

-5478

BASUTOLAN



*Letter from the Resident Commissioner  
to the Basutoland Council*

regarding

Resolutions passed by Council recommending  
that District Councils be established,  
that Council be made more representative,  
and that the Laws of Lerotholi  
be revised.

•

LESOTHO

*Lengolo le tsoang ho 'Musisi le eang ho  
Lekhotla la Lesotho*

mabapi le

litlhahiso tse entsoeng ke Lekhotla tse eletsang  
hore ho hlongoe Makhotlana a Litereke,  
hore Lekhotla le etsoe hore  
le be le litho tse ngata tse emetseng sechaba,  
le hore Melao ea Lerotholi  
e lokisoae.

## Letter from the Resident Commissioner to the Basutoland Council

Resident Commissioner's Office,  
Maseru, Basutoland.  
1st June 1944

The Chief Councillor and All Members of the Basutoland Council.

MY FRIEND,

I have the honour to inform you that in accordance with Section 11 of the Basutoland Council Proclamation No. 7 of 1910, I submitted for the consideration of the High Commissioner eight resolutions which were unanimously adopted by the Basutoland Council at its Thirty-eighth Session held from 23rd October to 5th November 1943.

2. His Excellency has directed me to convey his reply to Council in the following terms:—

"The following Resolutions passed by the Basutoland Council at its 38th Session have been laid before me by the Resident Commissioner:

- (1) The Basutoland Council considers that Proclamations closely affecting the administration of the Basuto Nation or the life and welfare of the people should not be enacted until both the Paramount Chief and the Basutoland Council have been consulted.
- (2) In order to enable the Council to be consulted and to fulfil efficiently its function of advising the Paramount Chief and the Resident Commissioner on these important matters the Council considers that certain alterations in its constitution and procedure should be made. The Council considers that these alterations should be designed:—
  - (a) to bring Councillors into closer touch with the people and to provide machinery to enable the people to make their wishes known to Councillors;
  - (b) to make the Council more representative;
  - (c) to provide means whereby the Council can be consulted when it is not in session.
- (3) As regards (a), to bring Councillors into closer touch with the people and to provide machinery to enable the people to make their wishes known to Councillors, Council recommends that

District Councils should be established which should meet not later than three months before the annual session of Council at the headquarters of each district under the Chairmanship of the District Commissioner. All principal Chiefs and members of the Basutoland Council in the District should be members of the District Council. At Pitsos to be held in each ward delegates should be nominated to attend the District Council and express the views of the people of their ward, the numbers of such delegates being proportionate to the numbers of taxpayers in each ward. Detailed proposals for the formation of these District Councils in each district should be prepared by the District Commissioners in consultation with the District Chiefs and submitted for the approval of the Paramount Chief and the Resident Commissioner. The functions of these District Councils will be to prepare motions for consideration by the Basutoland Council and to elect one member from the district for nomination as a member of the Basutoland Council.

- (4) As regards (b), to make the Council more representative, the Council recommends that the Paramount Chief nominate as a member of the Basutoland Council one person from each district who has been recommended for nomination by the District Council of each district. This will mean in effect that of the 94 members nominated by the Paramount Chief nine will be elected by District Councils.

The Council further recommends that in addition to the nine elected members the Paramount Chief and the Resident Commissioner should by arrangement between them nominate as members of Council one or more representatives of the Agricultural Associations, of the Progressive Association, of the school teachers, of the Basuto business men, of the inmates of the Leper Settlement, and, after the war, of the Basuto ex-servicemen.

- (5) As regards (c), the means whereby Council can be consulted when it is not in session, the Council recommends that a Standing Committee of five members, of whom three should constitute a quorum, should be elected by the Council to act as the advisory body representing the Council, to which the Paramount Chief and the Resident Commissioner can refer when the Council is not in session. The Standing Committee should meet at Matsieng at least once every two months, and more often if necessary, for the transaction of its business and should present a report to Council on its work at each session.

The Committee should hold office for the period of one financial year and its members will be eligible for re-election each year.

