Annexure K.

(6) That although certain other claims for ground were laid by white and coloured persons before the Commission appointed by Government Notice No.323 of the 4th August, 1884, published in the Government Gazette No.1437, of the 6th August, 1884, this Commission are not prepared to uphold them as the claimants have not proved their rights to the ground.

(Accepted by the Raad.)

(7) That this Commission recommend that ground granted to white and coloured persons be registered in their names and be subject to the usual quitrent payable in this State, and further, that any person to whom a title deed is issued shall be compelled to release it within 6 months and to pay, in addition to the usual stamp dues 1 per cent. on the value of their fixed property, calculated at the rate of 10s. per morgen. Failing to do this they will receive warning, and if after 3 months they are still in arrears they shall forfeit the ground in favour of the Government.

(Accepted by the Raad subject to the following alteration, that in place of 1 per cent., 2 per cent. shall be charged.)

(8) That natives to whom farms shall be granted shall be permitted to sell them to white persons only, and further, shall fall under the regulations of Ordinance 5 of 1876.

(Accepted by the Raad.)

(9) Withdrawn by the Commission.

(10) That native landowners residing too near the Basuto border shall have the right, subject to the consent of the Executive Council, to exchange their farms for others further inland.

(Accepted by the Raad.)

(11) Withdrawn by the Commission.

(12) That the regulations of the station Thaba 'Nchu and the granting of residential land there shall be submitted to the Executive Council.

(Accepted by the Raad.)

(13) That the Commission have enquired to the best of their ability, and have ascertained that in the annexed territory there are 2,120 men who possess 5,078 horses, 24,053 head of wattle, 107,543 sheep. They recommend that in addition to the station at Thaba 'Nchu there should be four more locations beaconed off, each 8,000 morgen in extent, on such farms as the Executive Council may decide and fix, and as far as possible from the Basutoland border.

(Proposed that the beaconing off be referred to the Executive Council, who shall enquire into the facts above mentioned, take a census, and find the most suitable sites for locations according to the requirements, and report at the first annual meeting of the Raad. The Executive Council shall also frame regulations for locations.)

(Accepted by the Raad.)
(14) The Commission wish to draw attention to the list of farms granted to Natives, from which it will be seen that the farms differ in extent, that some receive large portions, some small. The reason of this is that the Commission did not consider it advisable to alter the survey of Mr. Bourdillon, which would have been very costly, and further because if Captains were to remain in possession of the ground that they claimed, the same state of affairs would continue to exist as prior to the Annexation, thus frustrating the object of that proceeding. The Captains would remain on the ground that they previously occupied with their people, and would establish small stations, and would prove a constant hindrance to the Government.

(Accepted by the Raad.)

(15) Although the Commission have only granted land to white persons holding land certificates, they also intended that mission societies should hold the ground on which they reside.

(Proposed that regarding No.15 the Executive Council should also grant to the Curators of the Church of England the farm Tabale, No.52, and to the Wesleyan Mission Society the farm Rietpoort.)

(Accepted by the Raad.)

(16) This Commission find that the Commission of Enquiry ascertained that the farm Namene, No.29, had been leased by the Chief Sepinare to the brothers Brand at a rental of £40 per annum, and that the lessees have made great improvements on this farm at a large cost, and the Commission recommend to the Executive Council that this lease be continued.

(Proposed that this matter stand over to the next annual session, so that more information may be gathered.)

(Accepted by the Raad.)

(17) This Commission recommend that on the sites where locations are to be established, ground for the building of churches, schools, and parsonages should be granted to the various mission societies.

(Proposed that this matter stand over till the next annual session.)

(Accepted by the Raad.)

(18) This Commission desire to advise that farms not situate in the locations which belong to Government should be sold as soon as possible by public auction at an upset price of 13s. 6d. per morgen, payable in 10 equal annual payments, and interest at 6 per cent., per annum being payable upon the amount of the purchase price outstanding annually. The first installment to be paid in cash and the farm to be held upon condition of personal occupation or occupation by another white person./...
persons. Any purchaser unable to pay shall "ipso facto" be deprived of his rights. Transfer shall be granted after the first payment, and for the balance a bond shall be passed in favour of the Government. The cost of Government dues, in addition to all other expenses in connection with the transfer and the Bond, shall be borne by the purchaser.

(Proposed that this question stand over until the next annual session of the Raad.)

(Accepted by the Raad.)

(19) This Commission recommend that the several petitioners be notified of the decisions of the Raad.

(Accepted by the Raad.)

(Signed)

D. B. VAN DER HAAR,
J. E. SICHERT,
J. A. VENTER,
J. C. DE WAAL,
M. PRINSLOO.

For true copy. (Signed) V N HOYTER.
ANNEXURE L

Government Notice of the 27th May, 1885.

By order of the State President notice is hereby given that His Honour, in accordance with the Resolution of the Raad, dated the 11th May, 1885, has appointed Mr. Reinhold Gregorowski, Second Juvenile Judge of the State, to enquire into all land claims made in the annexed territory and submitted to the Commission, of which Commandant Prinsloo was Chairman, held on the 11th August last and the days following, and to give final decision thereon.

The Judge will sit in the Landdrost's office at Thaba 'Nchu on Tuesday, the 2nd June next, at 10 a.m. All persons who lodged their claims with the Commission shall attend with their witnesses.

By order,

(Signed) F. J. BLIGNAUT,

Government Secretary.

Bloemfontein.
27-5-85.
ANNEXURE M.

REPORT OF JUDGE GREGOROWSKI.

REPORT A.

I have been appointed by His Honour the President, as directed in Government Notice, dated the 20th May, 1885:-

(a) To enquire into the claims to ground rights brought before the Commission at Thaba 'Nchu and to report thereon.

According to my opinion these claims have been sufficiently proved before this Commission in accordance with His Honour's Proclamation of the 29th July, 1884. Where claims have not been proved and where the parties wish to substantiate their claims, opportunity should be given of bringing further evidence.

(b) To report upon petitions of Attorney Fischer, P.E. Raaff, Mr. Read, and John Nelson.

(c) To report upon the protest against the issue of the title-deeds of Farm Rietpoort to the Wesleyan Mission.

(d) To report upon the protest against the issue of the title-deeds petition of C. Voigt, Executive Native in the estate of the late Chief Sepinare, as to whether certain sums are due by the late Sepinare in his capacity as Chieftain or privately.

(e) To report which farms in the Baralong territory and which erven at Thaba 'Nchu belong to Sepinare as Chieftain, and are consequently at the disposal of the Orange Free State Government, and which farms and erven belong to his private estate.

(f) To report upon the right to do so of any Baralongs or Natives who reside upon any farm.

Concerning:-

(b) The petitions regarding these claims fall under (a), and for these separate action is necessary. I wish to remark that further information is required regarding Mr. Raaff's claim.

