in Mafeting district, as far as *diretlo* murders are concerned⁽¹⁾. No disciplinary or other action has been taken by the Paramount Chief against the ward chief, and Sekhobe remains confirmed in his placing. The Regent and her advisers can hardly expect any people in this ward to come forward in answer to her circulars and exhortations and give evidence about *diretlo* murders. They have to live in the Matelile ward, and as long as some of the lesser chiefs and headmen in this ward are believed to be involved in these murders their safest course is to follow the lead of their ward chief and to know nothing about them. The same situation exists elsewhere.

188. Police action has been more successful and the number of murders committed in 1949 was appreciably less than in 1948. A large number of Basuto originally shared the Government view that the most effective method of stopping these crimes was the prosecution and punishment of the criminals. It was thought that the execution of the second and fourth ranking Basuto chiefs Bereng and Gabashane, in September 1949 would show that no chief,

⁽¹⁾ Of the three actual *diretlo* murders recently committed in this district, two were in his ward, as well as one of the two suspected murders. No convictions have been secured in any of these cases.

however exalted, could consider himself above the law, and would thus deter any further person who might be contemplating such murders. This hope has only been partially realised as two murders (Cases No. 92 and 93) which have all the appearance of *diretlo* murders have been committed in Teyateyaneng district since their execution, one of them in chief Gabashane's own village and making the fourth in this village.

189. But the chances of police investigation of these and other *diretlo* murders being successful are not nearly so great as formerly for a number of reasons. Firstly, there is the deterioration of the position of the police due to:—

- (a) the widespread antagonism raised against them by the campaign referred to in Chapter VII;
- (b) the fact that they are no longer allowed to detain witnesses for questioning;
- (c) their inability to protect witnesses who gave evidence for the Crown. In most cases the victimisation is too slight and subtle to prove in a court of law. In other cases it may be substantial but no other witnesses dare give evidence to corroborate it; while in one recent case, again in the Teyateyaneng district, where one of these witnesses, the brother of the victim in Case No. 37, was murdered, the maximum sentence imposed on his murderers was a fine of £10 or six months' imprisonment with a month in which to pay the fine⁽²⁾.

190. Secondly, and leading out of this last case, there are the hazards of the British judicial system. It is a moot point whether this system as applied by British colonial courts is well suited to the conditions which prevail in many British Protectorates and Colonies, and in Basutoland at least it cannot be expected to function perfectly until the witnesses who appear in the British courts are prepared to come forward and give evidence without fear or favour. In the case of *diretlo* murder, which many Basuto hardly feel is a grave crime and where a powerful and influential class is involved, the odds are definitely in favour of the accused. An examination of Appendix B suggests that 43% of the murderers escape prosecution. Should they be unfortunate enough to be brought to trial the chances of a discharge or acquittal are approximately equal to the chances of conviction, for the prosecution has to contend with another hazard, the varying interpretations of the evidence given by different judges—and an unduly large number of judges have been called upon to try these cases. In most of these cases the form taken by the evidence for the Crown and for the defence is very similar. For the Crown one has a detailed and explicit account of the murder supplied by witnesses many of whom participated in it or were accessories to the fact, and thus in the eyes of the law were accomplices. The defence is a categorical denial of anything to do with the crime, and the production of witnesses to support a plea of alibi. The judge has therefore to solve two main problems, firstly the credibility of the witnesses, secondly the interpretation of the rules relating to the corroboration required for accomplices' evidence. Each judge has approached these problems differently, and one finds one judge convicting and another acquitting in cases where, to a layman's eye, the legal points at issue are the same. Similarly, there have been two

(2) Rex vs. Pitso Mahasha and four others.

apparently conflicting Privy Council judgments, the first upheld an appeal from a *diretlo* case (No. 52), the second dismissed an appeal from another (No. 72). Most Basuto who had followed these cases felt that the grounds of appeal were the same and that the details of each case were very much the same. Now it was felt, anyhow by the Government and by those Basuto favouring the rigorous punishment of such murders, that this second appeal judgment would be accepted as authoritative, and that judges in subsequent cases where the issue was based on similar evidence might be expected to convict; but this has not been the case. Nineteen out of twenty accused brought before the last High Court and before yet another judge have been acquitted.⁽³⁾ Thus it would be unwise to consider that fear of capital punishment is likely to prove as powerful a deterrent as was hoped a few months ago.

191. Propaganda and prosecution by the police are, then, inadequate by themselves, and it is suggested they be reinforced in two ways:—

- (i) By active rather than passive administrative action on the part of the Regent and her advisers with regard to any new murder that may be committed, thereby convincing the nation that she really does intend to stop them. This can be done in two ways: firstly by making it the duty of the ward chief to use all legal methods he can to induce his people to give information about these crimes; secondly by disciplinary action against any chief, whether ward chief, sectional chief, or headman, who appears to have failed to provide adequate protection for the victim, who has not actively investigated the crime, or who is suspected of being involved in the crime. Such action would include suspension, the appointment of a Paramount Chief's representative to administer the ward during this suspension⁽⁴⁾, or even replacement.
- (ii) More adequate protection should be provided for the people of any ward or ward section where such murders are being committed or feared, such protection taking the form of supernumerary police or special constables, recruited from the district. The pay would be borne by the Native Administration in the first place, and be a special charge on the chief and people of that ward, being met by a special rate payable by all the taxpayers of that ward and by a deduction from the salary of the ward chief and the gratuities of the sectional chiefs and headmen. Such supernumerary police would work in conjunction with the Basutoland police in providing guards and night patrols for the area.⁽⁴⁾

192. The imposition of such a charge for the provision of protection against such murders should be a more effective measure than the use of other more extreme methods as for example the application of collective punishments. These, though doubtless very necessary in the early undeveloped stage of a colony's administration, would rightly be regarded as a retrogressive step in Basutoland and as an admission by the Government of defeat. Under existing conditions they would arouse considerable resentment and a sense of grievance which might more than counterbalance any deterrent effects they produced. In any case the law as it stands cannot easily be applied to situations where *diretlo* murders have been concealed, and it would probably involve an amending proclamation.

⁽³⁾ Cases Nos. 81, 86 and 90.

⁽⁴⁾ Methods that might well be considered for the 'Mamathe's ward until no further murders occur there.

II. Political Remedies

193. This enquiry has suggested that the political situation of Basutoland has left both greater and lesser chiefs and headmen uncertain of their position, and has encouraged the personal ambition of many of them without their being able to satisfy it in ways which could be socially approved.

194. In the case of the greater chiefs it should not be difficult to remedy this by making them appreciate the increased political power given them by the 1945 reforms, and by further increasing their responsibility in the councils of the nation. This would enable the more gifted and politically ambitious to find an outlet for their energy on committees of the Basutoland Council, on district councils and in other ways of value to the nation.

195. The next stage in the development of a more democratic Native Authority is the substitution of the Paramount Chief in council as Native Authority, in place of the Paramount Chief alone. This is very much the *de facto* position, but it is not the *de jure*. One of the ways by which this could be brought about would be by the Paramount Chief giving the Basutoland Council an undertaking that he would be bound by its decisions ; and by recognising as Native Authority for Basutoland either the Paramount Chief in this council⁽⁵⁾, or the Paramount Chief in a smaller council elected by the Basutoland Council.

196. The question of the lesser chiefs and headmen is a more lengthy and complex matter and will have to be treated more fully. The underlying principle of the traditional Basuto democracy was that at every level of the political system the chief, whether Paramount Chief, ward chief, headman or village head, was responsible to the people below him. He depended on them for support and if he failed to retain their support they could leave him and attach themselves to another chief. British rule has changed the direction of this responsibility making the chief responsible to the Government and to the chief immediately above him. Thus a lesser chief can today more easily disregard the wishes of his people than those of his ward chief. If the ward chief's demands, for example, are unjust, he can only resist them successfully today by appeal to a higher authority still—the Paramount Chief or the District Officer. Traditionally his appeal lay to his people. Basuto history from 1880 onward is full of instances where chiefs, both greater and lesser, made the mistake of adopting the traditional method with unfortunate results, for the superior chief could rely upon the Government to treat this as a threatened or in many cases an actual breach of the peace and punish it accordingly.

197. Now the recent political changes have tried to rectify this but only at the highest level where the Paramount Chief has become once more subject to a considerable measure of control by his chiefs, mainly the greater chiefs, the leaders of the Basutoland Council. Below this level, however, the responsibility of ward and of lesser chiefs to those above them has been intensified. A ward chief can still ignore the wishes of his people, but both Paramount Chief and District Officer exercise a far closer supervision over the affairs of his ward than they did formerly, while lesser chiefs and headmen have been in their turn made more than ever dependent on their ward chief. Until these lesser chiefs and headmen can be made responsible primarily to the people of their village groups and ward sections, and until these lesser chiefs and their people are given an adequate measure of control over the actions of their ward chief, the local government of Basutoland will remain direct and autocratic, and these minor chiefs will remain uncertain of their authority and position.

(5) In which case the Resident Commissioner would have to disappear from it,

198. What is needed is the recognition, the re-organisation where necessary and the consolidation of the village groups and ward sections, the basic units of Basuto government, and their integration into efficient administrative units, into wards and into districts. In other words, to work from the bottom and build upward until contact is made with the higher part of the structure created by the recent Native Administration reforms, a contact which will be at the District and District Council level. What is needed even more urgently is to bring the Administration, both British and Native, into closer contact with the Basuto people, so that every local community can appreciate the problems the Administration are trying to solve and can make its own local contribution to their solution. These two requirements are inter-dependent, and it is hoped that the re-organisation enquiries suggested below will also help to bridge this widening gulf between the Administration and the common people. Not only will they bring members of the Government—administrative officers, ward chiefs and Paramount Chief's representatives—into face to face contact with people in their villages, they will also build up permanent machinery through which these local communities can make their wishes felt and can participate fully in their own local government. This does not mean any changes as radical as those introduced in 1945, it means making these 1945 reforms function at and below the levels of the District and the ward, and it calls for a number of different actions, the most important of which are examined below.

(a) **Objective**

199. In the first place it means having a clear goal in view, and keeping it ever in view, so that it does not become obscured or confused by other issues. It means stressing and explaining this objective on every possible occasion so that not only the Government and the Paramount Chief, but also the Basuto people know and believe it. At the moment they do not. This goal is to make Basutoland capable of the greatest possible degree of local self-government within the framework of the British Commonwealth and of whatever system is evolved for Southern Africa; for it would be misleading to imagine that Basutoland is capable either culturally, economically or politically of standing by herself, or that her destiny is not closely interwoven with that of other Bantu peoples of Southern Africa. The method whereby this goal is to be achieved is not through the replacement of the present British Government by one staffed by Basutos, but through the delegation by the British Administration to the Native Administration of an ever increasing measure of responsibility as it becomes fitted to exercise it; the Native Administration developing at the expense of the British Administration, which becomes increasingly advisory in its function. This is the long term objective. The immediate objective is to build up a Native Administration which is capable of being developed in this fashion, and to this end to recognise, define and integrate the local communities of Basutoland and make them capable both of managing their own local affairs with as little outside direction and interference as possible, and of playing their proper part in the government of their district and of their nation, through the elected and nominated members they send to their District and National Councils.

(b) **Fieldwork**

200. It also means what can be called fieldwork, in contradistinction to office work. That is to say, working and getting things done on the spot with a minimum of paper work, correspondence or reference to other authorities. This fieldwork would be done by District Officers and chiefs

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engaged in what can be called reorganisation enquiries, namely, to find out—

- (a) what the structure of a particular area originally was and how it has developed ;
- (b) what it consists of at present ;
- (c) what changes the chiefs, headmen and people concerned would like to make, to improve its efficiency.⁽⁶⁾

It should also involve seeing that each of the units eventually agreed upon within a ward is provided with a head, a lesser chief or headman, whose status and position is definite and secure and who, with a council representative of his area, is responsible for its administration.

201. In such fieldwork all kind of approaches can be used, personal interviews, informal discussion with small groups, formal and informal meetings with larger groups. The method used should consist not of telling people what those on high consider is good for them and of explaining how and why it should be good for them, but of finding out what the villagers themselves think should be done, and of trying to get them to think in a constructive rather than a destructive fashion by convincing them that they really can do something themselves about it. It consists in arousing their interest, their curiosity, their desire for change. It consists of presenting ideas to them so that they can choose between them, and in such a way that they come to think of them as their own.

(c) Teamwork

202. The tendency has developed in Basutoland as elsewhere for officers, and for that matter for chiefs, to work in isolation from each other, each carrying out his particular duties on his own, and, should it be necessary to refer to someone else, to resort to correspondence rather than personal discussion and joint action. An attempt is now being made to get away from this and to encourage teamwork, but it has not gone very far yet, the District teams, as defined in the most recent Government circular containing Government officers and their senior Basuto staff but no chiefs or district councillors, and envisaging joint discussion rather than joint action. It is recommended that, for the kind of reorganisation enquiries just referred to, as for that matter in agricultural and other development teamwork, responsible representatives of the Native Administration and of the government departments concerned should be brought together, men who can make decisions and take action on these decisions with a minimum of reference to higher authorities, namely a District Officer, or Assistant District Officer appointed to this special duty, a Paramount Chief's representative, also specially appointed, and the ward chief of the area, or his deputy. They should work sometimes all together, sometimes separately, but always as a team, meeting with the chiefs and people concerned in the manner already suggested ; and when they have obtained these people's agreement they should summarise briefly but adequately their findings, their conclusions and their proposals in a joint report to receive the approval of the Resident Commissioner, Paramount Chief, and High Commissioner.