- (6) The Council considers that to enable it more efficiently to conduct the business of each session a Committee consisting of one member from each district should be elected by Council at the close of each session. The duty of this Committee will be to meet a week or more before the opening of the next session to consider the motions submitted by District Councils and by members and make recommendations for the consideration of Council when it meets regarding the order and manner in which these motions should be dealt with and generally for the conduct of the business of the session.
- (7) The Council considers that if these recommendations are adopted Council will be able efficiently to fulfil its functions as an advisory body to the Paramount Chief and the Resident Commissioner. It therefore asks for a declaration by the High Commissioner on behalf of His Majesty's Government that it is the policy of His Majesty's Government to consult the Paramount Chief and the Basutoland Council before Proclamations closely affecting the administration of the country and the life and welfare of the people are enacted until the time comes for Basutoland to have its own Legislative Council.  
Council also asks for a declaration by the Paramount Chief that it is the policy of the Paramountcy to consult the Council before issuing orders or making rules closely affecting the administration of the country and the life and welfare of the Basuto Nation.
- (8) The Council considers that the book of the Laws of Lerotholi, embodying some of the laws and customs of the Basuto, should be brought up to date and made more complete by the incorporation therein of the various amendments and additions which have from time to time been recommended by Council and of the principal rules and orders issued by the Paramount Chief and of decisions affecting these laws and customs that have been given in the High Court, since the Laws of Lerotholi were last amended in 1922.

The Council recommends that this work should be undertaken by the Standing Committee of Council with the assistance of a District Commissioner appointed by the Resident Commissioner. The Laws of Lerotholi as revised and amplified by the Committee should be submitted for the considera-

tion of Council and of the Paramount Chief and Resident Commissioner and when approved should be printed and recognised as an authoritative statement of Sesuto law and custom in all the Courts of Basutoland.

The Council recommends that every year thereafter a printed volume incorporating all amendments and additions to the Laws of Lerotholi recommended by Council and approved by the Paramount Chief, all new rules and orders issued by the Paramount Chief, and all decisions of the High Court affecting these laws should be issued in the same way as is done in the case of Proclamations and Notices issued each year by the High Commissioner.

"After consultation with the Resident Commissioner and the Paramount Chief I have approved that steps be taken to establish District Councils on the lines recommended in Resolution 3; to nominate suitable persons as members of the Basutoland Council within the terms of sub-sections (3) and (5) of Section 2 of Proclamation No. 7 of 1910 as recommended in Resolution 4; and to establish a Standing Committee of Council as recommended in Resolution 5.

"As regards Resolution 7, I can assure Council that it is the policy of His Majesty's Government to consult the Paramount Chief and 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. To avoid misunderstanding I must make it clear that there are Proclamations dealing with matters which do not fall within this definition, such for example as Proclamations imposing income or other tax on Europeans only, or making changes in customs and excise duties in accordance with the Customs Agreement with the Union Government, or dealing with the constitution and procedure of the Subordinate and High Courts, or with the conditions and service of Government officials, or with certain technical and legal matters, and that in the case of such Proclamations it is left to the discretion of the Resident Commissioner as President of the Council whether Council is consulted or not.

"As regards Resolution 8, I agree that it is desirable that the book of the Laws of Lerotholi should be amplified and revised as recommended in the first part of Council's resolution and that this task should be undertaken by the Standing Committee of Council assisted by a District Commissioner appointed by the Resident Commissioner. I also agree that it is desirable that this revised compilation of the Laws of Lerotholi should be kept up to date by further periodic

amendment and revision. When the Standing Committee has completed its work the revised compilation of the Laws of Lerotholi should be submitted for the consideration of the Basutoland Council and of the Paramount Chief and the Resident Commissioner, and I shall await their views and recommendations before deciding how and in what form the revised version of the 'Laws of Lerotholi' should be issued.

"I desire to commend Council for the progressive spirit it has shown in passing these Resolutions."

3. Resolution 7, which is quoted in the High Commissioner's reply, asks also for a declaration from the Paramount Chief. I have the honour to inform you that in letter No. 1/4 of the 10th May 1944, addressed to the Resident Commissioner, the Paramount Chief has made a declaration in the following terms:—

"Chief, regarding these recommendations which were made and approved by the Council I beg to state that with reference to Resolution 7, asking for a declaration by the Paramount Chief, I request His Honour the Resident Commissioner as President of the Basutoland Council to inform the Council that I as Paramount Chief of the Basuto Nation confirm that it is the policy of the Paramountcy to consult the Basutoland Council before issuing orders or making rules closely affecting the life or welfare of the Basuto people and the administration of the Basuto."