(e) The protest against the issue of the title-deeds of the farm Rietpoort appears to be without foundation. The declaration in favour of Ernest C.E. Daniel, made before the Commission, as well as the letter of the Rev. J.T. Daniel, acknowledge that Rietpoort was granted to the Wesleyan Mission by Sepinare. It was urged in disproof of the Mission's claim that Sepinare had promised consideration to Ernest C.E. Daniel. This is a question between the last named and Sepinare's representatives, with which the Wesleyan Mission is not concerned, but since the dispute has arisen it is advisable to give the parties every opportunity of producing further evidence for the elucidation of points of law.
Annexure II.

(d) and (e) I shall be able to deal with these questions better when I have enquired into claims under (a) and (b), and further evidence will be necessary.

Under Proclamation of the 29th July, 1834, issued by His Honour the State President, and confirmed by the Volksraad, a solemn promise was given to:-

(a) The Native subjects of Sepinare residing in the Baralong territory at the time of the issue of Proclamation of the 12th July, 1834, who had taken no part in nor were accessories to the murder of Sepinare, that they will be permitted to remain on the locations where they were then resident, or on any other suitable locations to be hereafter set aside for them.

(b) All persons, white as well as coloured, to whom, before the issue of the Proclamation of the 12th July, 1834, land rights had been granted, that they will be left in possession thereof.

(c) I have carefully investigated the evidence taken under the Chairmanship of Commandant Prinsloo, and in deciding whether the evidence is sufficient I have kept in view the principle of our Law and also of the Roman Law, and have taken a common sense view, and now consider that "consideration" must not be lightly accepted, but must be clearly proved, as per Grotius (Holland Law III. 2. 21.) "All considerations must be taken up sharply, and the grantor must not be prejudiced" (? damaged) (vide Voet 39.5.5). The evidence proves that all grants were made voluntarily without Moreska or Sepinare receiving any consideration.

Regarding the proof of "daadsaken", I have placed great value on the evidence of Mr. Bourdillon, who is an impartial witness.

"Ground right" in the Proclamation of the 29th July, 1834, I have taken to mean Rights in the ground (jura in re), and I have not thought it justifiable to take the words of the Proclamation to mean "jura in personam", although they had servitudes over the ground. In other words, the promises made by Sepinare Moreska to grant land do not fall under the solemn assurance contained in the Proclamation of His Honour the State President, as they do not grant ground rights (jura in re), but merely grant a personal right to the ground as against the Chief, of which use might be made in an action against him or his representatives to compel them to the fulfilment of the promise or to obtain damages.

Here the parties must naturally have the opportunity of discussion in case my views may be changed thereby. The Proclamation of the 29th July, 1834, makes mention of ground rights already granted, and gives the parties the assurance that they shall retain possession of these grounds, and therefore there can be no reference to ground not granted, but merely promised, of which persons have not been given possession.

Regarding the claims of Carl M. Brand on behalf of himself and his brother, J.H.Brand, jur., which I have considered in connection with the principles of Roman Law and Roman Dutch Law in force in the Orange Free State, it is proved that Sepinare was willing to present these gentlemen with the farm Mamano which they had leased. He admitted to others that he had presented...
presented them with the farm. But C. M. L. Brand himself declared that Sepinare had never admitted the presentation of Hamsen to him, nor had he ever expressed a desire to present it. There was thus no granting or receiving as required by the authorities (vide Grotius III. 2.12, Voet 39, 5.11 and 39, 5.13, and Van Leusen Roman Dutch Law Book IV. D. I. 39.3). Voet 39, 5.13 gives an instance where "A" sends a sum of money by bearer to "B" as a present, but dies before "B" receives the present. In such case the transaction is not binding, and the heirs of "A" are entitled to the money. This principle is well founded, and in my opinion, until the giver notifies his intention to the receiver he is not bound morally or legally. Voet's quotation, 41, 3, 38, is not in keeping with this as there is no proof that the property had been transferred, according to Sepinare's public register.

Here again it is desirable that parties should be given the opportunity of discussing the legal points and bringing further evidence. Where the owner had died I was not justified in doing otherwise than putting the farm into the estate, although there is evidence that, according to Baralong law, the eldest son is entitled to it.

I have decided to leave the question of inheritance over for further information.

The claims which in my opinion are proved are set out in Annexure A, and those which are not proved are set out in Annexure B.

It is quite clear as regards the ground rights given by the Chiefs to white persons. It must be held that by the grant ownership was accepted, and it can only be limited by such rules, laws and customs as are in force among the Baralongs.

According to Baralong evidence taken by the Commission the owners of farms had no rights of disposal (or its equivalent) or of mortgaging, and further the consent of the council to such transactions at the death of the owner was required.

There was some evidence to prove that the eldest son should inherit the fixed property if there was only one farm, and was compelled to support his brothers and sisters. There is no proof that the land had to be in possession for any length of time, or if that be the case, the law or custom had only recently come into force.

E.—Although it is unnecessary for me to enter fully into this matter regarding the land custom amongst the Baralongs prior to their coming into contact with civilized people, it is yet necessary to make a few remarks on this subject.

Navouscher, who inquired into the land question of the savages in South Africa, came to the following conclusion:—That among savages the ground was, in theory, considered the property of the Chief, but he was virtually "trustee" for the nation. The nation was entitled to use and reap the benefit of the ground. The ground was used by them in community; viz. concerning grazing rights the open grounds were used as town commonage by townpeople, and concerning lands, each household had/...
had claim to a piece of land to plough and sow, and in case of dispute the ground was marked out by the Chief. (See the primitive rights of the Baralong people over national ground.) I maintain that we can take it for granted that the Baralong ground rights are such as they have imitated from the Boers in the Orange Free State, and it is not extraordinary that at the time of the Boer-Basuto war, Moreka introduced this system into his territory and allotted grounds under individual titles - an obvious diversion from primitive custom.

He thought that by transferring ground to sub-chiefs he would have fewer disputes, and would also fix the boundaries between sub-tribes - where the extent of ground was limited, such disputes were frequent.

Moreka gave titles to ground to various Europeans and sub-chiefs, which comprise nearly half the claims brought before the Commission.

Land certificates were issued to white and coloured persons alike.

Sub-chiefs remained possessors of the ground as before, except that it was divided and beaconed off. I regret that Mr. Bourdillon, who had land certificates in his possession, did not take evidence at the time he surveyed the ground. These certificates were called in by Sepinare at the time of the survey to be replaced by new charts and land certificates intended for issue after the completion of the survey. These were burned, but we cannot find any reason to think that they differed from those issued to Europeans which were handed in to the Commission.

However, taking the general circumstances and the cooperation of the sub-chiefs and followers into consideration, we conclude that the sub-chiefs have not the same absolute right of ownership as the white persons.