⁽⁶⁾ For example in such things as the concentration of scattered village settlements; the abolition of redundant administrative units; the combination of unduly small village groups or ward sections into larger more effective units; the breaking down into smaller ones of ward sections or personal areas of ward chiefs that have grown too large or extensive; and in cases where this is needed, to settle and define territorial boundaries of particular wards

(d) Local Councils

203. The essential feature of a western democratic system of government is the provision of responsible councils, which are representative of local and of national opinion. Something of this sort once existed in the traditional Basuto system, but, as already stated, that has now disappeared, and the tendency is for the Government to rule through the chief and for the chief to rule direct without reference to his people, and to represent his actions as authorised either by traditional usage or by government order. A start has been made to reverse this tendency at the national level, and this has now to be extended to the rest of the political system, so that the ward chief becomes once more responsible for his administrative actions, primarily to his lesser chiefs and people, and the same with these lesser chiefs and headmen: so that the subordinate Native Authority for the ward becomes the ward chief in council, that of the ward section the section chief in council, that of the village group the headman in council. It is obviously impractical at this stage to try and revive the *khotla*. Villagers have not the time to attend it and many of them are absent outside Basutoland. But it should not be difficult to provide equivalent machinery which the public can use to make its will known to its headmen or its chiefs. The most suitable seems to be the system of integrated councils and indirect election made use of in a recent Nigerian Constitution which has already been partially adopted in the system of election to the Basutoland Council. Under the Nigerian system councils composed of taxpayers of the lowest political units elect members to the council at the next level of administration. These councils elect members to yet higher councils, and so on until the National or Regional Council is reached. The difference between the Nigerian and Basutoland system is that in the former a much greater number of councils intervene between the Regional Council and the village or village group councils, and that these councils are based at all levels on the existing and recognised political structure, whereas in Basutoland there are only three levels, National, District and Electoral Areas, and the last is a new creation which clashes as often as not with the existing and officially recognised structure of ward sections and village groups. It should not be difficult to substitute for this a series of councils for each district based on its natural political divisions⁽⁷⁾, for example:—

District Council, consisting of: (a) the District Officer as President, and such other local government officers as the council may wish to co-opt; (b) the ward chiefs of the district; (c) a given number of representatives elected from the ward councils.

Ward Councils, each consisting of the ward chief, the chiefs of the ward sections and a given number of representatives elected from the ward section councils.

Ward Section Councils, each composed of the chief of the section, the headman of its component village groups and a given number of representatives elected by the village councils.

Village Group Councils, each composed of the headman of the group, the heads of the component villages of the group, and all tax-paying males in the group able to attend.

Different districts will produce different integrations. Thus district and ward councils fuse into one in those districts consisting of a single ward, while

(7) A movement in this direction has been made in a Paramount Chief's circular which provides for "village group" council meetings, to send representatives to meetings with ward chiefs. But this circular does not go far enough. It does not define what it means by village group, it ignores the next level of ward section and it provides for discussion only.

in other districts, where there are more than one grade of lesser chiefs (e.g. Leribe), one may require a division into ward, ward section, ward subsection and village group councils.

204. It may be feared that under the system suggested in this section the chief might exercise undue influence to secure the election of his nominees. But this does not seem very likely, and, should it be suspected, the District Officer can arrange to be present at electoral meetings to satisfy himself that the elections were fair, or some form of voting by secret ballot to replace the normal Basuto methods could be devised⁽⁸⁾. It is much more probable that after the first few council meetings a large number of people will cease to attend them. This again will not matter very much provided meetings are held regularly at a time and place known to all those concerned, so that council members cannot later complain that things were done at surreptitious meetings. If a council is doing useful work, those who wish to take part in it will attend⁽⁹⁾, if it is not there is no point in trying to keep it alive. Councils should of course be held regularly and often and at a reasonable time before the meetings of the higher councils to enable lower councils to discuss and decide what their representatives to the higher council are to say there; but their primary function is to discuss and take action on their own local business.

205. There seems no obvious reason why councillors below the level of District Councils should receive any allowances or other remuneration, as it should be no great hardship or expense for councillors to attend them. If councils are held often it should be possible to get through the business in a few hours. Higher councils like that of the district and ward may find it more convenient to meet in full two or three times a year and to delegate ordinary business to a committee which meets more frequently⁽¹⁰⁾.

(e) Decentralisation

206. Now if the interest of these local communities and their councils is to be held and developed, they must have the feeling of being important and essential and of being able to do things, a feeling which they will only retain if they have the satisfaction of having accomplished some of their objectives and of being in process of achieving others. This means decentralising a great deal of the administrative and financial powers at present concentrated at Maseru and Matsieng, so that at every administrative level councils are responsible, and feel responsible, for as much of the administration and development in their own areas as possible. This can be done in a number of different ways: three are suggested below:

- (i) In native administration matters let the Paramount Chief revive the old Basuto custom of appointing a representative with plenary powers to meet with the Resident Commissioner, or his deputy the District Officer. These could, with the ward chief and people concerned, consider local matters, for instance "placings", and settle them then and there only referring back for further consideration

⁽⁸⁾ As has been suggested in the Mafeting district.

⁽⁹⁾ It can well be left to councils to develop methods of penalising members who fail to attend. A typical Nigerian method was the imposition of a system of small fines, these going into council funds used to provide refreshment for the members.

⁽¹⁰⁾ This scheme of subordinate councils is put forward not as a blue print but as a basis for discussion with the people concerned. They may well decide on something different. The number of subordinate councils may seem unduly large, but experience in S. Nigeria has shown that it is simpler in the long run to base a system of local councils on the existing social structure however elaborate. The people and councils themselves will soon "streamline" it by cutting out redundant councils,—provided of course that no council fees or other remuneration is paid and the emphasis is laid on public service, and not on the creation of yet another category of salaried office holders.

- cases where agreement could not be reached. In other words, again make use of the idea of the local team in place of the present insistence on reference to a more remote and arbitrary authority.
- (ii) Each District could well have its own sub-treasury and financial committee. This committee and the District Council could be responsible for as much local expenditure of Native Administration funds as possible. The District Council for a start could decide how it wished to expend the amount it paid as *matsema* tax, and how its 5 per cent. tax gratuity should be allocated; it could play the major part in the supervision and disciplining of Native Administration staff employed in the district; it could have as great a say as possible in the expenditure of Colonial Development funds in the District, and have the power, subject to approval of the Paramount Chief and the Resident Commissioner, to levy local rates, either within the whole district or within particular areas of it, to finance local development projects (e.g. village water supplies).
- (iii) Local differences and local initiative should be encouraged, rather than a continuation of the policy, very necessary in the days of Letsie I, of trying to stamp them out. There is no danger of rebellion and secession in these days, but rather the opposite, of the helpless apathy that comes from complete uniformity. Local rivalries are as essential to a healthy political system as is respect for the authority of the central Government. The feeling in the Molapo area (Leribe and Butha Buthe districts) that they are superior to Letsie's people (Maseru and Mafeting) is an excellent one, particularly if it can be encouraged to express itself in a pride in being better farmers, better councillors, better citizens than their rivals. A project which a local group or team wish to attempt in one area, and which elsewhere has met with opposition, may well develop into a pilot scheme which other areas may later be glad to imitate.

(f) **Territorial adjustments**

207. Basutoland is divided into the following districts:—

DISTRICT						<i>Taxpayers to nearest 100</i>
I.						
Butha Buthe	...	...	...	...	...	10,700
Leribe	...	...	...	...	...	35,600
Teyateyaneng	...	...	...	...	...	24,600
Mokhotlong	...	...	...	...	...	10,300
Qacha's Nek	...	...	...	...	...	14,300
Quthing	...	...	...	...	...	16,900
						112,400
II.						
Maseru	...	...	...	...	...	43,400
Mafeteng	...	...	...	...	...	27,700
Mohale's Hoek	...	...	...	...	...	30,300
						101,400
Group I	...	...	...	...	...	112,400
Total	...	...	...	...	...	213,800

They have been divided into two groups. In the first group the political structure is already well integrated and requires little change except in some of the lesser units. This group consists of the following areas:

- (a) Quthing and Qacha's Nek districts, each of which consists of a single ward with reasonably well balanced sub-divisions.⁽¹¹⁾
- (b) The Molapo area. This started with a dual organisation into a Jonathan area (Leribe District) and a Joel area (Butha Buthe District): each of these has now sub-divided once more into two equally balanced wards (Butha Buthe into Butha Buthe and Makwakwaeng, Leribe into Leribe and Tsikoane).
- (c) Teyateyaneng district, consisting of one large and dominating ward (Mamathe's) and two small ones (Majara's and Peete's).
- (d) Mokhotlong, originally composed of two wards of roughly equal size (Tlokweg and Rafolatsane's), and now of one ward subdividing into one large subdivision (Tlokweg) and two small ones (Seiso's and Lerato Rafolatsane's).

208. In the second group, namely the Districts referred to as Maseru, Mafeteng and Mohale's Hoek, considerable modifications of divisional and also of ward structure will be required before they can be expected to function efficiently as administrative units. Only a few of the major anomalies can be referred to here, namely:

- (a) The boundaries of certain wards, and hence of the Districts to which they belong, are not defined or even accurately known in certain areas of recent settlement—for example in south central Basutoland in the area of the Maletsunyane and Sinquyane rivers where there exists a mosaic of villages and village groups said to belong to three or more different wards, in three different Districts.
- (b) Part of what is really Matsieng ward is included in the Mafeteng District, namely those areas marked * in Diagram IV and usually referred to as the area of independent chiefs.
- (c) One ward, that of 'Mamohlalefi Bereng, consists of sections distributed in no less than three Districts.
- (d) Another, the original Mohale ward has broken down into four independent fragments, two in Mohale's Hoek District, one in Mafeteng District, and one split between these two Districts. They could well be federated into a single unit and included in one District.
- (e) The overlarge Matsieng ward, even without its overflow into Mafeteng District, is larger in population than the average Basuto District. It might be broken down into a number of small wards, more nearly equal in size to the other wards in Maseru District, each under a grade B III chief; and some of the 143 headmen now directly under the Paramount Chief could well be grouped under three or four lesser chiefs or raised to the rank of lesser chief themselves⁽¹²⁾.

SUMMARY OF CHAPTER VIII

209. The primary cause of these murders is the Basuto belief in the "medicinal" efficacy of human flesh. Their sudden increase is due to *diritto* medicines becoming fashionable with members of the ruling class of Basutoland, particularly those in subordinate positions of authority whose status and security had been adversely affected by various political changes, some of which were cumulative, some fortuitous and some the result of Government action.

210. Counter propaganda and police prosecutions, the methods used by the Government to counteract the spread of these murders, are inadequate by themselves and should be supplemented by more positive intervention on