4. In accordance with the terms of the High Commissioner's reply the Resident Commissioner and Paramount Chief are issuing instructions to District Commissioners and Chiefs to consult together and submit for consideration their proposals for the establishment of District Councils.

5. The necessary steps are being taken by the Paramount Chief and Resident Commissioner for the nomination of members for the next Basutoland Council in accordance with Resolution 4.

6. At its last session Council provisionally elected the five members of its Standing Committee and this Committee has been summoned to meet at Maseru on 5th June to undertake the work of revising the Laws of Lerotholi in accordance with Resolution 8 with the assistance of Mr. W. G. S. Driver who has been appointed for this purpose by the Resident Commissioner.

With greetings,

I am your friend,

C. N. A. CLARKE,

*President of the Council.*

## Lengolo le tsoang ho 'Musisi le eang ho Lekhotla la Lesotho

Lekhotleng la 'Musisi,  
Maseru, Lesotho.  
1 Phupjane 1944.

Ho Moeletsi e Moholo le Litho kaofela tsa Lekhotla la Lesotho.

### MOTSOALLE,

Ke na le hlopho ho u tsebisa hore ho ea ka Temana ea 11 ea Khoeletso ea Lekhotla la Lesotho No. 7 ea 1910 ke na ke romelle ho Leqosa le Paahameng lithahiso tse robileng meno e 'meli tse neng li amoheloe ke Lekhotla kaofela sebokeng sa lona se neng se le ka la 23 Mphalane ho isa ho la 5 Pulangoana 1943, hore a imanelle tsona.

2. Mohlompheli o ntaetse ho fetisetse karabelo ea hae ho Lekhotla ka mantsoe ana :—

"Lithahiso tseena tse latelang tse entsoeng ke Lekhotla la Lesotho sebokeng sa lona sa mashome a mararo a metso e robell li ile tsa behoa ka pele ho 'na ke 'Musisi :—

- (1) Lekhotla la Lesotho le hopola hore Likhoeletso tse amanang haholo le puso ea Sechaba sa Basotho kapa bophelo le boiketlo ba sechaba ha li lokelle ho etsoa ho sa ka ha rerisoa Morena e Moholo 'moho le Lekhotla la Lesotho pele.
- (2) Hore Lekhotla le tle le tsebe ho rerisoa le ho phetha hantle mosebetsi oa lona oa ho eletsa Morena e Moholo le 'Musisi limbang tseena tse kholo, lekhotla le fumana hore liphetoho tse tseeng motheong le tsamaisong ea lona li lokela ho etsoa. Lekhotla le hopola hore liphetoho tseena li lokela ho etsoa e le hore:
  - (a) litho tsa Lekhotla li tle li atametsoe haufi le sechaba le hore ho be le mokhoa oa hore sechaba se tsebe ho hlalisa litakatso tsa sona ho litho ;
  - (b) ho etsa hore Lekhotla le be le litho tse emetseng mahla-kore a mang a sechaba ;
  - (c) ho etsa hore ho be le mokhoa oa ho rerisa Lekhotla ha le sa kopana.
- (3) Malebana le (a), ho atametsa litho haufi le sechaba le ho etsa tsela eo ka eona sechaba se ka tsehang ho hlalisa litakatso tsa sona ho litho, Lekhotla le eletsa ka hore ho hlaloe Makhotla