As the head Chief was responsible for the administration of national grounds, so had the sub-chiefs to administer grounds for their followers. I do not think that the sub-chiefs will contend that they had absolute power to drive the people off the farms and reap all the benefit themselves. The people never thought that the sub-chiefs held such power, but that their right of residence would always be respected. The head Chief would never permit sub-chiefs to drive off their followers. If this were done, not only would the people be exterminated, but also the head Chief would lose authority, and his source of revenue would vanish as the people paid tribute to him direct. When a follower was turned off, he could appear to the head Chief, who would decide whether the sub-chief had sufficient grounds for depriving the follower of his right of residence. From the evidence then, it appears that the ground was given to the sub-chief for themselves and their people. Some sub-chiefs placed their people on large extents of ground not allotted to them, in which case the ground does not belong to the said sub-chiefs, but to the head Chief. It appears that the sub-chiefs did not take this ground for themselves, but for their people.

I regret/...
Annexure M.

I regret that the Commission did not take further evidence upon this important point, and I consider that the only means of arriving at a conclusion is by a consideration of the census taken in 1884.

On the farm Daggafoetein there were 264 huts, inhabited by 357 adults. On the farm Thaba Patchoa, owned by Stephanus Moroka, there were 316 huts, inhabited by 515 adults. If Richard Moroka or Stephanus Moroka had driven off the people from their farms they would have committed a great injustice, as many of them had probably lived there from the beginning, when everything was still held in common.

People then would not be afraid that the Chiefs would act thus, seeing that the land was obtained for their benefit. A farm thus obtained by a sub-chief must be considered as having been obtained for his people and as being subject to a servitude in their favour, and consequently such properties could not be disposed of.

It was Sepinare's expressed intention later on to have his whole country surveyed and allotted in farms to his headmen, that they and their followers might reside on their own ground.

I am of opinion that the ground rights held by sub-chiefs should be respected, and that they fall under the solemn guarantee and promise of the Proclamation of the 29th July, 1884. In Moroka's time many sub-chiefs had received land certificates clearly defining their private properties. Further, the rights granted to them were for their people, who were to live on their lands, and were restricted to their "own" people.

According to the evidence taken by the Commission, it would appear that followers had to pay taxes to the head Chief and render services to their own sub-chief. They had to assist in ploughing, etc. It will, in view of the changed conditions, be necessary to cause a sum of money to be paid to the owner of the farm, the sub-chief, in lieu of these services.

Concerning, therefore, the grant of farms to sub-chiefs it will better conform with the Proclamation of the 29th July, 1884, if all rights over such farms remain as they are, subject, however, to such regulations as the Volkraad may consider advisable.

If, however, the sub-chiefs are granted full and unencumbered rights over a farm they will receive more than they are entitled to, as the farms were originally granted to them to live upon with their people, and in the above mentioned event the general followers' rights would not be respected. It would, however, be practicable to frame such regulations as would guarantee the rights mentioned in the Proclamation of the 12th July, 1884.

I will give a few examples of the direction which such regulations should take:

1. That a Register of all households on the farms of sub-chiefs be made, there resident on the 12th July, 1884.

2. That all persons whose names appear on the register shall be entitled to reside on the farms if they are in the employ of the owner.

(3)....
Annexure III.

(3) That any person or household having the right of residence on such farms who shall absent themselves therefrom for a period of, say, 12 months shall forfeit such right unless they shall have previously given notice to the Landdrost of Thaba 'Nchu that they intend to absent themselves in the service of a burgher of the Orange Free State, and that they wish to retain their rights of habitation.

(4) That the owners of such farms shall not have the right to alienate or burden the same, if there are any persons having the right of residence thereon, except with the sanction of the Executive Council, after proper investigation, and if it shall appear that the right of living upon such farm will not thereby be prejudiced.

(5) That the owners of such farms shall be able, with the sanction of the Executive Council, to obtain full and unencumbered possession of such farms, provided that sufficient ground be set apart for the benefit of those who have the right of residence thereon.

(6) That the right of residence may be forfeited in case of the committal of certain crimes.

(7) That a yearly register be made out by the Landdrost with the assistance of such persons as collect the Poll Tax on behalf of the Government.

I consider that by some such regulations as the above justice can be done to all parties concerned.

As regards the subjects of the late Sepinare Moroka residing on the farms belonging to him in his capacity as head Chief which are to revert to Government, it will be at the discretion of Government to permit them to continue to reside thereon or to remove them to locations (vide Proclamation of the 28th July, 1884), to be subject to such regulations as shall be made for persons resident on the farms of sub-chiefs.

(Signed) R. GREGOROWSKI.

Bloemfontein.
28-8-85.
In accordance with instructions given by His Honour the President, dated the 20th May, 1886, I investigated the evidence given before the Commission of Commandant Prinsloo, and submitted a preliminary report.

I consider it advisable not to alter the report, dated the 25th May, 1885, but to submit this report therewith so that it may be clearly seen that I have not overlooked the important question of the rights of the Barolong in the territory, but that I have come to another question.

In my preliminary report I formed my decision according to the principles that had to be considered, and I see no reason for changing that decision.

From the facts brought before me in the enquiry, held at Thaba 'Nehu, on the 2nd June, I am confirmed in my opinion that no notice should be taken of mere promises of land made by Sepinare, unless the persons actually took possession of the ground. Sepinare made promises of land to various persons years back, such as Messrs. Harries and J. T. Daniel and others without carrying out his promises or giving any security for doing so. There were no means of forcing him, and he was in the habit of granting a title deed one day and cancelling it the next day, and the question for me to decide is not what ground rights might have existed, but what ground rights actually did exist on the day the Proclamation was issued, i.e., on the 29th July, 1884, and were thereby ensured.

From the evidence of Cameron and Daniel, and of several sub-chiefs and others, it appeared to me that the views previously expressed regarding the Barolong's rights are not correct.

In the last years of Moreka's reign, and principally during Sepinare's government, a great change took place regarding rights over ground in the Barolong territory owing to the introduction of personal rights in ground, which were previously unknown. The intention of Sepinare appears to have been to introduce into his country the customs of civilized people, and consequently he had the land surveyed and made into farms and issued titles.

He thus intended to give his subjects land under their own management, in which they would be likely to take a greater interest.

In this way he considered that he (? owner of the land) would become the chief of a tribe and a rule of land. As a fact his people were a mixture of all sorts and nations.

He decided to have his Government similar to that of the Orange Free State or any other civilized State, and with this object he took steps to frame a constitution and to adopt the Orange Free State laws. This appears in the evidence of Mr. Makey. Sepinare had the land surveyed, confirmed the grants made by Moreka, and made new grants. His object, in all cases, was to follow the laws of the Orange Free State. Mr. Bourdillon declares that Sepinare frequently discussed with him the detriment and disadvantages attending the alienation of land.

John...
John Cameron states that the grants made to Natives by Moroka were the same in form as those made to white men, and that such was the case is evident from the land certificate handed in to the Land Court at Thaba 'Nchu, being the "Grondbrief" of the farm Naneng granted by the head Chief Moroka.

