

Apr 1923  
A979 Cb 2 6

BEFORE CHIEF MOKO MONTSIOA, PARAMOUNT CHIEF OF THE BAROLONG  
AT MAPEKING PRESIDING AT THE KGOTLA, HEADMEN AND  
COUNCILLORS WITH THEM PRESENT.

WILLIAM THEPE MOLOANTOA  
(Plaintiff,)  
VS.  
KGOSIKOMANE MAKGOBI  
(Defendant,)

1. A certain Contract was read which was signed by parties hereto. They were asked if the contract read was the one to which their names had been subscribed and if they make that contract. Both parties in this suit they made and signed that contract.

PLAINTIFF:--Kgosikomane Makgobi came to me at my home, Kokomeng in the District of Taungs and stated that he wanted horses to take over with him to Tlamma, for the purpose of exchanging same with cattle. Therefore I took him to Basutoland where my brother lived and he was given as present and wages for exchanging those horses three mares and one horse, together with twenty-seven horses for exchanged as he represented.

After he had been gone for some months to Tlamma, and hearing nothing from him, I then went over to Phitshane, Molopo his then home, where I found him and he said ---"Your horses are killed by lions, thirst and some got astray and there is no ~~life~~ left to tell the story." At that time he was secretly offering some ~~wagon~~ <sup>for a wagon</sup> number of cattle. Thereupon I told him not to do so, for he could not get into buying wagons before he could pay me for the twenty-seven horses as per agreement. After some time, when I found out that the Plaintiff did not intent to pay me for the said horses I reported him to the then Magistrate, who caused a hearing in the matter and he (Plaintiff) was ordered to pay me ~~£190-0-0~~ <sup>cattle</sup>

Some time later, when I learned that the Defendant did nothing in this matter, I reported him again and paid £2-0-0 for his arrest which was done. He was again released to pay me, which he never did I then left for my home Kokomeng.

Some time back, I learned that the Defendant  
Kgalagadi and followed him and found him at a certain Lake at  
Kgalagadi, he <sup>did not</sup> ~~then~~ even prepared to pay me for horses. Last  
year I reported the matter and ~~summons~~ have been issued against him  
on my order. I therefore charge Defendant with "breach of  
Contract" and ask that he may receive payment of horses as afore-  
stated.

DEFENDANT:--I went to Kokomeng some time ago as the Def. said  
having in my possession three karrooses, which I bought three horses  
with. I was with a man named Molusioa. At the brother of the Pl's <sup>place</sup>  
I got nine horses to be exchanged with cattle, but on my way ~~to~~  
~~to~~ Tlamma two of the horses were killed by lions and arrived  
there with only seven horses, for which I gave sixty cattle in two  
lots, the first lot forty, and the second lot twenty cattle.

After my arrival from Tlamma, and after I had given the ~~sum~~ <sup>Plaintiff</sup>  
the forty cattle he summoned me at the Magistrate and had the  
Police men to arrest me, whereupon I rode on my mare (white-faced)  
and came with Policemen to Mafeking. During my imprisonment I  
ordered that twenty cattle be fetched from Phitshane and with that  
I paid the ~~sum~~ <sup>Plaintiff</sup> together with the horse <sup>(mare)</sup> I had ridden. Other  
things mentioned by the Complainant <sup>in his declaration</sup> I know nothing about. The case  
was tried during the presence of Montsioa, Seane, Motseoakhumo,  
and Kebalepile. (To be resumed Tuesday, April 29, 1913.)

Tuesday, April 29, 1913,

C H I E F L E K O K O:--<sup>be</sup> Hearing in this case will <sup>be</sup> resumed on  
the 15th day of May 1913, it will be Thursday on that day, and I shall  
expect both parties in this suit to appear with <sup>their</sup> witnesses. I  
shall try all my best to get all available evidence in this case at  
the Magistrate's Office, either at Vryburg, or at Mafeking British  
Bechuanaland Offices. All the witnesses and evidence should be  
produced on that day."