a Litereke a lokelang hore a no kopana ho sa setse nako e seng katlase ho likhoeli tse tharo pele ho seboaka sa Lekhotla sa selemo, Kampong ea setereke se seng le se seng, tlas'a bolula-senulo ba Motlatsi oa 'Musisi. Marena kaofela a lihlooho le litho tsa Lekhotla la Lesotho tsa setereke seo e be litho tsa Lekhotla la Setereke. Lipitsoeng tse tla etsa boliseng bo bong le bo bong ho khetho barumuoa ba tla ea Lekhotleng la Setereke ho ea hlalusa maikutlo a batho ba sebaka seo, palo ea barumuoa ba joalo e ee ka palo ea bagafi boliseng bo bong le bo bong. Litaba ka ho tla tsa morero oa ho hloma Makhotla ana a Litereke seterekeng se seng le se seng li ka lokisoa ke Batlatsi ba 'Musisi ka tshisano le Marena a Litereke 'me li romelloe ho tla fumana tumello ea Morena e Moholo le 'Musisi. Mosebetsi oa Makhotla a Litereke e tla ba ho lokisa litlathiso tse tla imametsoa ke Lekhotla la Lesotho, le ho khetha setho se le seng seterekeng seo se tla khethoa ho ba setho sa Lekhotla la Lesotho.

- (4) Bakeng sa (b), ho etsa hore Lekhotla le emele mahlakore a mang a sechaba, Lekhotla le eletsa ka hore Morena e Moholo a khetha motho a le mong seterekeng se seng le se seng eo e tla ba setho sa Lekhotla la Lesotho, ea hlhisitsoeng ke Lekhotla la Setereke seterekeng se seng le se seng hore a khethoe. Hona e tla ba ho bolela hore holim'a litho tse 94 tse khethoang ke Morena e Moholo, tse 9 li tla khethoa ke Makhotla a Litereke.

Lekhotla hape le eletsa ka hore, ka holimo ho litho tsema tse 9 tse tla khethoa ke sechaba, Morena e Moholo le 'Musisi, ka ho lokisa e le bona, ba khetha setho kapa litho tse tla emela mekhatlo ea tumo, Lekhotla la Tsoelopele, litichere tsa likolo, bahoebi ba Basotho, bakuli ba Moese oa Balepera, le Basotho ba tsoang ntseng ka mora' ntoa Lekhotleng la Lesotho.

- (5) Bakeng sa (c), mokhoa oo Lekhotla le ka rerisoang ka ona ha le sa kopana, Lekhotla le eletsa ka hore Komiti e Emeng ea litho tse hlano, tseo ba bararo ba tsona e tla ba quorum, e khethoe ke Lekhotla hore e tle be baeletsi sebakeng sa Lekhotla, hao Morena e Moholo le 'Musisi ba ka rerang le bona ha lekhotla le sa kopana. Komiti eno e Emeng e kopane Matsieng bonyane hang ka likhoeli tse peli le khafetsa ho feta moo ha eba ho hlokehala, ho sebetsoa mosebetsi oa eona, 'me e behe ka pele ho Lekhotla thaleho holim'a mosebetsi oa ona sebakeng se seng le se seng. Komiti eo e thoare mosebetsi ka nako ea selemo se le seng sa lichelete, 'me litho tsa eona li tla lokela ho ka khethoa hape ka selemo le selemo.



(6) Lekhotla le fumana hore, hore le tle le tsebe ho tsamaisa mosebetsi oa loea hantle sebokeng se seng le se seng, ho lokela hore ho khethoe komiti ke Lekhotla e tla ba le serho se le seng seterekeng se seng le se seng, qetellong ea seboka se seng le se seng. Mosebetsi oa Komiti ena e tla ba ho kopana ho sa setae veke kapa ho feta, pele Lekhotla le kena ho tla imamella litlathiso tse rometsoeng ke Makhota a Litereke le ke Litso 'me e etse likeletso tseo Lekhotla le tla imamella tsona ha le kopana mabapi le ho larelana le mokhoa oo litlathiso tseo li ka nkoang ka ona, le ka kakaretso bakeng sa tsamaiso ea mosebetsi oa seboka seo.

(7) Lekhotla le hopola hore ha likeletso tsona li ka amohela Lekhotla le tla tseba ho phetha mosebetsi oa loea hantle oa boeletsi ho Morena e Moholo le 'Musisi. Ka baka leo le kopa tšepiso ea Leqosa le Phahameng ka lebitso la 'Muso oa Motlotlehi hore ke tšebetso ea 'Muso oa Motlotlehi ho rerisa Morena e Moholo le Lekhotla la Lesotho pele Likhoelletso tse amanang habolo le puso ea naha ena le bophelo le boiketlo ba sechaba li ka etsoa, ho fihlela nako e fihla eo Lesotho le tla ba le Lekhotla la lona le etsang Melao.