This land certificate is the only one remaining of those issued by Moroka to Natives, and was handed to Mr. Newberry as security, and was thus preserved from the fate that befall the others at the time of the attack upon Sepinare.

This land certificate is similar to those used by the Orange Free State prior to the surveying of farms here, and shows clearly that the ownership was intended to be carried forward. Moroka then appears to have intended to have his land surveyed and allotted into

Both John Cameron and John Thomas Daniel state that the owners of farms had the full right of ownership, and they both heard Sepinare say to Natives, resident on farms allotted by him, that they could reside on the farms as long as the owners were agreeable, and that when the owners ejected them he would give them other land.

From these and other facts I concluded that:

(1) The persons to whom ground rights had been given are entitled to ownership on the ground subject to such regulations as may be framed and fixed by the Volksraad. Under the Baralong laws the owner had no right to alienate or encumber, and therefore the Volksraad are at liberty to make any regulations regarding the alienating or encumbering without any violation of the Proclamation of the 29th July, 1894.

(2) That other persons residing on the ground have no ground rights.

Yet, under the Proclamation of the 29th July, 1894, a solemn promise was given to those mentioned under No. (2), resident in the territory at the time of the annexation, that they will be permitted to remain in their locations or that other locations would be set aside for them as residences.

In order to adhere to this, the Government must permit the locations to remain on the farms allotted, and the Natives thereon resident to remain there unhindered as long as the owner of the farm is agreeable, under such regulations as the Volksraad may decide. In this way the Natives will remain in the same position as prior to the annexation, and the Government would not be compelled to provide places for them in case of their being ejected.

It is my belief that this state of things could continue for years to come, to the satisfaction of all parties, especially if the power of alienation be limited. As is stated in the evidence, it is not customary with the Baralongs to eject persons except they are in debt.

As/...
Annexure H.

As regards persons residing on ground not yet allotted, which thus becomes the property of the Government, Government would have to provide ground for them to reside upon, as locations, in accordance with the Proclamation of the 29th July, 1894.

For this purpose it will be necessary to have a register of persons resident on Government grounds at the time of the annexation.

During his lifetime Sepinare pointed out farms to his children as their property, although he still kept the administration of the ground. In my opinion this pointing out must be considered a legacy and must be treated as such.

The ground at Thaba 'Nchu, with the exception of the erven mentioned in the list of grants that have been made is the property of the Government.

For the remainder, the parties only have the personal right of occupation ("woning") in a manner similar to that of those in the locations and on town grounds in this State. Persons living in towns (stad) have also the town's grazing rights and rights of ploughing and sowing.

I strongly recommend that all persons having huts there should retain possession of the same.

The "stad's" inhabitants have grazing rights on the farm Seconala.

The "erf" with the buildings where Mr. Brady resides, and the "erf" and buildings which I believe to be occupied by the police, are the property of the Government, as they were confiscated by Sepinare in consequence of the rebellion of their owners.

I reviewed the evidence given before the Commission regarding unsurveyed land, and although I doubt whether Richard Moroka is entitled to all the land claimed by him, I yet am convinced that it is impossible to obtain any further evidence, and I think that the unsurveyed ground must be granted according to the beacon and lines fixed by that Commission under Commandant Prinloo.

Regarding the claim of Richard Brady on the above-mentioned "erf" at Thaba 'Nchu, I wish to report that Brady, relying on Sepinare's promise given in May, 1834, that he could live on the "erf" for an indefinite period, made improvements valued at £70.

I recommend that Brady be permitted to remain in this house till May, 1837, without paying rent, or otherwise that the Government give him £50 as compensation for the improvements.

Regarding the farm Namano on which Messrs. Brand make a claim, I wish to refer to the remarks in my preliminary report, and for the reasons therein given I cannot recommend that the farm be granted to them, although it is clear to me that it was Sepinare's intention to grant the farm to them, and that they (the Brands) were under the impression that Sepinare would give them the farm, and acting upon that belief they erected costly improvements to the value of fully £500.

Sepinare's/...
Annexure N.

Sepinare's Council were also agreeable that Messrs. Brand should have the farm, but the grant was not made formally, and his intention was not made known to Messrs. Brand, for, as Sepinare remarked to Mr. Poultney, he feared that Samuel's people would pass unpleasant remarks about it. I am convinced that Sepinare never would have claimed rent, and I trust that the Volksraad will do what Sepinare would undoubtedly have done, seeing that he had given instructions to Attorney Makey to draw up the title deeds.

Regarding the petition of Attorney Voigt, as executor dative in the estate of Sepinare, I have enquired and have handed over the farms belonging to the estate of Sepinare in accordance with the Raad's Resolution of the 11th May, 1835.

All the vacant ground not allotted and belonging to the Government is subject to the terms of the Proclamation of the 29th July, 1834, in connection with persons residing thereon.

Attached is a list of farms (according to my opinion) to be granted to the various persons mentioned.

(Signed) R. GREGOROWSKI.

Bloemfontein.
16-5-35.
For the general information, and with the approval of the State President, the undermentioned farms and erven are allotted to the respective persons, subject to the undermentioned regulations, fixed by a Resolution of the Volksraad, dated the 23rd June, upon the report of the Commission appointed by a Resolution of the Volksraad dated the 20th June, 1885.

RESOLUTION OF THE VOLKSAARD, DATED THE 23RD JUNE, 1885.

The Volksraad of the Orange Free State, having considered the conditions upon which titles should be issued in the Moroka district, decide as follows:—

(1) That the land allotted to white and coloured persons shall be registered in their names, and shall be subject to the usual quitrent payable upon land in this State, and every person who shall pay the Government a per centum upon the value of the immovable property — taken at the rate of 10s. per morgen — in addition to the usual stamp dues. Any person failing to comply with these requirements shall receive warning, and if after the lapse of three months from the date of his receiving such warning he shall still neglect to pay the required dues, his rights over the ground shall lapse, and the land shall revert to the Government.

(2) That all farms in the Moroka district which have been allotted to white persons, for which titles have been or shall hereafter be issued shall be subject to personal occupation.

(3) That all farms allotted to coloured persons shall not be mortgaged, alienated or sold by them within a period of fifteen years, reckoned from the date of allotment. Upon the expiration of that period they shall obtain the right to do so. Such sale or alienation shall only hold good in favour of white persons, and the Government reserve to themselves the preferential right of purchase. The compulsory occupation above mentioned shall still hold good unless the Executive Council shall otherwise decide, and further, shall be subject to such regulations as shall be framed by the Executive Council with the concurrence of the Judge (Gregorowski).

(4) That no coloured person shall have the right to lease his land for a period exceeding six consecutive months, and then only subject to the sanction of the Executive Council.

Note (in ink) at foot of page 91:

See Attorney General's letter 10/380 of 20/4/06.
Annexure Q.