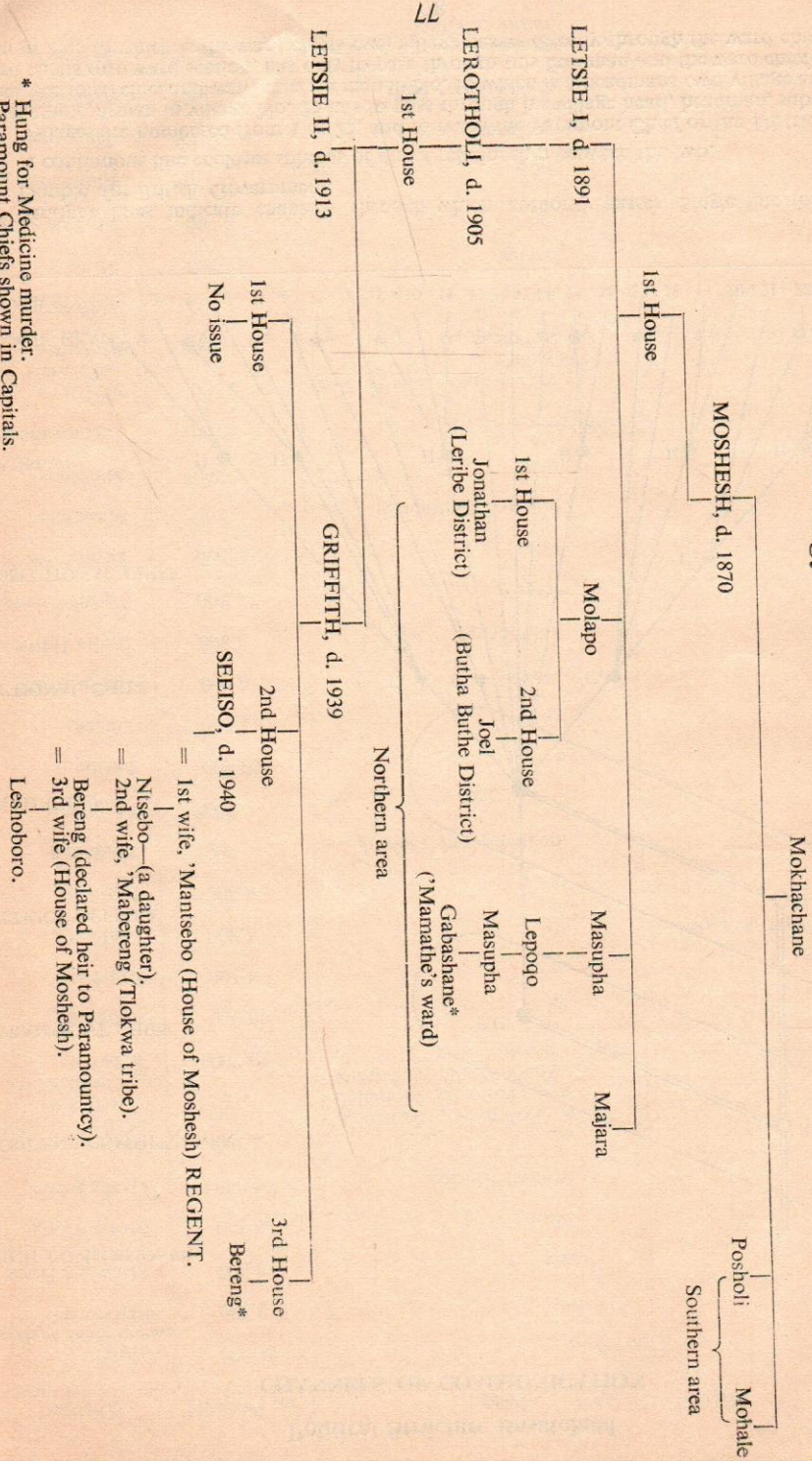
⁽¹¹⁾ Qache's Nek at present includes a part of the 'Mamohlalefi Bereng ward which could well be excised and included in Maseru district.

⁽¹²⁾ e.g. Headman Ramosu Sekoala who collects tax from 980 people.

the part of the Native Authority (the Paramount Chief) and by the provision of protection for those areas most in fear of these murders, the cost of such protection being a charge on the chiefs and people of the area.

211. The political causes that have led to this demand for *diretto* medicine should be counteracted by reorganisation enquiries designed to bring the British and Native Administrations into closer contact with the Basuto people by defining and recognising their local communities and integrating these properly into the Native Administration structure. These communities and their lesser chiefs and headmen should then be able to make their wishes known and participate more effectively in their own local government.

DIAGRAM II
Genealogy of Paramount Chiefs of Basutoland



* Hung for Medicine murder.
Paramount Chiefs shown in Capitals.

DIAGRAM III

Political Structure Basutoland CHANNELS OF COMMUNICATION

Levels of Administration

HIGH COMMISSIONER

RESIDENT COMMISSIONER

PARAMOUNT CHIEF

DISTRICT OFFICER

WARD CHIEF

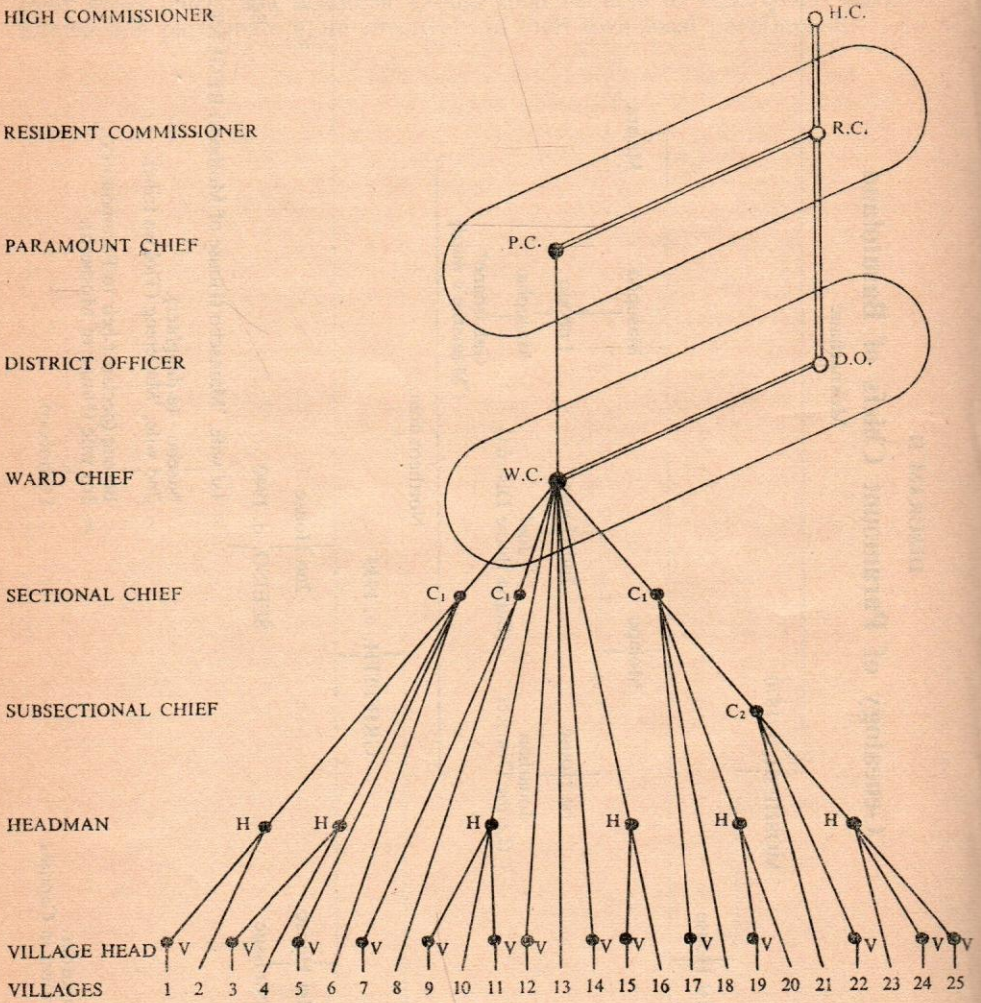
SECTIONAL CHIEF

SUBSECTIONAL CHIEF

HEADMAN

VILLAGE HEAD

VILLAGES



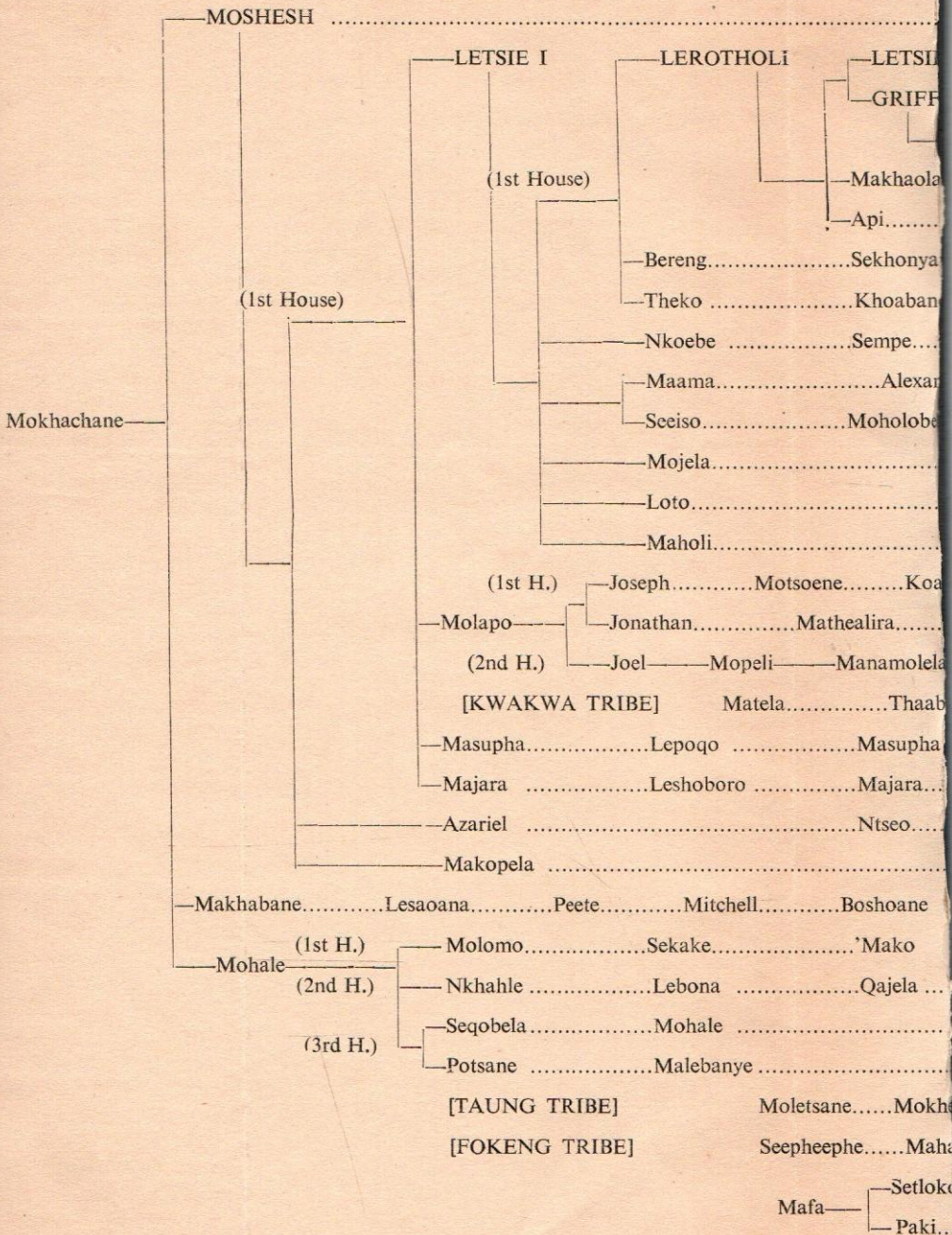
KEY

Straight lines indicate channels through which authority passes, Single line for Basuto and Double for British Government.

A continuous line encloses spheres of direct relationship between the two.

Villages are numbered from 1 to 25, and to reach the Paramount Chief or the District Officer for example, a man in village No. 25 has to pass through his village head, headman, subsectional chief, sectional chief and ward chief; a man in No. 10 which is a headmans own village and in the ward chiefs own ward section, has only to pass through this headman and the ward chief; while a man in No. 13 which is the ward chiefs own village passes directly through the ward chief.

HOUSE OF MOSHESH [KWENA TRIBE]



* Could more properly be regarded as that part of † To nearest 100.