Hape Lekhotla le kopa tšepiso ea Morena e Moholo hore ke tšebetso ea Borena bo Boholo ho rerisa Lekhotla pele a ka nts'a litaelo kapa a etsa melao e amanang habolo le puso ea naha ena le bophelo le boiketlo ba Sechaba sa Basotho.

(8) Lekhotla le fumana hore buka ea Melao ea Lerotholi, eo ho eona ho leng e meng ea melao le mekhoa ea Basotho, e lokela ho lokisoa ho tsoanela mehla ea kajeno le ho tlatsoa ka ho kenngoa ho eona litokiso le likeketso tse fapaneng tseo Lekhotla ka linako le linako le ileng la 'na la elets'a hore li etsoe, 'moho le melao le litaelo tse kholo tse nts'isoeng ke Morena e Moholo, le likahloko tse amanang melao le mekhoa eo tse entsoeng Lekhotleng le Phahameng, ka ha Melao eina ea Lerotholi esale e qetella ho lokisoa ka selemo sa 1922.

Lekhotla le elets'a hore mosebetsi ona o etsoe ke Komiti e Emeng ea Lekhotla ka thuso ea Motlatsi oa 'Musisi ea tla khethoa ke 'Musisi. Melao eo ea Lerotholi ha e lokisitsoe e ekelitsoe ke Komiti e beoe ka pele ho Lekhotla hore le imamelle eona 'moho le Morena e Moholo le 'Musisi, 'me ha e tiisitsoe, e hatiso'e, 'me e talingoe e le hlaloso ea 'nete e nang le matla a molao le mokhoa oa Sesotho mahatlong 'ohle a Lesotho.

Lekhotla le elets'a hore ka selemo se seng le se seng ka mora' moo, buka e hatisitsoeng e kenngeng litokiso le likeketso kaofela tsa Melao ea Lerotholi tseo Lekhotla le elets'a



li etsoe 'me tsa tšisoa ke Morena e Moholo 'moho le likahlolo  
ksofela tsa Lekhotla le Phahameng tse amanang melno ena,  
e nts'aoe ka tsela e tšnanang le kamoo ho etsoang malebana le  
Likhoeletso le Litsheiso tse nts'uoang ka selemo le selemo ke  
Leqosa le Phahameng.

"Ka mora" therisano le 'Musisi le Morena e Moholo, ke lumetse  
hore ho nko e bohato ba ho thea Makhotla a Litereke ka ho ea kamoo  
ho elelits'oeng kateng tšahisong ea 3; ho khetha batho ba lokelang  
ho ba litho tsa Lekhotla la Lesotho ka ho ea ka litemana tsa (3) le (5)  
tsa Temana ea 2 ea Khoeletso No. 7 ea 1910 kamoo ho elelits'oeng  
kateng tšahisong ea 4; le ho thea Komiti e Emseng ea Lekhotla kamoo  
ho elelits'oeng kateng tšahisong ea 5.

"Ha e le bakeng sa tšahiso ea 7, nka tšisetsa Lekhotla hore ke  
tšebetso ea 'Musu-ou Motlotlehi ho rerisa Morena e Moholo le Le-  
khotla la Lesotho pele Likhoeletso tse amanang haholo le litaba tsa  
mahae le boiketlo ba sechaba sa Basotho kapa tsoelopele le ho hōla ha  
Puso ea Borena ha Basotho li ka etsoa. Hore ho se utloisise ho t'o  
se ke ha e-ba teng ke tšonela ho bolela ka ho hloeka hore ho na le  
Likhoeletso tse buang ka litaba tse sa keneng t's'a hlaloso ena, ho  
ka thoe tse kang Likhoeletso tse behang lekhetho la lerub kapa la mo-  
futa o mong ho ba Basoetse, kapa tse etsang liphetoho makhethong  
a liphahlo tse kenang ka ho ea ka Tumellano e ents'oeng le ba 'Musu  
oa Kopano bakeng sa makhetho a joalo, kapa tse buang ka motheo le  
tsamaiso ea Makhotla a Karise le le Phahameng, kapa ka bolulo le  
mosebetsi ea bahlanke ba 'Musu, kapa ka litaba tse ling tsa bohale le  
tsa molao, le hore malebana le Likhoeletso tse joalo litaba li siuoa  
matsohong a 'Musisi e leng Monkameli oa Lekhotla ho bona hore na  
Lekhotla lea rerisa kapa che.