(5) That coloured persons to whom farms and properties are allotted shall be compelled to permit Native locations, established at the time of the Proclamation of the 29th July, 1884, or established subsequent to that date, to remain free and unhindered there. These regulations shall also remain in force for successors unless the Government shall otherwise decide.

(6) This also refers to vacant ground.

(7) That the State President shall be empowered to act in respect of land belonging to the private estate of the late Chief Sepinare Moroka.

Here follows a list of farms.
Decided not to form a township at Thaba 'Nchu.

(1) Proposed that with regard to the petition of Richard Moroka, the Resolution of the 23rd June, 1885, be rescinded, and that His Honour be empowered to permit Richard Moroka to sell his land, upon condition that he do first release his title deeds, do secure the consent of all his followers, and do guarantee in writing that he (R. Moroka) and all his followers will leave the State.

(2) Proposed that to No. (1) be added the clause "that after such sale the Natives residing upon the land sold shall not be permitted to live upon Government land or locations."

The Chairman points out that the above proposals seem likely to upset the discussions held in 1884, and regrets that the good work done by missionaries and others should be rendered valueless. He refers to the cases of Adam Koek, Lephui, and Riet Taifbosch, a recurrence of which he would be very sorry to see.

No. (1) is accepted, as amended by No. (2)

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ANNEXURE Q.

DISCUSSION IN THE VOLKSRaad OF THE 2nd June, 1887.

Michael Moroka’s petition re the sale of his property is handed in by the President.

(1) Proposed that the Raad do empower the President to rescind Resolution of the 23rd June, 1885, and to permit owners of Barkaloo ground, provided that they release their title deeds, obtain the consent of all their followers, and hand the same to His Honour, to sell that ground. After such sale, the Natives resident upon the ground sold shall not be permitted to reside in the locations or on Government land.

(2) Proposed that to No. (1) be added the clause "The Executive Council shall, however, have the power to refuse their consent unless the purchase price shall be that approved by the State President. If the purchase price shall be less, the Government shall purchase the land themselves."

No. (1) accepted as amended by No. (2).
ANNEXURE R.

GOVERNMENT NOTICE NO. 10 OF 1887.

The following regulations for owners and occupiers of farms in the district of Morena, approved by the State President, and confirmed by the Executive Council are hereby published for the general information.

Bloemfontein.
1-9-87.

(1) The rights of coloured persons or their descendants, who were resident in the territory known as the Morena district at the time of the annexation thereof or who are now residing in the said district (who are herein referred to as "bywoners") shall be subject to the following regulations—except where such persons reside on farms belonging to Europeans, or on farms leased from the Government.

(2) Every "bywoner" is liable to the owner of the farm for an annual payment of grazing of:

- 5s. for every 50 sheep or goats, or portion of that number.
- 9d. per head of horned cattle.
- 1s. per head of horses.

(3) The average number of cattle, etc., for twelve previous months shall be taken; the increase of lambs, calves and foals during the twelve months not being taken into consideration.

(4) Upon the application of each head of a family the owner shall supply a plot of land suitable for agriculture, at least two morgen in extent.

(5) Each head of a family shall give to the owner one muid in every five of the crops gathered from such land, immediately after the harvest.

(6) If the head of a family neglect to cultivate the whole, or if he cultivate part only, of the two morgen, he shall pay £1 per annum to the owner for every morgen left uncultivated.

(7) The seed shall be supplied by the owner, or if supplied by the "bywoner", deduction of the quantity used as seed may be made on delivering his contribution to the owner. The quantity to be sown shall be decided by the "bywoner".

(8) Payment, as fixed by these regulations, may be made by the "bywoner" to the owner in kind. The price of sheep and good goats being fixed at 5s. per head.

(9) The above regulations (2) to (8) are applicable only where no other agreement has been arranged by the owner and the "bywoner".

(10) The owner has the right, in lieu of the payments provided for in Nos. (1), (5) and (6), to agree with the "bywoners" that they render service, etc., and especially service connected with ploughing, weeding and harvesting. This agreement shall only be binding for the year in which it was made and for the following year.

(11)
Annexure R.

(11) When proof is brought to the Landdrost that any "bywonder" has failed to render the service agreed upon, thereby causing loss to the owner, the Landdrost shall have the power to give judgment for any reasonable damage sustained.

(12) Where it is agreed that the owner supply water, the "bywonder" shall be bound to make use of it on his land.

(13) Every "bywonder" shall guard his lands from sunrise to sunset and prevent damage being done thereto by cattle.

(14) Between sunset and sunrise all cattle must be kept locked up.

(15) Damages done by cattle between sunrise and sunset shall be recoverable from the owner of such cattle.

(16) Damage done by cattle between sunrise and sunset shall not be recoverable from the owner of such cattle.

(17) In the event of the party injured, and the owner of the cattle failing to agree upon the amount of the damage done, they shall appoint two impartial Europeans, who shall assess the damages.

(18) In the event of the owner of the cattle refusing to pay the damages, then shall his cattle be impounded, and the "Bill of Damages" shall be handed over to the Poundmaster, who shall deal with the matter according to the Pound Ordinance of the Orange Free State.

(19) Pigs shall be carefully guarded and if found trespassing may be killed.

(20) The "bywonders" shall have grazing rights over the whole farm.

(21) and (22) See amended Articles attached.

(23) The Landdrost of Moreka has power to allot land in the Thaba Nchu district and Government locations to any head of a family for agricultural purposes.

(24) Any person not cultivating the land in the last-preceding section mentioned shall be liable to be fined by the Landdrost in a sum of £1, or, in default of payment within 48 hours, to be imprisoned for a period not exceeding 14 days.

(25) The payment for grazing (vide Art.1) is due on the 1st June, 1886, and upon the 1st June of every year following, grace for payment being allowed till the 1st July following.

(26) No person shall "trek" to or reside in the district of Moreka without permission from the Landdrost.

MOREKA REGULATIONS.

Articles of (21) and (22) will read as follows :-

(21) Should the owner desire to save grazing for the winter he can do so by obtaining the consent of the occupiers, and in the event of their consent not being unanimous, then/...
Annexure B.

then by obtaining the approval of the Assistant Landdrost, upon such conditions as he might deem advisable.

Upon grazing being thus set aside, and during such period as protection is necessary, no cattle will be permitted to graze, and the owner of cattle trespassing upon such grazing ground will be liable for the damage done (to be assessed) as provided in regulation No. (17), not exceeding 10s., to the owner of the property, and in default of such payment the cattle will be impounded according to the Pound Law.

(22) The huts and any fencing of poles and wire erected by the occupier are the property of the occupier, and not of the owner of the land. In the event of the occupier leaving or moving he is at liberty to remove his hut or huts or poles and wire except in the case of murhuiizen (? permanent dwellings of stone or brick) where the owner shall have the option of purchasing the same at a price to be agreed upon by two impartial Europeans appointed by the parties.