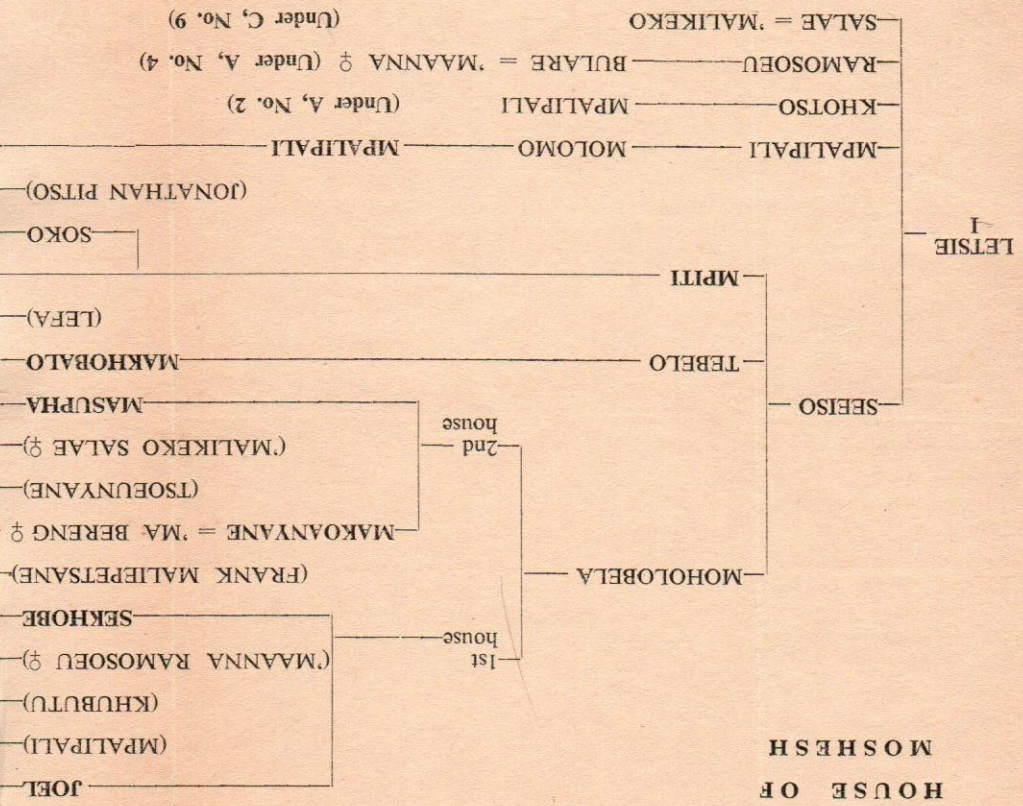
GRAM IV

Wards and Administrative Districts

	[Ward]	[Tax Payers†]	[District]
.....Paramount Chief	Matsieng	21,500	Maseru
E II	Likhoele	9,200	Mafeteng
ITH .....Bereng	Phamong	18,200	Mohale's Hoek
—SEEISO = 'MANTSEBO	Mokhotlong	10,300	Mokhotlong
.....Theko	Ratsoleli and Mashai ...	14,300	Qacha's Nek
.Ramabanta.....Api	Kubake	2,300	Maseru
na...Bereng='Mamohlalefi	Masite, Boikhutso, Seroeng, Letseng, Kolo ha Mohlalefi and Thaba-Tseka ha Ntaote	7,240	Maseru, Mafeteng and Qacha's Nek
e.....Jacottet (alias Lerotholi)	Thaba Bosiu	10,700	Maseru
.....Qefata	Quthing	16,900	Quthing
nder (alias Seeiso)	Maama's	4,500	Maseru
a.....Joel	Mateliie	4,800	Mafeteng
.....Lerotholi	Tebang	4,800	Mafeteng
.....Mosotho.....	*Menkhoaneng and Tsoaing ...	200*	Mafeteng
.....Moiphepi.....	*Boleka	800*	Mafeteng
beng.....Letsie	Leribe	20,400	Leribe
.....Jonathan	Tsikoane	15,100	Leribe
.....Kuini.....	Butha Buthe	6,900	Butha Buthe
e.....Tumane.....	Makhoakhoeng	3,800	Butha Buthe
.....Gabashane	'Mamathe's	14,200	Teyateyaneng
Daniel (alias Leshoboro)	Majara's	2,600	Teyateyaneng
Tilane = 'Masesomo	*Bongalla and Matlapeng ...	300*	Mafeteng
.....Paseka	*Phoqoane	300*	Mafeteng
.....Makhabane	Koeneng and Mapoteng ...	7,700	Teyateyaneng
.....Mohale	Tajane, Ramoetsana's and Mohale's.	4,300	Mafeteng and Mohale's Hoek
.....Phakiso.....	Thaba-Tsoeu	1,400	Mohale's Hoek
.....Solomon	Senqunyane	1,200	Mafeteng
.....Goliath	Likoeneng	2,200	Mohale's Hoek
le .....Moeketsi	Taung	5,900	Mohale's Hoek
ao.....Matlere.....	*Mathebe	870*	Mafeteng
pane.....Tsoeunyane	*Thaba-Tsoeu	700*	Mafeteng
.....	*Thaba-Tsoeu, ha Paki ...	400*	Mafeteng
.....	Six headmen directly under the Paramount Chief.	600*	Mafeteng

Matsieng Ward included in Mafeteng District.

HOUSE OF MOSHESH



FOKENG NTHONYANA — NKEO —

TRIBE. QABA — TSEOUNYANE (Under C, No. 8)

TAUNG MAKHAKHE — SELABO — KHUBUTU (Under A, No. 3)

TRIBE. MOTERU — MALIEPETSANE (Under B, No. 6)

SIA PHAFOLI — PITSO — JONATHAN (Under F, No. 15)

TRIBE. LESOMA — SEKHAUPANE — LEFA (Under E, No. 12)

Matelile

	Rank		Area	Tax Payers	Remarks
1	Ward Chief	A	Matelile	1,570	His own village is Thabaneng in <i>Lesoma's</i> original area.
2			Sequnyane	100	Placed in cattle post country.
3			Khubutu's	86	Grandson of original headman <i>Makhakbe</i> .
4			Mateletsana	220	Placed over <i>Kholoanyane</i> .
5	Chief	B	Mamaebana	162	Placed over a number of villages originally under Joel.
6			Maliepetsane's		
7	Chief	C	Qaba's	277	Placed over <i>Qaba</i> .
8			Pitseng		Son of original headman <i>Qaba</i> .
9			Phocha	187	Salae placed over <i>Limo</i> .
10	Chief	D	Letlapeng ha Ramma.		Placed over <i>Ranthako</i> .
11	Chief	E	Thabaneng (tsa Makhooa)	224	Placed in part of <i>Lesoma's</i> original area.
12			Matelile ha Sekhaupane		Grandson of original headman <i>Lesoma</i> .
13	Chief	F	Phafoli's	199	Placed in part of <i>Phafoli's</i> and part of <i>Nthonyana's</i> area.
14			Kena		Placed over part of his father's area.
15			Qiloane		Son of original headman <i>Phafoli</i> .
16	Chief	G	Thaba Chitja	341	Placed over <i>Jane</i> and <i>Matjeka</i> .
17	Chief	H	Sebelekoana	406	Son of original headman.

NOTE: This Ward is said to have consisted, before Seeiso was placed as its Chief, of ten village groups, or villages, under headmen: LESOMA (Sia), PHAFOLI (Taung), LIMO (Kwena None sub-tribe), NTHONYANA (Fokeng), MAKHAKHE (Taung), RANTHAKO (Kwena, Monaheng sub-tribe), QABA (Fokeng), KHOLOANYANE (Kwena), JANE MONYAKE and MATJEKA MATJEKA (both Kholokwe)

Ward Sections numbered A—H.
Village Groups numbered 1—17.

List of murders believed to be Medicine murders

REF. NO.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
1	1895	Molupi's, <i>Butha Buthe.</i>	Daniel Makenyakenya, Adult male.	A combined Court at Leribe in Regina vs. Andries Molupi and four others found accused Not Guilty of murder, but sentenced 4 accused and 2 other persons to 7 years' imprisonment for conspiracy to obstruct course of justice. Chief Molupi deposed and every one of his men fined one beast.	Deceased who came from the Free State was murdered after a feast at Molupi's, and parts of his body were used for medicine which was required to strengthen Chief Molupi in his dispute over placing of Qhobela Joel in his area. Murderer said to have been at instigation of Zulu doctor Khokhong, who died in prison while awaiting trial.
2	March, 1899	Phopholo's, <i>Teyateyaneng.</i>	'Mamoyane, Elderly widow.	Inquest held. "In absence of further evidence, case must at present be regarded as one of death by misadventure."	Deceased went to see her "Mabela" and did not return. Next day her blankets were found some distance from her lands, her petticoat near the river a mile away and her naked body in the river bed. Signs of a blow on her eyebrow and a punctured wound at base of her neck which was broken. Body was buried and later exhumed. Post Mortem in July could only confirm broken neck.
3	October, 1907	Hlakanelo's, <i>Qacha's Nek.</i>	Kose, middle-aged man.	Accused found Not Guilty.	"A death involved in mystery occurred of a middle-aged Mosuto, named Kose. His corpse was discovered near a small stream some distance beyond a little <i>krantz</i> , divested of all European clothing he possessed as it was found scattered near by. The deceased was returning home from a beer drink. Two persons were arrested, tried for murder and acquitted." Annual Report. Qacha's Nek district, 1907/8. Criminal records not available.
4	1907/9	Lekhalong, <i>Maseri.</i>	'Mampuo, elderly female.	Rex vs. 1. Makope Likalile; 2. Likadile (headman). Convicted and imprisoned.	Criminal record not available. Accused said to have murdered deceased and made use of the flesh for medicine. 1st accused, after arrest, produced some of the flesh to the police.

REF. NO.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
5	1909/10	Lekhalo La Makhooa, <i>Leribe.</i>	Two youths.	Insufficient evidence to bring accused before court.	A native doctor saw the murder of two youths for medicine, by people of Chief Tau. Was himself attacked by them, but managed to escape.
6	October, 1911	Mashidi's, <i>Leribe.</i>	Lebitsa, adult male.	Inquest: 30.1.1912.	Covering letter to Magistrate states that Lebitsa was reported to have fallen over precipice in suspicious circumstances. There was no blood at the place where he had fallen and body appeared to have been placed there. Chief Motsu'ene accused a number of persons of this murder. Inquest and other records not available.
7	1912	Mofoka's, <i>Maseru.</i>	A Widow.	Rex vs. Piletsane Mofoka (headman) and others. Said to have been convicted and imprisoned.	Accused killed a widow for medicine. Criminal record not available. Alleged accused had been acting for persons of higher rank and that medicine was to aid Paramount Chief Letsie II who was very ill at the time, and that his successor, Griffith, in 1913, interceded for the accused and secured a reduction of their sentence.
8	1914	Leabina's, <i>Leribe.</i>	Jankola, adult male.	Inquest.	Only record is correspondence relating to inquest. Body was found at foot of precipice. No evidence of foul play, but nothing to show how deceased could get to top of precipice from where he was alleged to have fallen. Relatives of deceased firmly convinced that he was murdered.
9	1919	Ramoetsana's, <i>Mafeteng.</i>	A woman who had recently given birth to a child (a motsoetse).	Rex vs. Raleqhapola (native doctor) and 3 others. 1st accused convicted and sentenced but died in prison before sentence could be carried out.	1st accused, a native doctor with three others and a fourth who turned King's evidence, conspired to murder his daughter-in-law. She was selected because none of her family had died during the 1918 'flu epidemic, and she had recently given birth to a child. She was called out of her house at night by magic, to the spot where accused were waiting, was murdered and mutilated and her body thrown over a nearby cliff. Criminal record not available.

10	1920/22	Sechaba's, <i>Mafeteng or</i> <i>Mohale's Hoek.</i>	A woman.	Accused condemned and hanged (headman involved).	A murder of a woman by the sons of Pitso. She was called during the night, brought to a river. Parts of her flesh taken and she was then murdered. Some of the flesh was later found near the house of Pitso. Criminal record not available.
11	22nd Sept., 1923	Koatake's, <i>Mokhotlong.</i>	Mooirosi, middle-aged adult male.	Police unable to obtain sufficient evidence to support a prosecution.	Body was found at foot of cliffs by K'hubelu river. Neck broken, wound in left eye, wound over shoulder blade. Stabbing wound beneath left armpit. One boot was found on the far side of river, the other boot and his stick above the cliff, and the body at the bottom. Deceased was not drunk when last seen alive. Investigating officer was convinced he had been murdered and thrown over cliff and "Case hushed up with help of influential people". (Mokhotlong Report 202/23 of 4th January). It was rumoured that he was killed by headman Koatake and his anus removed for medicine for a court case.
12	23rd April, 1927	Thebea Khale's, <i>Qacha's Nek.</i>	Senyothi Bobere, (Kwena), adult male.	Rex vs. J. Mbutana, alias Mokone (native doctor); 2. Mokhathala. Insufficient evidence to support a charge. Headman Thebea Khale convicted and imprisoned for suppressing evidence.	Murder of a man at an Initiation School. Boys at school heard man singing praise songs suddenly stop and scream. They recognised his voice as father's brother's. When they returned from school, they found he was missing and reported to the A.C. Body was subsequently found at foot of a cliff near the Initiation school with head and other injuries. 1st accused and deceased were running this school. Records in this case have disappeared.
13	October, 1927	Phahameng, <i>Maseru.</i>	Mataoane, adult male (native doctor).	Resident Commissioner's Criminal Record 781/1928. Rex vs. Mojela Letse (headman) and 6 others. All accused discharged May, 1928.	It is alleged that 1st accused, a headman, with other accused and another who turned King's evidence, murdered Mataoane, removed flesh from the right armpit, from between thighs and from his genitalia and threw the body over a cliff. Body was buried and later exhumed too late for satisfactory medical evidence. A native doctor (female) testified to receiving 3 portions of human flesh said to be from deceased for making medicine for a land dispute in which Mojela was concerned, and stated she always used human flesh for such medicines.

REF. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
14	April, 1928	Botapere, <i>Mokhotlong.</i>	Mankie, adult middle-aged male.	R.C.C.R. 805/a/1929. Rex vs. 1. Thabanyane Shokupa and 3 others. Accused (headmen) died in prison while awaiting trial. 4th accused was discharged, 1st and 2nd accused hanged and 3rd had his sentence reduced to 15 years.	Shokupa, a headman and 5 others (including one who turned King's evidence), enticed deceased, a notorious stock thief, into a trap where he was shot by 1st accused, stabbed in kidneys and hamstring. 1st accused returned next day and finding him still alive, cut the tendons of his arms, then cut his throat and took the skin and ear from the right side of his face, his genitalia, and some fat from his kidneys for medicine for a doctor to make him a "jenaka" which would be useful for court cases and make grain plentiful. Following day accused returned again, removed body and lowered it over a cliff where it was found six weeks later.
15	August, 1930	Mantsonyane, <i>Mohales Hoek.</i>	1. Mamotselise (a Kwena woman). 2. Tseliso, her 10-year old son. 3. Mohau, her infant.	R.C.C.R. 186/35. Rex vs. 1. Maphoma Mohapi (headman) 2. Molumo Ramaron. (native doctor). Lepekola Mohapi, a sub-chief and one other. All acquitted.	According to the evidence of another doctor who turned King's evidence, 1st accused was persuaded to arrange for the killing for protective medicine of his half-sister and her children who were in his care. 2nd accused said that part of the skull of a male and of the right arm of a female Kwena were needed, that that Tseliso would rank as a Kwena as his mother had no proper husband. Instead of his fee of five head of cattle he agreed to take such parts as he required for his medicines from the bodies of the two victims. On 3rd August, 1st, 2nd and 3rd accused and this witness entered Mamotselise's hut, having previously arranged for a youth who used to sleep there, and for most of the valuable property to be removed elsewhere and for roofing grass to be stacked against the walls. Her throat was cut by 2nd accused who then sliced off the top of Tseliso's head with a knife and helped himself to those parts he required from both bodies. The hut was then set on fire, the infant perishing in the fire. The bodies were recovered and buried the next day, and no report was made of it. Later medical examination of the exhumed remains confirmed the absence of those bones said to have been taken by the accused.