"Bakeng sa tšahiso ea 8, kea lumela hore hon lakatseha hore buka  
ea Melao ea Lerotholi e eketsoe 'me e nchafatsoe kamoo ho elelits'oeng  
kateng karolong ea pele ea tšahiso ea Lekhotla le hore mosebetsi oa  
o etsoe ke Komiti e Emseng ea Lekhotla e tšatisoetse ke Motlatsi oa  
'Musisi ea khetliloeng ke 'Musisi. Hape ke lumela hore buka ena  
e nchafalits'oeng ea Melao ea Lerotholi e 'ne e tsamace le linako ka  
hore ka nako le nako e 'ne e lokisoetse e nchafatsoe. Ha Komiti e Emseng  
e qetile mosebetsi oa cona, buka ena e nchafalits'oeng ea Melao ea  
Lerotholi e beoe ka pele ho Lekhotla la Lesotho hore le imamelle  
eona, hamanoho le Morena e Moholo le 'Musisi, 'me ke tla lebella  
mankutlo le likeletso tsa bona pele ke etsa khaolo mabapi le kamoo  
buka ena e nchafalits'oeng ea 'Melao ea Lerotholi' e ka nts'uoang  
kateng le sebopeho sa eona.

"Ke rata ho rerisa Lekhotla bakeng sa moea oa tsoelopele oa le o  
bontšitseng ka ho etsa Litšahiso tsena."

3. Tl'hahiso ea 7 e hlalhisitsoeng karabelong ea Leqosa le Phahameng hape e kōpa tšepiso ho Morena e Moholo. Ke na le hlomp'ho ho u tsebisa hore lengolong la No. 1/4 la mohl'a la 10 Motšennong, 1944, le ngoletsoeng 'Musisi, Morena e Moholo o entse tšepiso ka mantsoe ana a latelang :—

“Morena, bakeng sa tl'hahiso tsena tse entsoeng 'me tse lumetsoeng ke Lekhotla ke bolela hore malebana le tl'hahiso ea 7 e kōpang tšepiso ea Morena e Moholo ke kōpa Mohlomphehi 'Musisi, Mookameli oa Lekhotla la Lesotho, ho tsebisa Lekhotla hore 'na ke le Morena e Moholo oa sechaba sa Basotho ke tšisa hore ke tšebetso ea Borena bo Boholo ho rerisa Lekhotla la Lesotho pe'e ho ntšoa litaelo kapa ho etsoa melao e amanang le bophelo kapa boiketlo ba sechaba sa Basotho le Puso ea Basotho.”

4. Ka ho ea ka mantsoe a Leqosa le Phahameng karabelong ea hae, 'Musisi le Morena e Moholo ba tla ntš'a litaelo tse eang ho Bats'isi ba 'Musisi le Morena tsa hore ba rerisane 'me ba hlalise likhopolo tsa bona bakeng sa ho hloonga ha Makhotla a Litorere ho tle ho imameloe tsona.

5. Bohato bo hlokeheng bo tla nkoa ke Morena e Moholo le 'Musisi bakeng sa khetho ea litho tsa Lekhotla la Lesotho le tlang, ka ho ea ka Tl'hahiso ea 4.

6. Sebokeng sa lona se fetileng Lekhotla le ne hle la qalella ho khetha litho tse hlano tsa Komiti ea lona e Emeng 'me Komiti eo e bitsoetse hore e t'oe kopana Masera ka la 5 Phupjane ho qala mosebetsi oa ho nchafatsa Melao ea Lerotholi ka ho ea ka Tl'hahiso ea 8 le thusitsoe ke Mr. W. G. S. Driver ea khethetsoeng mosebetsi oa ke 'Musisi.

Ka litumeliso,

'Na, motsoalle oa hau,

C. N. A. CLARKE,  
*Mookameli oa Lekhotla.*

Printed by the  
MORija PRINTING WORKS  
for the  
BASUTOLAND GOVERNMENT  
Maseru, Basutoland

P467H.