To Art. (22) should be added the clause "All cattle trespassing on any location ground shall be impounded by the overseer appointed by the Assistant Landdrost."

The following new regulations should be added to the previous regulations:

Every owner shall have the right to call upon all coloured occupiers to assist in the eradication of "Xanthium spinosum" and of "Scotch Thistle" as required by Chapter 128 of the Wetbook, and by Wet. No. 7 of 1894 respectively.

Any coloured occupier neglecting to assist after being called upon so to do in writing, and after eight days' written notice has been given, shall be liable to a fine of 10s. or in default/one week's imprisonment, (This to be inflicted by the Assistant Landdrost.)

When coloured persons are spread over too large an area, or when the owner of the farm desires for substantial reasons to remove such persons, he, the owner, may bring such persons before the Assistant Landdrost, who shall hold an enquiry, and shall pay such compensation to the occupiers as may be fixed by the Assistant Landdrost, and provided further that the Assistant Landdrost shall approve of the site offered by the owner as being suitable for lands, etc.

Should the occupier neglect to pay or render service as required by Articles (2), (5) and (6), the owner shall have the right to sue him in the Court of the Assistant Landdrost, (vide Regulation VI. of the Schedule attached to Chapter IV. of the Wetbook, when the amount due shall not exceed £10) and if a conviction is obtained and if, after the lapse of two weeks, the occupier has not complied with the judgment of the Court, and if he has no property that can be taken in execution of the judgment and costs, then shall the Assistant Landdrost have the power to cancel the agreement, and to cause the occupier to vacate the premises, and the occupier may then be punished, under the Pass Law, as a Vagrant without a passport.
REPORT OF THE COMMISSION

Appointed by the President on the 14th June, in accordance with the Resolution of the Volksraad of the 17th May, 1890, to enquire into the question of the Native squatters in the district of Moroka, subsequent to the annexation.

The Commission report as follows:-

(1) That they left Bloemfontein on the 16th June, 1890, and commenced work at Thaba 'Nchu in accordance with the Government Notices of the 17th June, 1890, and that they held meetings at Roodebult, Eliasfontein, Masera, Nqoana, Naupwaort, Thaba 'Nchu, Daggafontein, Papfontein and again in Thaba 'Nchu, and finished the work on the 4th July.

(2) That they gave notice of their sittings, and that they got together a good number of the neighbouring farmers to give information to the Commission.

(3) That they discovered that after the annexation of the Moroka district, 213 Basutos, 23 Bastards, 40 Fingoos, 1 Zulu, 9 Maowas, 258 Baralongs, 22 Battapinga, and 7 Batarings (?), making a total of 573 heads of families came into the district.

(4) The Commission made out a Schedule, showing the name of the farm, whether occupied by a white person or not, the names of all who entered the country, whence they came, when they arrived, what was their nationality, and certain remarks upon each one.

(5) That the Proclamation of the 9th July, 1894, promised that sufficient ground for locations should be set aside for the followers of Sepinare Moroka, who, at the time of annexation, were residing there, and who took no part or otherwise assisted in the murder of the Chief. It appears to the Commission that several persons were allowed to live on Government locations who had no right to do so, according to the terms of the said Proclamation, persons who had taken part in the murder and were disarmed at Thaba 'Nchu by our Government. They contend that they got permission from the Landdrost, but he emphatically denies it and the Commission have no reason to discredit his statement. Further, the Commission wish to report that in the location two Fingoos were reported as having arrived there, and having been given places of residence by President Brand.

(6) On the location - Farm Morago - four Natives were reported as squatters belonging to the Lutheran Congregation, to which Congregation the Volksraad had given a plot of ground whereon to build a Church. The Volksraad apparently did not know that these men were squatters.

(7) On the location grounds are 250 heads of families, who own 3,713 head of cattle, 522 horses, 14,229 sheep, and 1,504 goats, and have built over 619 morgen of ground. The Commission wish to advise that the Landdrost be instructed to permit none but the followers of Sepinare Moroka to live there as the location would otherwise prove too small and Government would be compelled, under the Proclamation, to supply more location ground. There are already many Kaffirs, who are entitled to reside on locations, but who are hiring ground from Newberry and other owners.

(8)
Annexure S.

p.97. (8) The Commission do not know what interpretation the Government wish to put on the words "toen oldear woonaachtig". If the Government take these words quite literally, then all persons who were residing there at the time of its issue, will come under the protection of the Proclamation. If, however, the Government read the phrase as meaning all those who had the right to live there, then the question will be, "Who had the right?"

Basutos, Fingoes, Bastards, etc., who had lived there before and had left the country, could they now return on the ground of former residence? It appears to the Commission that these people had ceased to be followers of Sepinare Moroka, and are thus not entitled to live there.

Regarding the Barolongs - some of them, who before never belonged to the Moroka district, naturally do not come under the Proclamation. Others, again, left in 1853, and before the Basuto war. These have been out of the country 25 to 35 years. Should this Proclamation not be extended so as to include these people, as most of them were children when they left? Many left during Moroka's lifetime, i.e. after the Basuto war, and also after Moroka's death. When the first trouble between Samuel and Sepinare occurred, they remained away for five to ten years, and are now returning. These people will come under the extended interpretation of the Proclamation.

It will be advisable, in case the extended interpretation be accepted, to fix a certain date, say the death of Moroka, and then to decide that these persons, who left the country, before his death, will not be allowed to return as squatters, because, should the Government decide that all Barolongs can return, it will be surprising how many Basutos and others will immediately become Barolongs, and how Barolongs, who never before intended to return, will pour in from all directions, and the Natives who are really entitled to remain will be oppressed.

Whether it will be advisable or not to accept the extended interpretation, the President will know best. The Commission wish to point out that Natives resident on farms sold in the district could have matters made so unpleasant for them by the owners, that they would rather waive their rights and simply reside with persons of their own tribe on farms such as Newberry's, where they would not be daily interfered with. As long as Natives can find other places to reside on they will not trouble the Government, but when the farms are filled up and more Native farms are sold, then the Natives will undoubtedly come to the Government for locations, and if the Government locations are full, as is now the case, then the Government must provide other accommodation, and will not be able to carry out the conditions of the Proclamation.

(9) That the farm Braakfontein, No.2, A. W. Jafta and Abraam Terblanche are squatters whom the Commission considered as Bastards, and who have a certificate from the Landdrost at Wepener which states that these persons must be considered as whites.
Annexure S.

(10) That there are some Natives mentioned by the Commission as squatters whose names appear in the Transfer deeds. The Commission consider that such Natives cannot be driven away until the Transfer deeds have been rectified, which can only be done by the High Court.

(11) That it is impossible to have proper control over the Natives who are entitled to live there, because every Native has at least two or three names, and they move about from one farm to another; therefore the Commission wish to suggest to the State President the following plan for their better control.