16	1931	Constables, <i>Leribe.</i>	Moliehi Letau, adult female who had recently been confined. (Motsotse).	R.C.C.R. 919/31. Rex vs. Qhalasho Baholo (Native doctor, Basuto). Convicted and hanged.	Accused and his apprentice who turned King's evidence murdered deceased by kneeling on her neck and strangling her. They carried the body on a donkey to a cave; waited two days and then went back and removed flesh from right side of face and head, part of the flesh of a leg and the external genitalia, ("for medicine for headman Mopeli. The flesh had to be from a recently confined woman"). Two weeks later they removed the body to a neighbouring village and threw it over a cliff, so that people might think that the murder had been done by that village.
17	July or August, 1932	Qenehelong, <i>Qacha's Nek.</i>	Mokonya, an elderly native doctor.	R.C.C.R. 1082/32. Rex vs. I. Kakene and 2. Rafolatsane and 3rd accused Sub-chief Matuke, discharged at the Preliminary examination. 1st and 2nd accused found not guilty and discharged on 28/7/33.	Remains of deceased's skeleton was found beneath a cliff a year after his disappearance and were buried. Later a witness disclosed that 1st and 2nd accused had offered to sell him human flesh which they had from a native doctor whom they said they had killed and whose body, after taking the parts they wanted, they threw over a cliff.
18	1934	Matsoku ha Khubetswane, <i>Mokhotlong.</i>	A woman who had recently given birth to a child (Motsotse).	Qacha's Nek P. Examination 168/34. Rex vs. Hlolo Khubetswane Ntsiki (headman) and 7 others. Att.-General entered a nolle prosequi.	Accused wanted medicine for a land dispute, and with the other accused waylaid the deceased on her way back from a party, murdered her, took the <i>diretlo</i> he wanted and left the body on the mountainside. Records of case lost.
19	Dec., 1935	Ntante's, <i>Qacha's Nek.</i>	Small coloured man, name unknown (probably a bushman).	Qacha's Nek Prel. Exam. 38/36. Rex vs. I. Maleme Sengoar, Mankie Santi (a native doctor) and 2 others. Att.-General entered a nolle prosequi.	Murder came to light through the discovery, near Paray Mission, of a human forearm. The body mainly a skeleton with many bones missing, was found in the valley below. It was said by one of the murderers who turned King's evidence, that 1st accused had wanted a man for medicine to doctor his village and had brought 2nd accused there to make it. Deceased is said to have been strangled and his body wrapped in a blanket and placed in a cave.
20	1936	Motloaneng, <i>Teyateyaneng.</i>	Name not known (a motsotse).	Not reported to Police. Two headmen involved.	Only came to light in 1944. Deceased was a woman who had recently given birth to a child. She was said to have been killed by Lejaha (15th accused in case Rex vs. Tabola Nkutu) for medicine. This came out during police investigation of case No. 37. No further action was taken as Lejaha was hanged in that case.

Ref. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
21	1936	Motloaneng, <i>Teyateyaneng.</i>	Lerata, adult male.	Not reported. Two headmen involved.	His disappearance was established. The body was said to have been carried away by river. Deceased was last seen in company of Lejaha, accused in No. 37, Rex vs. Tabola Nkutu. Deceased is said to have been killed by Lejaha for medicine for the horns of 1st, 2nd and 3rd accused in that case. Came to light in 1944.
22	12th Sept., 1937	Api's, <i>Maseru.</i>	'Malika Tau, a pregnant woman.	High Court Record 6/39, Rex vs. Molefi Qhofa (headman) and his mother. Acquitted.	Makaji, son of 1st accused (a petty headman), abducted a girl whom he intended to marry as he had made her pregnant. 1st accused asked him to give him the girl as he wanted her for medicines to protect his village. He paid him £3 for her, and with a man who died soon after, is alleged to have strangled deceased, carried her body on a donkey to the mountain where he cut her body open and removed the parts he required. (These were not specified in the evidence, but the bowels and abdominal contents are said to have been missing when the body was found.) The body was hidden in a small rock shelter behind rocks where it was eventually found, by chance, six months later. (In this case the flesh was apparently taken after death, and body not exposed.)
23	5th Oct., 1937	Sehlabathebe <i>Qacha's Nek.</i>	'Mahali, adult female.	Qacha's Nek P.E. 69/37, Rex vs. Molekisané Mahasela and 4 others. Att.-General entered a nolle.	Murdered by her father-in-law and others in a hut on a Tuesday. The neck was twisted and flesh taken from eyebrows, and according to those who found the body, from below the breasts and from her genitalia. Body was kept in a stable the following day, where it was seen by one of her children and finally placed in a pool in Linaking river where it was found on Friday. The Medical Officer stated that advanced condition of putrefaction largely destroyed the value of medical evidence. He was of the opinion that death was due to exposure and ill health, and that the private parts had not been injured and marks below breasts and in back had been caused by ropes used in carrying body in to station.

24	February, 1939	Schloho's, <i>Butha Buthe.</i>	Pade Nsolo, old man (Kwena).	Under investigation	Deceased disappeared 9th February. Pelvis and legs only were recovered on 14th under a cliff in a river bed. Alleged to have been killed for medicine in connection with a placing.
25	1940	Tsime, <i>Butha Buthe.</i>	David Sholane Makanete, old man.	Under investigation.	Body was found at the bottom of a cliff and buried. Police were told in 1940 he had fallen over. No blood at the site but there was a wound on the head. Information that he was killed for medicine. The body was exhumed. The Post Mortem disclosed no bones broken but there were possible traces of wound on head which had not fractured skull but had discoloured the underlying bone.
26	1940/42	Mamosebetsi, Qhobela's, <i>Butha Buthe.</i>	Nthabisa Ngaka, adult male.	Under investigation.	Body was found on veld suggesting death from exposure, but wounds are said to have been found on the body. It was buried though some of relatives objected and wanted an enquiry. It is now alleged he was murdered for medicine.
27	11th Sept., 1941	Setlolelai's, <i>Mohales Hoek.</i>	Charlie Motona (Tembu), adult male.	H.C. 125/42. Rex vs. Mahanyapa Molomo (headman) and 6 others. 3rd accused discharged. Rest convicted and hanged.	Deceased, a friend of most of the accused was made drunk, enticed from his lover's hut and murdered, his head being severed and skinned, eyes, tongue, ears and neck removed, some of the ribs, all internal organs, left arm, right hand, flesh from both arms and testicles. The body was then dragged and left under a cliff.
28	13th June, 1941	Lesala's, <i>Mohales Hoek.</i>	Rapitli Mahlahlama, old man.	Discharged at preliminary examination. Rex vs. Kofjee Bafazimi (Tembu) and 2 others.	It was alleged that deceased had been detailed to watch the movements of a catechist who was the intended victim, but that he went and warned him; so deceased was killed in his place. A wound being made on his head with a sharp instrument, from which blood was collected in a tin, and he was then suffocated or strangled and thrown in a pool of water in a gorge, where his body was found. Two months after the crime the police found the body of a female sheep placed in the identical spot; its face had been mutilated, the left side of it including the ear and eye had been removed. It was rumoured that this murder was committed for medicine for Selemo Posholi. (No. 40.)

REF. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
29	6th April, 1942	Mokhola's, Maseru.	Meriama Khokhama, adult female.	H.C. 252/45. Rex vs. 1. Constable Mosi. 2. Phoka Shea and two others (2nd, 3rd, 4th accused all native doctors). Acquitted.	Case rested on evidence of Koenhelo, an accomplice. Medical evidence of post mortem examination lost. Body, when found, had no flesh on it from head downward till feet. Identified by skin left on face. Body found in a donga in a fenced in area below the village. Dogs had been at it. Accomplice stated that murder was planned by 2nd accused. Victim was found by 1st accused. She was killed and flesh was taken from leg, from genitalia, from armpits and from both buttocks. Body was hidden in a donga and accused returned the following night to get more flesh from it and some fat. (Phoka Shea who is said to be the son of Raleghapola (No. 9) was also charged in case No. 39).
30	October, 1942	Qhobela's, Buttha Buthe.	Lefaso Moneke, old man. (Sia.)	Under investigation.	Body was found at bottom of <i>krantz</i> at Chaba's. Post mortem disclosed death due to intercranial haemorrhage. Small wounds on forehead and vertex might have been caused by blunt instrument or falling on a stone. Victim alleged to have been murdered for medicine in donga in Molapo Qhobela's area.
31	25th Dec., 1942	Theko Karabo's, Qacha's Nek.	'Mamosotho Monyeso, elderly widow.	H.C. 160/43. Rex vs. Molai Mooso (native doctor), and 5 others. 1st and 2nd accused convicted and hanged. Rest discharged.	Deceased was enticed to hut of 6th accused where she was hit on the head. Boiling water was poured down her throat and a hole made in the top of head. Some of the brain, portions of her scalp, part of her bowels and her vagina were removed, and her neck broken. Body later dumped over a cliff and when found, was buried in pretence that death was due to natural causes. Deceased and accused all related by blood or marriage and on good terms. Post mortem two months later on exhumed body confirmed hole in head and broken neck.
32	3rd July, 1943	Tebelo's, Mafeteng.	Sankoela (Hlakoana), male adult.	H.C. 110/43. Rex vs. Robert Ramosoet (headman) and 6 others. Att. Genl. entered a nolle.	1st accused is alleged to have said he wanted a Hlakoana for medicine as his chieftainship was not firm enough, and to have conspired with the other accused and a Crown witness to murder deceased after a beer drink. Deceased was hit on

the head and body with sticks, was hidden that night and on following day placed at the bottom of a kloof. A blanket and hat which had been thrown over a cliff were found the next day, the body not till three weeks later. No account of how *dirretlo* was taken and the inquest disclosed no mutilation except a lacerated wound on the forehead.

1st accused is said to have enticed deceased, a friend of his, to a beer feast, made him drunk and with the assistance of three other accused and a Crown witness, gagged him, choked him and drew off some blood from two small puncture wounds in the chest. Deceased is said to have died during the operation. His body was placed in a small stream. Medical evidence attributed death to acute alcoholism and asphyxia due to inhalation of vomited material. One witness stated he employed a doctor to make them medicine to get them out of prison at a charge of 10/- each if successful. The medicine worked.

1st accused is alleged to have said he wanted a woman who had just given birth to a child for medicine and was prepared to pay £5 for her. This was arranged with the accused, and others who turned King's evidence and who were related to her. When she was murdered a small piece of her eyebrow and of her uterus or vagina were taken but apparently no blood was collected. The body was dumped in a stream.

Body was found in a pond. Death due to "shock caused by homicidal wound through abdominal wall, omenta missing". Three Zulus were charged with the murder on evidence of an accomplice who stated that they wanted fat from the stomach of a woman; he arranged with them to use 'Mampo for this purpose. After fat had been extracted, she was dumped, still alive, in a pond. There was no evidence to corroborate this story. The Attorney General referred case back for further investigation. The accomplice's story seemed improbable in some of its details, and it was considered that he might be implicating the accused in order to shield the real murderers.

H.C. 303/46. Rex vs. Seabatha Lerotholi (headman) and 3 others. Arrested, October 1943. Released. Re-arrested April 1946. Acquitted Nov. 1946.

H.C. 185/43. Rex vs. Mabinini Mtandi (a Zulu doctor) and three others. Acquitted.

Mokhotlong P.E. Rex vs. Maqila Hlongwane and 2 others (third said to be a doctor). 1st accused died in prison.

Petrose Makhele, an elderly clergyman (Anglican Mission).

'Mapoone Matobe, a woman who had recently given birth to a child. (Motsoetse.)

'Mampo, adult female.

Seabatha's, Mokhotlong.

Thaba Ntso, Qacha's Nek.

Masateng, Mokhotlong.