Lekoko Montsioa

Paramount Chief of the Barolong.

pk

Dear Sir

a

I am glad to <sup>have to</sup> request of you with <sup>the effect of</sup> our visit to  
 Pitsani ~~we~~ started from Mafeking on 22<sup>nd</sup> Oct with  
 179 men and arrived at Gatoane on the 24<sup>th</sup> ~~last~~ <sup>the</sup> ~~day~~  
 about 6 o'clock in the morning and on our  
 arrival we found Detekene, Koogetete and others  
 at the Kgottis & then told them that I was sent by  
 the Paramount Chief Lekoko to Petty Chief Makgoli  
 and I want to see him Koogetete sent Detekene to  
 go and tell Makgoli at his house the messenger came  
 and the said Makgoli was coming he was just  
 getting up I and my men waited for  $\frac{1}{2}$  an hour and  
 Makgoli did not come I sent three times for  
 him and all these times it was said he is coming  
 it was now about 9 o'clock when I sent his  
 brother Kairo and I then told him my message  
 and he said that Makgoli has gone out to bring  
 in the horses but we were seeing Makgoli going  
 walking up and down in the front of his house  
 and that he did not like to meet us I then began  
 to tell Kairo Makgoli brother others who were there  
 that I have been sent by the Paramount Chief  
 Lekoko to bring back Masibi's people and <sup>all</sup> their stock  
 so that those who want to remain in his Reserve they may  
 tell him and those who want to quit Reserve can be  
 that the Chief Lekoko may take passes for them  
 and they go where they like and quit the Gatoane Reserve

(2)

as they do not want to obey his orders I then told them that Sam also sent to bring into <sup>mapotini</sup> Cattle belonging to <sup>another boy named</sup> Lekgoanyane as the case of these Cattle has been before me the Paramount-Chief at the Chiefs Kgotla and these case been decided that that these Cattle should be handed to the boy

Kagotatse replied by saying I see that you have come to fight you should have said that you have come to beg that the Masibis people be handed to you not to say you have come to take them I told him that Sam telling you what Sam told ~~to say~~ by the Chief Lekho Then Kagotatse ~~told me~~ that ~~and~~ you shall never get Lekgoanyane's Cattle either Masibis Cattle if you do not beg for them

Chief Paul Montoya told them that Chief Jo Molima has been ordered <sup>not</sup> to fight <sup>as you study</sup> but bring back Masibis people and their Cattle

Headman Motalore said Chief Molima is not sent to take or remove anything which is belonging to Pitsane's people he is to take back Masibis people and Lekgoanyane's Cattle the case of the Cattle has been tried and settled in favour of Lekgoanyane

I told Khaikho Meketso's brother <sup>and others</sup> that they should separate their stock from Masibis people so that I may not take their stock with Masibis but Kagotatse stopped him from separating the stock and after that I left them and went away with my men and when the Cattle went out from the kraals I then gave order to my men to take Masibis Cattle and also Lekgoanyane's Cattle then Pitsane people and Masibis people came upon my men with knives spears axes and knobkerries three of my men were seriously injured and many others were hurt

(3)

and 11 Donkeys Cb4

My Men took 43 head of Cattle, but on our arrival at Disanung Maschi's Staad one boy came from Ditsane said some of his cattle ran away with Maschi's Cattle which <sup>were</sup> in our possession I told him to pick them ~~from~~ out and he picked 6 head of Cattle said they were belonging to him I also sent back with him some Cattle which the boy said they were belonging to Kaikhaa and to Mungosto and <sup>50</sup> to Ntan I also sent back 4 Calves with the same boy, After <sup>we left</sup> Ditsane Kaiko, Kaogotsita and others came upon one of our men who have Cattle post near Ditsane who was not in the engagement at Ditsane at all they severely injured him with the knobkerries in the engagement at Ditsane there was one Shopkaer also fighting <sup>he was on horse back</sup> an Indian man named Ishameal I told him that I have to report his action to the Inspector and after that I notice that he had dismounted his horse & gave it to one of Maschi's men to ride it in the engagement This people of Maschi were told by the R M Mitchell that they must quit Ditsane within 14 days and they were also warned by Chief Leko as it will be seen in the attached copy

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