That every Native, who was entitled, under the terms of the Proclamation, to reside in the district Moroka, shall receive a ticket on which should appear the name of the holder, his number, the name of the farm where he lives, the number of his huts and cattle, and which should be signed by the Landdrost; the Landdrost to keep a register showing the name and number of each Native, and the farm where he lives; from this register the Landdrost will be able to show how many Natives there are, and where they live. It will be easy to find out who are squatters as they will have no tickets. The Commission can further recommend such a plan, as a similar one is working well on Mr. Newberry's farms. If this or some other plan be adopted a Commission of enquiry will be necessary every year.

(12) The Commission considers that as the best means of carrying out the aforementioned Resolution the list of attached be handed to the Sheriff of the district of Moroka, with instructions, in accordance with Article 14 of Ordinance 11, of 1893, to give notice to the owners of farms occupied by white persons wherein there are more than five heads of families (Article 6 of Ordinance 11 of 1893) or of farms not occupied by white persons wherein there are more than two heads of families, that the heads of families over and above the number aforementioned to leave immediately, and the Sheriff should be instructed to turn away such Natives from the locations. As regards the five and two heads of families, the Commission understand that they are an addition to the people entitled to live in the district.

(13) The Commission recommend the Sheriff because he is the only one who knows the Natives in case they are to be driven away.

(14) Before finishing the report the Commission wish to bring to the notice of the President the great assistance received from the Sheriff, Mr. R. Hanger. At the request of the Commission, he accompanied them from farm to farm, and it is due to his knowledge and assistance that the Commission were able to finish the work in so short a time.

(Signed) M. T. STEYN, Chairman.

C. VAN DER WATH.
ANNEXURE V.

List of Government farms reserved as Locations in the Thaba 'Nchu district:-

<table>
<thead>
<tr>
<th>Name of Farm</th>
<th>Area</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Morg.</td>
<td>Rds.</td>
<td></td>
</tr>
<tr>
<td>(1) Bofola</td>
<td>1,856</td>
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</tr>
<tr>
<td>(2) Kgalala</td>
<td>4,563</td>
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</tr>
<tr>
<td>(3) Kgama</td>
<td>1,137</td>
<td>197</td>
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<tr>
<td>(4) Morago</td>
<td>4,226</td>
<td>296</td>
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</tr>
<tr>
<td>(5) Roodebult</td>
<td>2,246</td>
<td>133</td>
<td></td>
</tr>
<tr>
<td>(6) Seliba</td>
<td>1,956</td>
<td>193</td>
<td></td>
</tr>
<tr>
<td>(7) Tala</td>
<td>1,663</td>
<td>554</td>
<td></td>
</tr>
</tbody>
</table>
Moroka. Form of Grant to White Men.

By His Honour, State President of the Orange Free State in South Africa. In the name and on behalf of the Government of the said State,

is hereby granted and allowed on perpetual emphyteutic rent to

Pieter Eduard Raaff,

subject to obligation of personal occupation in accordance with Resolution of the Volksraad dated 23 June, 1885, passed on the proposition of Mr. H.J. J. Kruger and seconded by Mr. J.H.W. Wessels, "That all farms in the District of Moroka, those of which title deeds (Grondbrieven) have been issued, as well as those of which title deeds will be issued, will be under obligation of personal occupation."
a certain farm or piece of land named Mokolobane No. 11

situate in the District Moroka, in extent (about) 3,359 morgen and ...... sq. roods.

Further defined and bounded as will be seen from the annexed sketch map taken from the general plan by the Government Surveyor, E. Bourdillon, dated 1st September, 1884.

This grant is made on condition that all roads passing over this land, or which shall hereafter on legal authority, be made over to it, shall remain free and undisturbed, that it shall be subject to public outbreak and grazing for cattle of travellers, subject to such regulations as already exist in regard thereto or may hereafter be enacted. That the said land shall further be subject to all obligations already existing or henceforth to be determined relating to lands granted on similar conditions, and finally that the owner shall be subject to the prompt payment of a yearly quitrent of the sum of Three pounds and eight shillings sterling.

Given under my hand the the Public Seal of the Orange Free State at Bloemfontein, on the 17th day of July, in the year of our Lord 1885.

(Signed) J. H. BRAND,

State President, O.F.S.
ANNEXURE X.

Government Notice No. 414 - 1889.

GOVERNMENT NOTICE.

Whereas there is doubt, and the Government is frequently being asked, in regard to the rights of owners of Farms and of the people living on the lands in the Ward Moroka, conformably to the Resolutions of the Honourable Volksraad,

Now therefore, the hereinafter advice of His Honour the State Attorney in reference to the subject is published and made known for general information, by Authority of His Honour the State President, reading as follows:

"Agreesably to Raad's Resolution, dated the 23rd June, 1885, the Native Owners of Farms situated in the Ward Moroka are prohibited from selling the said farms for a period of Fifteen years. This period has, in my opinion, no reference to the Regulations that were made under Letter B. comprised in the Title Deeds of those farms, viz. the Regulations that Natives to whom farms have been granted, are compelled to suffer the Native Locations to remain there un molested, but it is expressly stated: - This Regulation will also remain in force for succeeding owners, unless in regard thereto it may be determined otherwise by the Government, and it is therefore my opinion that the Natives who at the time of the issuing of Title Deeds were living on those farms, even if the farms should in the meantime have been sold. The regulations under Letter B. appear to me to be a perpetual servitude imposed on these lands, unless the Government should make other provisions.

By order,

(Signed) P. J. BLIGNAUT,

Government Secretary.

Government Offices,
Bloemfontein. 27th July, 1889.
<table>
<thead>
<tr>
<th>Names of Farms</th>
<th>Number of Baralongs</th>
<th>Number of Basutos</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Males</td>
<td>Females</td>
</tr>
<tr>
<td>1. Abrahamskraal</td>
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<td>14</td>
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<td>2. Baaigatsi -x-</td>
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<td>7</td>
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<tr>
<td>3. Baschuba -x-</td>
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<td>4. Baschute -x-</td>
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<td>19</td>
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<td>5. Bloemspuit y )</td>
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<td>39</td>
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<td>Ngakantsis Poort)</td>
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<tr>
<td>Toba</td>
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<tr>
<td>6. Boesmanskop</td>
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<td>1</td>
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<td>7. Boehoko</td>
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<td>8. Brakfontein )</td>
<td>144</td>
<td>172</td>
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<td>Wonderkop )</td>
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<td>9. Branskop</td>
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</tr>
<tr>
<td>10. Chuabani</td>
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<td>6</td>
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<td>12. Commissieboek</td>
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<td>20. Gamavete</td>
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<td>22. Groenhuiwel</td>
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<td>23. Isaalspoort</td>
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<td>27. Klipfontein</td>
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<td>28. Kirkintilloch</td>
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<td>29. Koole ( )</td>
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<td>30. The Willows )</td>
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<td>48. Mamane</td>
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<td>50. Mesakong -x-</td>
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(contd)
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<th>Names of Farms</th>
<th>Number of Baralongs</th>
<th>Number of Basutos</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Males : Females</td>
<td></td>
</tr>
<tr>
<td>51. Memong</td>
<td>5:5</td>
<td>-</td>
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<td>103. Tweefontein</td>
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<td>104. Vaalbank</td>
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<td>108. Waterval</td>
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</table>

-x-
The names of the farms marked with an asterisk (-x-) we are unable to identify, but presume that they are names given by the Natives to their own particular locations, several of which would most likely lie on the same farm.