33
3rd July,
1943

34
4th Sept.,
1943

35
6th Dec.,
1943

REF. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
36	25th Dec., 1943	Metebeng (Sefaha's), <i>Qacha's Nek</i> .	Sekoate Mpheto (Koena), an old man.	H.C. 253/45. Rex vs. 1, Pitso Ramatlali and four others. All 5 convicted and hanged. (No. 1 village head.)	Alleged by accomplice (a Crown witness) that Chief Moramang Letsie (discharged at preliminary examination) arranged for Sekoate to be killed; "for refilling medicine horn of big chief overseas" (i.e. the Ward Chief Theko Makhaola, who was on active service). Sekoate was struck by 1st accused with a "battleaxe", stabbed with a sword by Moramang, and beaten with sticks and clubs by the rest. He was carried "so as not to spill blood" a short distance, where some blood was collected from head wound, the right eye removed and small portions of flesh taken from side and leg which were then cauterised with a burning stick. Body was taken to a cliff and rolled over it and found next day and buried. Finding of the post mortem examination nine months later on mummified body confirmed cut on the head but stated that it had not been caused by a heavy blow as bone undamaged; that it was not possible to say if eye had been removed or not. There were no traces of sword wounds or other cuts, but cauterising might have obliterated them. No other evidence to confirm statement regarding chief Theko's horn.
37	4th January, 1944	Thebeng, <i>Teyateyaneng</i> .	Seleka Mosese, (Kwakwa), young powerful adult male, unrelated to accused.	H.C. 196/44. Rex vs. Tabola Nkutu and 13 others. All convicted and hanged. (Two headmen involved.)	1st accused, a headman and son of Chief Nkutu, organised the murder; 15th accused, his father's brother Lejaha, directed the operations. Murder was to obtain <i>dirrelo</i> for horns of 1st accused, 15th accused and 3rd accused, a mine 'induna' who had lost his job. Deceased who had been told to find a victim, and failed, was himself attacked and held down, hit on the head and rendered unconscious and portions of flesh from his armpit, biceps, calf, most of the flesh from his left leg, the fingers of his right hand, his right eye, his genitalia and a portion of bowel were removed. Body was washed, hidden and later dumped in a stream where it was found a week later. Body was seen by a policeman, and as the relatives did not suspect foul play, was allowed to be buried. Later deceased's brother returned and put the police on to the murder. About 21 men took part in the murder.

Deceased came to visit her sister, and was last seen alive at 1st accused's village. Body was found in a donga nearby. Death was due to fracture of the skull by a blow on the head. A number of wounds were found on the forehead and the right side of the head and minor wounds on right fingers and toes, *diritlo* said to have been the latter. The deceased could not have received these wounds by falling into the donga.

Case rested on the evidence of Koenehelo, an accomplice who stated that he and other accused were servants of Phoka who arranged for them to kill deceased after a Baptistal feast. The *diritlo* were said to be flesh from the face, ear and pieces of flesh from various parts of the body and the genitalia. When found, the head had been severed from the body and skinned, the neck was missing and the upper part of the body extensively mutilated. The lower part and the limbs were intact except for post mortem breaking of some of the bones. The contents of the bag of 4th accused sent for analysis and one item "had appearance and characteristics of human fat". Case broke down in the High Court owing to the evidence of this accomplice being considered unreliable. The body was found beneath a cliff.

1st accused arranged with other accused and two crown witnesses to kill deceased for medicine for his Lenaka. His left arm was severed and all flesh removed, the palm of right hand was taken, flesh from the left armpit, heart and lung and the genitalia. The head was partly shaved and medicine put on it. The body was put in a cave and later dumped in a ravine.

Deceased had become insane and was ill in a hut by himself. Several witnesses heard him calling for help one night and shouting that people were killing him and taking out his eye. The body was found dead next morning in his hut. The left eye was said to be missing, some flesh from right side of forehead and there was a wound on the right thumb. Medical evidence was unsatisfactory as the body was too decomposed before post mortem held. At the High Court trial principal witness Dyke Majara who had given evidence against his father changed his statement and later disappeared from Basutoland.

Rex vs. I. Makhorole Putsane (minor village head) and two others. Att.-Genl. entered a nolle prosequi.

H.C. 250/45. Rex vs. Nkemi Khoari and five others including Phoka, a native doctor acquitted.

H.C. 217/45. Rex vs. I. Sel-emo Lesala Posholi (minor chief) and 10 others. 1st to 8th accused sentenced to death, 10th accused 5 years. Rest discharged.

H.C. 236/44. Rex vs. Lagden Majara (subchief) and 3 others. Acquitted.

'Mamosia Kuitane, elderly female, slightly mad.

Mantingting (alias Mpona Masalalla) elderly female had once been a leper and had one eye.

Sefate Rasocu (Taung), old man.

Bull Koatja (Ndebele) old man slightly mad.

Phamong, *Mohales Hoek.*

Khoari's, *Maseru.*

Maphutseng, *Mohales Hoek.*

Marabeng, *Teyateyaneng.*

11th May, 1944

11th Sept., 1944

18th Sept., 1944

14th Nov. 1944

REF. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
42	November, 1944	Linosing, <i>Mokhotlong.</i>	Malefu Guda (Tembu) female child.	H.C. 335/47. Rex vs. 1. Mahlomola Lerotholi (headman); 2. Seeiso Motlatsi (native doctor) and 12 others. All except 13th accused condemned, 9 hanged, 1 commuted to life imprisonment. 1 commuted to 5 years. 1 commuted to 4 years.	1st accused plotted with other accused and three Crown witnesses to kidnap deceased, drugged her, kept her some days and then killed and extensively mutilated her, taking blood from a wound in chest, large quantities of flesh from various parts of the trunk and abdomen, including the intestines, kidneys and fat and flesh from the arms, jaw, tongue, genitalia, the right arm and both legs. Body was thrown away on hillside where it was eventually found on 12th December. Facts which emerged at trial—A twin child was wanted. Accused believed deceased was a twin but relatives said she was not. She had to be carried after her kidnapping by a barren woman. Men of the gang went through a pretence of cohabiting with the child before she could be used as medicine. The tip of her nose and lobe of left ear were cut off five days before she was killed. The head of the child was shaved and sprinkled with water with an ox tail brush by 2nd accused. He was later seen with some of the other accused, naked, engaged in "pegging" village with black medicine mixed with fat and smeared on pebbles which were buried around village. A dead dog which had been skinned and had a hole in its belly was placed on the ox hide mat which contained the medicine and the fat.
43	1944	Kolo, <i>Mafeteng.</i>	Rajane Mohanoe, 2½ year old boy. (Taung).	Under investigation	<i>No body found.</i> The child was said to have been killed in a donga and most of the flesh to have been removed from its bones for medicine.
44	9th Feb. 1945	Tsepiso's, <i>Mokhotlong.</i>	Ramabanta Manakane, adult male.	Under investigation	Body found at the foot of a cliff. Wounds on temple, bleeding from nose, wound behind right shoulderblade. A hat with glasses inside it was found about 30 yds. away. Horse grazing on top of cliff. The body was buried as his wife and mother were said to have agreed that death was due to falling over the cliff—It is now suspected to have been a murder case.

45	Feb./March, 1945	Absolom's, <i>Mokhotlong.</i>	Tsietisi Mohapi, adult male.	Under investigation.	<i>No body was found.</i> Deceased was reported missing, and his hat, blanket and part of his shirt were found in Sakeng stream. His horse was found near the stream. No body was found. There is strong suspicion that he was murdered for medicine and his body buried near this village.
46	5th May, 1945	Phahameng Morija, <i>Maseru.</i>	Stephen Thobela, old shoemaker.	H.C. 288/45. Rex vs. Toka Mafilho and 7 others, including Mahao Matete, headman, and John Makume, village head acting for him. John Makume convicted and hanged, rest discharged.	Murder appears to have been planned by John Makume. Deceased was set upon and beheaded and portions of skin were taken from the leg, heel and right arm and the left hand was removed. Blood was collected in a dish. The head was taken to a native doctor (Bernice Hlalele) by John Makume who told her the Paramount Chief wanted her to make her a lenaka with it. She refused as she was a herbalist and did not make such medicines. The body was placed beneath a cliff. Evidence of actual killing was conflicting, and the other accused were given the benefit of the doubt. John Makume was hanged on the evidence of Bernice.
47	31st Aug., 1945	Mokete's, <i>Qacha's Nek.</i>	Lenkoe Motsotsoane, adult male.	H.C. 333/46. Rex vs. I. Lehooe Letsikoana, (headman) and 10 others. All condemned and hanged except 11th accused whose sentence was commuted to life imprisonment.	1st accused plotted with 10 others accused and 2 Crown witnesses to kill deceased for medicine to 'strengthen' his village. The body was first 'ironed' with hot stones then a portion of left eye, part of an ear, of the breast, of the flesh near kidneys and of the testicles were excised. Parts cut were 'ironed' to stop bleeding. Deceased was left still alive in a donga where he was seen by a herdboy. He was killed a day or so later and he was eventually found under the 'Vulture Cliff'.
48	5th Oct., 1945	Koeneho's, <i>Mokhotlong.</i>	Mookho, a 4 year old girl.	H.C. 272/46. Rex vs. 1. 'Manapo Koeneho female and 3 others (including 2 minor headmen). All convicted and sentenced to death. 1st and 4th accused commuted to life imprisonment. 2nd and 3rd accused hanged.	1st accused wanted medicine to make her son, 3rd accused, superior to his elder step-brother, for whom he was acting, and for 2nd accused to strengthen his position. She persuaded Maneco and three other female witnesses to assist in kidnapping Mookho. She was drugged, kept in a grain bag and eventually taken to Maneco's place, her arm punctured with an umbrella rib and blood drawn off from it into a bottle, after which she was carried to the mountainside and left to die of exposure. Her body was found next day.

REF. NO.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
49	16th Nov., 1945	Motsitseng, Mokhotlong.	Mokebisa Motloli, (Basia), male adult.	H.C. 301/46. Rex vs. Tsotang Griffiths (sub-chief) and four others. 2nd accused convicted and hanged. Rest acquitted. 1st accused subsequently sentenced to seven years imprisonment for conspiring to murder a Crown witness, who gave evidence against him.	1st accused said he wanted a victim to replenish his lenaka and it must be a Basia. His doctor Ngobo was to be paid 6 or 8 head of cattle for making it. He arranged with the other accused and Crown witness Raboroko to bring deceased to Raboroko's house, where he was hit with an axe and an iron bar, and his lower lip, eyelids of left eye, lobes of both ears were removed, blood being collected from these wounds. The body was then dumped in the river below a cliff in hope that the loss of the missing parts might be attributed to crabs. Case broke down because of unreliability of Raboroko's evidence. 2nd accused made a statement admitting his guilt and was convicted on the strength of it, but his statement was not accepted as evidence against other accused.
50	21st Nov., 1945	Ramoji's, Leribe.	Nkola Mpeako, male adult.	H.C. 34/48. Rex vs. Gabriel Thibeli (headman) and four others. Acquitted.	Murder came to light in 1947 when a female witness described the murder of Nikola in hut of 3rd accused, where it was kept for a few days and then taken and dumped in a pool near Matsoka river on Mokhotlong side, and the clothes put on the bank nearby. Medical report stated that the following had been removed: Eyelids and surrounding tissues, skin along the outer border of both ear lobes and tissues around mouth, penis and the front of the scrotum. It noted a wound ½ inch deep and 2 inches long on left side of neck. Witness stated that blood was collected in a bottle, and that 2nd accused declared that they "were going to support the chieftainship by getting medicine from Nkoala".
51	25th Dec., 1945	Seketé's, Masera.	'Maipuo Maohete, an old woman.	H.C. 300/46. Rex vs. Jacottet Theko (Ward Chief) and 9 others. Case withdrawn by Attorney-General.	No evidence of actual killing. A witness saw deceased being led away, another said 4th accused had said they had struck her with a knobkerrie and cut her with knives and cauterised the wounds with fire. The body was found next day beneath a cliff with alleged wounds on the face, insides of the arms and armpits. Medical evidence attributed death to a blow on the side of the head. The

25th Dec.,
1945Phatela's,
*Qache's Nek.*Katse Phatela,
middle-aged man.

H.C. 375/46. Rex vs. Trum-
ahole Bereng and 7
others including another
headman, a native doctor who
died in prison and an Indian.
All convicted. Privy Council
upheld their appeal and
quashed conviction.

9th Nov.,
1946Phororong,
*Teyateyaneng.*Maobane Leboea,
(Hlakoana), male
adult.

H.C. 368/46. Rex vs. 1.
Lefa Mothebesoane. 2. Mol-
iknoa (headman) and three
others. Acquitted.

12th Dec.,
1946Chaba's,
'Mamahe's,
*Teyateyaneng.*Paramente Khotatso,
(Ndebele)—adult male.

H.C. 15/49. Rex vs. Chief
Bereng Griffith (Principal
Chief) and Chief Gabashane
Masupha (Principal Chief),
Jonathan Masupha and 34
others including a Govern-
ment dispenser (6th accused).
Number reduced to 16 at final

body had abrasions which might have been caused by dragging. No cuts could be distinguished. Injuries could not have been caused by a fall over the cliff.
1st accused had been suspended from his position as Ward Chief. It was rumoured that he or his people wanted medicine to help him regain his position.

