

Trespass among the Sotho

In regard to trespass on cultivated land by animals, among the Sotho, if cattle broke out of a kraal at night & trespassed on cultivated land, formerly no damages were recoverable; but if this form of trespass was repeated on several occasions then compensation was exacted (Comment: Obviously such a breaking out of stock was regarded as accidental in the first instance & therefore no damages were claimable; but where it was repeated the plea of accident was no longer entertained). If this had not the effect of compelling the owner of the livestock to keep it securely, it was driven out a kraal & killed. Damages for trespass of livestock in cultivated lands during the daytime were claimable, if the wrong was repeated several times. (Commission on Native Laws & Customs of the Basuto, 1937). See also the Basuto Land Native Laws of Bechuanaland - Law 25, Whitfield p. 427.

Trespass among the Pedi

The Bapedi & cognate tribes attach great importance to all matters affecting gardens & these are therefore placed under careful administration. The chief's eldest brother by the same ~~mother~~ mother is entirely in charge of this department. His decision in all matters of this nature is final. Under him is the head induna who fills the post of chief inspector of gardens. Under the latter are junior indunas & each of whom is allotted for supervision a section of the land under cultivation.

"Should any damage be done by stock to standing crops, the owner of the garden will invite the owner of the stock to inspect the damage done. Three days are usually given to the owner of the stock to comply with this request. Should he fail to put in an appearance, it is assumed that he repudiates liability for the damage done & the matter is then reported to a junior induna who will summon the parties to appear before the chief's brother who adjudicates thereon. If the dispute relates to the amount of damage the induna in charge of the section together with the parties carry out an inspection in loco and assess the damage.

No compensation can be claimed for damage done to gardens near or within the village. Such gardens are made at the owner's risk & he is therefore obliged to fence them in securely with bushes

is the means so as to render them safe from harm by cattle or goats in the village. Under no circumstances may suffer corn to grow in these gardens which are called *diripa* (equivalent of *thosa igadi*). Anyone who infringes this custom is sure to have his garden destroyed & be severely & publicly censured by the chief & his indunas.

No *Profedi* is allowed to start ploughing before the season has been properly opened by proclamation of the chief. Anyone violating this rule is liable to be deprived of his stock, which are confiscated for the benefit of the chief who slaughters a number for the benefit members of his court. (Harris, pp 57, 58.)

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