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Moroka - Form of grant to Natives, 1885.

No. 17

BY HIS HONOUR THE
STATE PRESIDENT OF THE ORANGE FREE STATE.

IN SOUTH AFRICA.

In the name and on behalf of the Government of
the said State.

Is hereby granted and allowed on perpetual emphyteutic rent to

JOEL SEPINARE MOROKA

Subject to obligation of perpetual occupation in accordance
with the Resolution of the Volksraad, dated 23rd June, 1885,
made on the proposition of Mr. B.J.J. Kruger, seconded by Mr.
J.H.W. Wessels, and further subject to the following conditions,

viz;-

A. In accordance with the Resolution of the Volksraad,
dated 23rd June, 1885, passed on the proposition of Mr. J.H.
de Villiers, seconded by Mr. H. Steyn:

"That all farms in the district of Moroka granted as
personal property to Natives may not be mortgaged, alienated
or sold by them within a period of fifteen years, dating from
the time of grant; after the expiration of that period they
shall become possessed of that right. Such sale or alienation
may alone be made to white persons and that not without the
Government having the right of pre-emption. The obligation to
occupy, as above mentioned, shall in that event continue to
exist unless the Executive Council should otherwise determine
and further under such regulations as the Executive Council
shall deem expedient to make, pursuant to the recommendation of
the Judge (Gregorowski).

B. In accordance with recommendations made by a Commission,
selected from the Volksraad and approved by that body:-

"That no Native shall have the right to lease his land
for a period exceeding six consecutive months, and that not
without having obtained the consent of the Executive Council.

"That Natives to whom farms have been granted as their
own property shall be obliged to holden to allow the Native
Locations which subsisted on those lands at the time of the
proclamation of the 26th July, 1884, and thereafter, to continue
there undisturbed; this regulations shall also remain in force in
regard to succeeding owners, unless the Government should other-
wise decide with reference thereto; a certain farm or piece of
land named Wonderkop, No. 17, situated in the district of Moroka,
in extent 5,072 morgen and ...... sq. roods. Further determined
and bounded, as will be seen from the annexed sketch map, taken
from the general plan by the Government Surveyor, E. Bourdillon,
dated the 1st September, 1884.

"This/...
Annexure Z.

"This grant is made on condition that all roads passing over this land, or which shall hereafter, on legal authority, be made over it, shall remain free and undisturbed; that it shall be subject to public outspan and grazing for cattle for travellers, subject to such regulations as already exist in regard thereto, or may hereafter be enacted. That the said land shall further be subject to all obligations and regulations already existing or henceforth to be determined relating to lands granted on similar conditions, and finally that the owner shall be subject to the prompt payment of an annual quitrent of the sum of Five pounds and two shillings sterling (£5. 2s. Od.)"

"Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, on the 22nd August, in the year of our Lord Eighteen Hundred and Eighty-five.

(Signed) J. H. BRAND,

State President of the Orange Free State.
The Secretary,

Native Economic Commission,

Box 384,

Pretoria.

Native Economic Commission's Questionnaire.

In compliance with the request contained in Native Affairs Identical Minute of the 21st Ultimo submitting a questionnaire prepared by the Native Economic Commission on the subject of the Administration of Native affairs in my district, I have the honour to report as follows:

1. In replying to the questions submitted by your Commission, it must be clearly understood that I am dealing solely with the district of Ladybrand, where I have occupied the position of Magistrate for the last two years.

2. No European Individuals are or ever have been consulted about the purchase of land by natives in this District and for the very simple reason that no Native is allowed to buy or lease land in the Orange Free State proper, vide Chapter XXXIV of the Law Book of the Orange River Colony Section 6.
3. Natives own no land in this District.

USE OF LAND HELD BY NATIVES.

4. While natives own no land whatever here, it is customary among the farming community to give their native employees a couple of morgen of sowing land in part payment of their wages. These lands are cultivated in the ordinary way and often give them a good return in the way of mealies and wheat.

Overstocking is, of course, provided against by the farmer himself.

RECRUITED NATIVE LABOURERS.

5. This is not applicable to Ladybrand as labour is not recruited for this District.

MASTERS AND SERVANTS ACT.

6. There were 159 cases tried in this District under the Masters and Servants Acts during 1930 of which 14 were against employers of natives and 145 against native labourers.

7. The Act, in my opinion, has worked very smoothly in this District. The powers given to the Magistrate, if properly wisely, and impartially exercised, are sufficiently extensive to cope with any contravention of the Act either by the employer or the labourer.

I say wisely and impartially advisedly because the inherited prejudice against the unfortunate native is so strong that magistrates need a fair amount of worldly knowledge and a strong sense of Justice to deal with these cases satisfactorily. Why I particularly mention this aspect of the matter is because a magistrate's popularity in his district depends on the severity shown when dealing with the native as against the white man and if his sense of Justice is not sufficiently developed it may easily be swamped by a desire to be well spoken of by the farmer.

A farmer will tell you quite openly in court that
that he pays his boy 10/- a month, that he feeds him on mealie meal, that he never gives him any meat unless an animal dies of poverty or disease, and all this without any inkling of the fact that he has told you anything out of the common. The boy, as often happens, has a family to support and while in service has to wear a few odds and ends of clothing which he is unable to buy. To feed his family, moreover, he has to buy food from his master to keep them alive, and when the price of this is deducted from his wages at the end of the year, he is often forced to leave his employer without a penny to bless himself with.

It unfortunately never strikes the farmer that he is doing the man an injustice because it is the sort of treatment that was meted out to the native since his birth. He has grown up with the idea of a native living solely on mealie meal and working for 10/- a month, and the native at present is not in a position to force anything more out of him.

The native, on the other hand, feeling the hopelessness of his position, and with only poverty and starvation to look forward to, in his old age, develops into a liar and a thief and acquires all the vices of a slave.

He is too uneducated at present to avail himself of the provisions of the Masters and Servants Act and through fear of the white man often suffers the gravest injustice.

There are, of course, notable exceptions, but I feel bound to say that in the majority of cases the native is treated more like a chattel than anything else, and with no more rights and privileges than his master will allow him.

My views on this subject are not likely to be shared by the farming community, but I have never scrupled to give expression to them from the bench when a suitable occasion offered.