1st accused had a land dispute and wanted medicine to doctor his village and lands in case of litigation. The doctor wanted the blood of a man and a black sheep. A sheep was killed and some of its blood kept in a tin for use later. Katse, a drunkard was made drunk on Christmas day and when asleep was carried to spot above a cliff, hit on the head with a pick helve. The doctor obtained blood from a wound behind the left ear. The body was thrown down the cliff to the bed of the stream. The body was buried but later exhumed. Medical evidence confirmed that death was due to a fractured skull, not drowning—and to a wound behind the ear, but the description of this wound given by the accomplices and by the doctor varied. The Privy Council upheld appeal on grounds that medical evidence was the only evidence to corroborate that of accomplices, and it did not permit of the construction the Judge put on it.

Case hinged on the evidence of the wife of the deceased who said 2nd accused offered to pay her £80 for her husband who was wanted for medicine. 1st accused met him in his house with the other accused, stabbed him twice, and finished him off with a hammer. Blood was collected from wounds on head and jaw in a bottle. The body dumped in a goat kraal to make it appear that deceased had been killed by goat thieves.

2nd accused sent his secretary to collect people who were told to catch someone. They failed the first night, and on the second caught Paramente returning from his lover's hut. They drugged him and kept him in 9th accused's hut and reported to 1st. 2nd accused who told them to assemble next night with the other accused. Some of them were brought in a lorry. 6th accused, a Government Dispenser, with dissecting knives

REF. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
55	January, 1947	Maletsunyane Falls, <i>Mafeteng</i> .	Mahlabakoana Moorosi, young man (20 years old).	trial through conviction of 1st, 2nd and a number of other accused in Case H.C. 19/48 (No. 70) and through discharge of number of others at the Pre. Exam. or during the trial. 6th accused convicted and sentenced committed to life imprisonment. 5th, 7th and 8th found guilty of assault and being accessories after the fact and given 2 years each. 9th accused found guilty of assault and given two years. Under investigation.	removed the flesh from the face and the head of deceased, together with the eyes, tongue, nose and lips. These were collected in a billy can and the chiefs went home. A carrying party took the body and dumped it in a poplar grove below cliffs where it was found a day or so later. There were over 60 persons involved in this murder, including eight who were Crown witnesses.
56	6th March, 1947	Senekal's, <i>Teyateyaneng</i> .	'Majim Ranthara (Fokeng), old woman.	H.C. 417/47. Rex vs. Theko Kojane and Kolo Sebatieli (headman). Acquitted.	Body was found below falls, a 600 foot drop. Penis and fingers and toes were cut off. Rest of body intact—no bones broken.
57	14th March, 1947	Tuomo Daniele's <i>Quthing</i> .	Makhapolo, old woman.	Under investigation.	Body was found at the foot of a cliff with multiple injuries including two lacerated wounds on the back of the head behind the ear. Abrasions and scratches on right thigh. No evidence on actual killing. One witness heard her being led away screaming. Had she fallen over the cliff, injuries would have been more severe.
58	21st July, 1947	Moshe Karabo's <i>Mohale's Hoek</i> .	'Maliboea Tsioeu, old woman.	Under investigation.	Disappeared after a beer party. Body was found three days later under a cliff and buried by order of headman Tumo. Left hand was said to have been severed. A witness who stated that this headman and others had plotted to murder the deceased for medicine, later withdrew her statement and has now disappeared without trace.
					Deceased was said to have been slightly mad since December, suffering from obsession that she was going to be murdered for medicine. She disappeared from the village during a beer drink and was found a week later in a donga. Blood found at top and bottom of it. Post-mortem

disclosed death due to diffuse-subdural haemorrhage from head injuries, lacerated wounds on forehead exposing bone and various other abrasions on the body. A small portion of the left lip had been excised.

1st accused plotted with others and with two Crown witnesses to kill deceased for medicine for himself. They waylaid him, tied his legs, cut out his eyes and his tongue and strangled him, carried him to another spot and further mutilated him by cutting flesh from the armpits and from the regions of the anus and the scrotum. They then dispersed, after hiding the body in a small cave. It was found under a rock on the west bank of the Qhoasing River the next day.

No body found. Alleged murder for chief's medicine horn. The right eye, top of the tongue and part of the genitalia removed. The body was hidden in a donga and removed thence to an unknown place. A witness handed over a piece of flesh and of fat which he said were given him before the murder, to make him afraid of nothing. Analysis confirmed they were human.

No body found. Alleged murder for a chief's medicine horn, of a pregnant woman to obtain the foetus. It was alleged that the reason no body was found in this case or in No. 60 was that the police who were first sent to investigate them were related to the suspected murderers.

It was stated that 1st accused with the rest of the accused and two Crown witnesses got one of their number to entice deceased into a river valley, where she was hit on the head with a knobkerrie. They cut out the left side of her vulva, drew milk from her breast into a bottle, and placed her naked body at the foot of a *krantz* and her clothes on the top. 1st accused was reported to have said after the murder "since I have got this medicine, more lands will be given to me". 3rd accused "My chieftainship will be strong and Letsoalo will not be placed over me". 4th accused "I will get my father's ward". 5th accused (a native doctor) "I can now doctor you as I have got these parts".

H.C. 45/48. Rex vs. Molomo Kori and 6 others—including Tlailt Masehollo, a native doctor. Convicted and appeal dismissed by Privy Council. Three hanged and the rest of the sentences commuted.

Under investigation.

Under investigation.

P.E. Rex vs. Mosiuoa Letsie (headman) and 18 others, including a native doctor. Att. Genl. entered a nolle prosequi.

Mokhoabang, old man.

Mokoto, adult male.

A pregnant woman.

'Ma Ngukulo Monyane. Adult woman.

Qhoasing River
Mohlates Hoek.

Fobane,
Leribe.

Fobane,
Leribe.

Thabaneng,
Qacha's Nek.

13th Aug., 1947

August, 1947

1947

13th Sept., 1947

59

60

61

62

REF. NO.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
63	8th Oct. 1947	Sankoela's <i>Leribe.</i>	Lekhoalanyane Mophapi, adult male.	H.C. 20/49. Rex vs. Sankoela Mahlehole (village head) and 6 others. 5th and 7th accused discharged. Rest convicted. An application for leave to appeal has gone forward.	1st accused arranged to kill deceased for medicine. Deceased was made drunk in 6th accused's hut. A brawl ensued; he was knocked unconscious. Thin slices of flesh were taken from the inside of the right biceps, from the upper eyelids and edges of both ears. Blood was collected by 2nd accused. Deceased's body was dumped over the cliff into a stream below where it was found the next day. Deceased went off on a Sunday to fish. He was seized by the accused, carried under a cliff and mutilated. Persons who came on the scene were forced to join in; one Khoali refused but was asked to by the deceased who said, "Brother-in-Law, agree to cut me so that they will let you live to look after my children". <i>Diretlo</i> included testicles, buttocks, part of the intestines withdrawn through the anus, and blood drawn from a puncture made in the throat with an umbrella rib. Blood was kept in a bottle, the intestines in a dish. The body was hidden and later thrown into a river where it was found a fortnight later two miles lower down. 1st accused was said to need a person for medicine to strengthen his village. 1st accused said he wanted a man killed for medicine to confirm himself. He is said to have plotted with the other accused and with accomplices turned Crown witnesses. Deceased is said to have arrived at the spot after 1st accused had bitten a "piece of medicine" and said "Springhaan come". Deceased had also remarked that morning, "What a cruel thing". He was stabbed in the back of the neck, cut below the left eye and the whole of the flesh from the left side of the head was removed, including the ear. 1st accused made a statement saying deceased was killed for chief Lekunutu who had been displaced by Ntsana Maama and that he, 1st accused, was the chief's messenger to see this was carried out, Lekunutu being in prison for stock theft. The body was hidden and later dumped below a cliff.
64	19th Oct., 1947	Litsoetse, <i>Qacha's Nek.</i>	Sello Mashale, male adult.	H.C. 415/47. Rex vs. Motseari Lerotholi (headman) and 7 others. All convicted and hanged.	
65	22nd Oct., 1947	Tsoloane's Ruins, near Ngaka's, <i>Maseru.</i>	Springhaan Molibeli, male adult.	H.C. 12/48. Rex vs. Masiu Sephei (headman) and 8 others. 1st accused convicted and hanged. Rest discharged.	

66	1947	<i>Leribe.</i>	Leronti Tsolo adult male.	Under investigation.	<p>Pelvis and legs were found in the Caledon river near Leribe camp.</p> <p>1st accused said she wanted deceased killed to make a horn for the placing of her son. She arranged for him to be murdered by accused and small pieces of flesh were taken from the left calf, the left groin, below the right breast, and the biceps of the right arm. Skin was taken from the whole of the face together with the tongue, throat and eyes. Blood was collected in a billy can. The body was hidden and then thrown over a cliff. 4th accused is a "registered" Native doctor.</p> <p>Missing 24th January. Remains were found on 11th February. The head was severed from the body. Left arm, right foot, neck and part of viscera were missing. The body was too decomposed to indicate cause of death.</p> <p>The body was seen in a deep donga at nightfall. Before it could be recovered heavy rain had filled the donga and washed the body downstream and destroyed positive evidence of mutilation. When recovered, the head and two arms were found separate from the body, the trunk very decomposed and considerable portions missing, suggesting it had been cut about. Waist and legs were intact and relatively undecomposed.</p>
67	17th Jan., 1948	Moloi's, <i>Teyateyaneng.</i>	Mochesela (Ndebele), male adult.	H.C. 14/48. Rex vs. 1. Makhabane (Ward Chieftain-ess) and 14 others. 14th and 15th accused discharged and rest convicted. Appeal to Privy Council dismissed. 1st and 2nd accused hanged. 3rd, 9th and 11th commuted to 15 years. 10th, 12th and 13th commuted to 7 years.	<p>1st and 2nd accused and the latter's brother Mapeshoane, and three other accused who turned King's evidence, together with other 10 accused plotted to murder Meleke, brother of 11th accused who was said to have sold him for £100 and on a return from a funeral left him behind, where he was ambushed, dragged off his horse, thrown on the ground, throttled by 4th accused, suffocated by 3rd accused and held down by others, while 1st and 2nd accused stood by watching. Nioane cut off his lips and handed them to 1st accused who rejected them saying, "He is unhealthy, he has no blood". The body, which was thought to be dead, was dumped in a ravine in a shallow pool of water, where it was found next day. Medical report gave death as due to drowning and suggested crabs might have caused mutilation of the lips.</p>
68	January, 1948	Mphoseng, <i>Leribe.</i>	Lehloka Senyenyana, adult male.	Under investigation	
69	February, 1948	Ratsisetso's, <i>Mohale's Hoek.</i>	Molefi Ratutubale, adult male.	Under investigation.	
70	4th March, 1948	Fusi's, (Mamathe's), <i>Teyateyaneng.</i>	Meleke Niai (Hlakoana), adult male.	H.C. 19/48. Rex vs. 1. Chief Bereng Griffith (Principal Chief) Gabashane Masupha (Principal Chief) and 10 others, and chief Nioane who died in hospital. 12th accused discharged, rest convicted. Appeal to Privy Council dismissed. 1st, 2nd, 4th, 11th accused hanged. 3, 5, 6, 7, 10 commuted to 10 years. 9 commuted to 7 years. 8th commuted, but term of imprisonment depends on further investigation into his mental state.	

REF. NO.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
71	12th March, 1948	Molumong, Mokhotlong.	Jakalasi Khosu, herd-boy, 9-12 years old.	H.C. 41/48. Rex vs. Lerato Letsie (chieftainess) and 10 others including a native doctor. Acquitted.	A crown witness said he sold his stepson (deceased) to 1st accused for medicine. He arranged for him to herd cattle alone where he was met by some of the accused and drugged with "Maime", and stabbed with a needle on chest and blood taken. He was then moved to another place where he was suffocated with a handkerchief and covered with earth in a donga. Three days later some of the accused went back with 8th accused (the native doctor) uncovered the body and extensively mutilated it. The head was skinned, and ears, eye nose and lips taken, both arms, navel, testicles, and various other parts not mentioned in evidence. It was covered lightly with earth with the intention that it should be found, and it was found on 12th June. The medical report stated that head was reduced to a skull, neck and that the upper part of the trunk had been removed, and the chest opened up and the contents removed. The rest of the trunk and legs were intact.
72	11th March, 1948	Bela Bela, Teyateyaneng.	*Mamatauyane Beleme, old woman (Ndebele Tribe) crippled and half blind.	Under investigation.	Removed from her hut at night. The body was found 500 yds. distant. Death was due to heart failure. There were no external signs of mutilation. Witnesses state that parts from the vagina were removed. The Medical Officer was unable to detect this on exhumed body.
73	March, 1948	Makhaleng, Hloaheng, Mafeteng.	Unknown female.	Under investigation.	Four herd-boys say they saw the mutilated body of a woman in a donga. When the report reached the police they were unable to find the body. Nobody was reported missing in that area.
74	5th April, 1948	Senqu, Mokhotlong.	*Mafokotsa Tjhola, (Fokeng), female adult, a twin.	H.C. 36/48. Rex vs. Khehithisa Molapo (headman) and 5 others (including Kooko Molaba, a native doctor), convicted. Leave to appeal refused by Privy Council. 1, 2, 3 accused changed. 4 commuted to 15 years. 5 commuted to 7 years. 6 commuted to 5 years.	A Crown witness stated that 1st accused organised the murder for Chief Matlere who wanted a Mofokeng or Mosia for medicine horns. He offered to pay other accused £10 for their work and gave them £2 in advance. Deceased was a lover of 2nd accused and suspected him of having an affair with 5th accused. She was enticed to this woman's hut on pretence of settling this dispute. She was drunk and appears either to have been drugged or made very drunk. 3rd

accused ordered the other male accused to have carnal knowledge of her, and went through the pretence of doing so himself, so that she could be used for medicine. There are no details of actual killing as the witness went outside to keep watch. The body was kept in a hut and later dumped below cliffs leading to the Orange River, where she was found by a herdboy 5 days after killing. The medical report attributed death to shock and haemorrhage and stated that flesh had been cut from the angle of the jaw (right side), from inside the left calf, and from the left foot below the heel. There was a hole on top of her head (possibly caused after death) and numerous deep burns on various parts of body. The wounds had also been cauterised and the ribs had been fractured.

Deceased disappeared in May and a month later her remains were found by accident in the veld near Tsikoane. Parts had been eaten by dogs, and parts are said to have been taken for medicine. The door on which these parts had been placed gave positive reaction for human blood. Her stomach is said to have been taken to Johannesburg for sale.

Body was found at the foot of a krantz in suspicious circumstances. No apparent mutilations. Medical evidence negative.

The remains of the skeleton were found accidentally in a cave below a krantz in December, 1948. It is alleged that the deceased was stabbed or struck at the back of the skull, and that blood was caught, the whole face removed, the belly opened and portions of liver and intestines removed, also the genitalia and anus. Medical evidence confirms fracture of skull.

Deceased was found dead on the veld after a beer drink. Death was due to respiratory obstruction following aspiration of vomited gastric contents, possibly hastened by concussion and exposure. No injuries except a bruise on forehead and bleeding from nose. It was alleged that deceased was killed after a beer drink and that blood was drawn from a small puncture in or behind the ear.

Under investigation

*Mafagane Moleliki,
old mad woman.

Under investigation

*Malefa Ntsooa.
Female 45-50 years.
(Hlakoana tribe).

Under investigation

Ramakansi Molefi,
male adult (Taung).

Under investigation

Motloheloa Motsieloa,
adult male.

May, 1948

Tsikoane,
Leribe.

9th June,
1948

Malimong,
Teyateyaneng.

About July,
1948

Magabane's,
Teyateyaneng.

July, 1948

Mojela Letsie's,
Maseru.

75

76

77

78

REF. No.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
79	July, 1948	Motsikuoa's, <i>Mohales Hoek.</i>	'Mampolane, middle-aged female (Taung).	Under investigation	Body was found extensively mutilated (skin from the neck and shoulders, an eye, skin from part of the forehead and eyebrows, from the right arm, the left foot, the back of the thigh, and the right buttock, a portion of the tongue, the right breast, external genitalia and a portion of the bowel all being removed).
80	6th August, 1948	Masokoaneng, <i>Mafeteng.</i>	Adelina Molomo, (Hlakoana).	H.C. 11/49. Rex vs. Sekhobe Moholobela (headman) and three others. Acquitted.	1st accused is said to have wanted medicine from a Mohlakoana as he was having trouble in the area in which he was placed. He conspired with the other accused and Crown witness Kaphe to delay deceased and waylay her after dark on return from a beer party. She was gagged, stabbed in back of head and blood was collected from it in a billy can. The body was hidden in a cave and next day carried to a hillside above her village, where it was found. Medical evidence stated that the cause of death was uncertain, but it was probably due to concussion vomiting with aspiration of vomited material. Accused was given the benefit of the doubt because the police had been able to disprove statements made by the main Crown witness.
81	5/6th Sept., 1948	Motlaung's, <i>Teyateyaneng.</i>	'Mamohapi Mofo, (Sia) very old blind woman.	H.C. 35/49. Rex vs. Rafariki Motloang (village head) and four others. 3rd accused convicted. Rest acquitted.	Crown witness Mohapi said he sold his mother to 4th accused and others for medicine to "secure the release of Chief Gabashane". She was decoyed from her hut by 2nd accused and handed over to 1st and other accused and three Crown witnesses. She was gagged and carried to 3rd accused's house. She appears to have been kept in this house in a semi-conscious state for three days, and was carnally known by the accused and had blood drawn into a bottle from small punctures in her legs, the wounds being cauterised with a lamp. Accused were then doctored with medicine from a horn and left, returning on the 4th day when they killed deceased with a blow on the temple and placed the body beneath a cliff, where it was found the following day. The victim had to be a Mo-sia, as Sia is the same as Siama, to make all right, and had to be blind to make the Judge blind to the evidence against the chief.

82	8th Oct., 1948	Lenela's, Mamathhe's, Teyayyanang.	'Maleang Matela, adult female. (Hlakona tribe).	Under investigation
83	October, 1948	Butha Buthe	Moisuelinyana Mafa, 3 year old boy.	Under investigation
84	2nd Dec., 1948	Seeso Mamma's, Maseru.	Libono, Moki, 8 year old boy.	Under investigation
85	25th Dec., 1948	Qoati's, Leribe.	Magadebe Sopeng, adult female.	Under investigation
86	25th Dec., 1948	Maphring, Mohlolong.	Mothibeli Nthonho, adult male.	H.C. 36/49. Rex vs. Joseph Mabina Lerotholi, (headman) and 5 others. Acquitted.

Deceased came on a visit. She left perfectly healthy and sober. Her body was found in a donga two miles from where she had been staying, in the exact spot where Meleke (No. 70) was found, and just before 1st Rex vs. Berang etc. trial (No. 70). Medical reports stated there were no overt signs of mutilation or any damage to body and death was due to shock. No woman would wander about alone in this area, and she was bound to have hurt herself if she had fallen into the donga.

Deceased disappeared on the 7th and found on the 11th—on the Mokhotlong border. Primary cause of death was not apparent, secondary cause was heart failure. Pressure marks on skin. Abrasion on forehead. Circular burn on body. Searchers for the child aided by dogs, found a bottle containing pieces of flesh and a pharynx, which the Medical Officer was satisfied were of human origin. These were not taken from Moisuelinyana's body.

Deceased disappeared while herding cattle. The body was found that night in deserted hut, strangled, together with a stick that appeared to have been inserted in the anus and then withdrawn. Post mortem confirmed strangulation and a wound in the large intestine, which could have been caused by this stick.

The body was found near Qoati's village. Post mortem showed that she had died about two days before of shock. There was no blood in the heart or large vessels. There was an abrasion on the back of the neck. There was undue mobility of the neck but without fracture or separation of the vertebrae. She had deserted her husband and was living apart from him.

Four Crown witnesses (accomplices) stated that under the leadership of 1st accused they attacked deceased, and hit him on the head with a knobkerie (a blow which caused his death). 1st accused collected blood from wound in a tin and transferred it to a bottle; how 4th accused took a razor and shaved off portions of skin from the eyebrows and eyelids and they then put the body on a horse and dumped it in the Sehonghong river were it was found the following day. Motive was stated to be

REF. NO.	DATE	PLACE	PARTICULARS OF DECEASED	ACTION TAKEN	REMARKS
87	January, 1949	Lequtung, Leribe.	'Mahlopo Maletjane, a mad woman.	Under investigation.	that 1st accused wanted a person from whom he could make a horn. It was rumoured in Mokhotlong that diretlo was required for medicine to protect Ntsebo, daughter of the Regent who was being tried for murder in Jan. 1949.
88	16th March, 1949	Sefekeng, Teyateyaneng.	Moraphira Mafereka, male adult (Motaung).	Under investigation.	Missing on 7th. The body was found in open veld on 9th. The cause of death was not apparent. Contusions were found on the right shin and a circular punctured wound inside the left biceps above the elbow.
89	16th April, 1949	Near Bertievale Store, Mount Fletcher District, Cape Province.	Elias Qulu, (Xosa), adult male.	Preliminary Exam. Rex vs. Buller Lebenya and 12 others (one of whom has died and two absconded). Case now awaiting trial.	Body was found in a stream on 18/3/49. Deceased was alleged to have been taken to a deserted hut, hit on the head, right eye, part of the upper eyebrow, and the right side of upper and lower lips are said to have been removed. Medical evidence attributed death to drowning and wounds possibly to crabs. (c.p. case of Meleke, No. 70.)
90	22nd April, 1949	Linoking, Teyateyaneng.	Mamokhele Nkolonyane (Taung) elderly female.	Teyateyaneng Prelim. Examination 17 of 1949. 1. Faku Sauer (headman) and 7 others, acquitted. H.C. 45/49.	An accomplice (a resident of Basutoland), stated that 1st accused, an ex-headman and other accused conspired to murder deceased for medicine. He was ambushed early one morning, his throat cut, blood collected in a tin, and part of his ear cut off. Before they had finished they were alarmed and ran away. Deceased managed to get back to his kraal, was taken to hospital where he subsequently died. All but one of the accused were Basuto resident in the Mount Fletcher district.

Crown witnesses stated 1st accused said he wanted a Motaung for medicine. 2nd accused, her son and his wife, 8th accused appear to have decoyed her to where the others were waiting. She was gagged and marched to a place where her clothes were removed, and by the light of an electric torch 2nd accused cut her throat and others collected the blood in a billy can. The head was skinned and severed from the body, the skull broken and the brain removed and some of the fragments of

bone were taken. No other dirtelo was taken but various bones were broken. The body was re clothed and placed below the cliff in a small cave, and the remaining bones of the skull placed nearby and blood from a billy can was spilled on a stone there. The body was found there the following day.

The body was found beneath cliffs. Medical evidence reported a severe wound and fracture of the left side of the face. The left eye and flesh from left temporal area missing. There was no evidence of how murder was committed only of a plot by 1st accused, to kill deceased for medicine "to enhance his prestige" and of her body being dragged on an ox sled to the place where it was deposited. The deceased was found to have a portion of putrified cows liver wrapped in a piece of newsprint ("Esquire") and tied round her waist with a piece of green cloth.

The body was found on 22nd. A post mortem carried out at the spot on 24th reports that the right arm was removed, and all flesh from the right leg, the whole foot, flesh from the left leg, five left toes and the left breast. The body had been partly eaten by dogs. It is alleged that the nose and mouth and blood were taken for medicine. No blood was found in the body or at site. Mahliki's is the village of Ramabanta Mahliki (7th accused in Case No. 54, 10th accused in Case No. 70).

Deceased was seen alive and in good health on the evening of 14th. Her naked body was found next morning at the foot of high cliffs. Her blanket was found at the top. No bones were broken. There were no external signs of violence except a heavy bruise from a blow on the forehead and a cut on the forearm. There were small puncture wounds on front of left shoulder.

H.C. 44/49. Rex vs. I. Shadrack Lebona (headman) and two others.
Case still pending

Under investigation

Under investigation

'Masebatha Lijane, elderly female.

'Mamalioa Mbele, old woman (Ndebele tribe).

'Mapapiso Molefi (Ndebele) elderly woman.

Thuatha, Teyateyaneng.

Mahliki's, Teyateyaneng.

'Mamathe's, Teyateyaneng.

1st June, 1949

16th Sept., 1949

14th Nov., 1949

APPENDIX B

Incidence of medicine murders and distribution by districts

Incidence of murders from 1895 to 1949					
Period	A	B	C	Total	
1895—1918 ...	4	1	3	8	
1918—1928 ...	1	2	3	6	
1929—1938 ...	2	6	1	9	
Total before 1938 ...	7	9	7	23	23
1938	—	—	—	—	
1939	1	—	—	1	
1940	1	—	—	1	
1941	1	1	1	3	
1942	1	1	1	3	
1943	—	4	1	5	
1944	1	3	3	7	
1945	2	3	4	9	
1946	—	1	1	2	
1947	6	2	4	12	
1948	13	3	4	20	
1949	6*	1	—	7	
Total after 1938 ...	32	19	19	70	70
				Grand Total	93

Distribution of murders by Districts

District	Population	Before 1939			After 1938			Total
		A	B	C	A	B	C	
Butha Buthe	35,000	—	—	1	5	—	—	6
Leribe	98,000	3	—	1	7	1	1	13
Teyateyaneng	58,000	3	—	—	8	4	5	20
Maseru	101,000	—	2	2	2	3	2	11
Mafeteng	68,000	—	—	2	3	2	—	7
Mohale's Hoek	66,000	—	1	—	3	2	3	9
Qacha's Nek	45,000	—	5	—	—	3	4	12
Mokhotlong	37,000	1	1	1	2	4	4	13
Quthing	45,000	—	—	—	1	—	—	1
Mt. Fletcher } Union of Cape Colony } South Africa		—	—	—	1	—	—	1
Total		7	9	7	32	19	19	93

KEY: Column A = Cases or suspected cases known, investigated unsuccessfully or still under investigation by Police.

Column B = Cases brought before the courts and accused discharged either at the preliminary examination or at subsequent trial or found not guilty and acquitted.

Column C = Cases in which convictions of one or more accused have been obtained.

* Includes two cases awaiting trial in the High Court.