

248(13) Bantu History.

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s. 248(13) 1b 0.1-1b Property. Tswana law of property.

The whole property of a home is under the control of the husband but he has the right to own anything just as he desires. Clothes, ornaments, blankets, weapons, arms, pots, dishes and all household goods. But clothes, dishes, blankets and pots are under the control of the wife, but she cannot refuse with them or sell them without first informing the husband so that they may consult each other about them. Arms and weapons are solely controlled by the husband but he too has to inform the wife if he wants to do anything with them. The blankets are under the control of both of them. The inheritance of the wife of the husband is controlled by the husband, but the wife's inheritance is controlled by the husband, but if he wants to do anything with it, he confers with his wife and if she does not agree, the husband has no power. If the wife dies, her clothes and household goods become her children's property. Each child makes a certain mark on its property. They are divided among them according to their order.

Dwelling place. The dwelling place is under the control of the husband and wife. The home and the cattle kraal are under the husband's law. The store houses for food are under the wife's control. The home is never divided or sold. It is never given to any person either. It is also never divided jointly. Crops such as mealies, corn, milk, sweetened and crops from the garden are more under the husband's control, the wife is merely a guardian, but she can do what she likes with them without telling the husband, but she cannot distribute them. There is no one of these two who can do anything without conferring with the other. Tobacco is under the sole control of the husband. A husband cannot take the belongings of the second wife to use them in the house of the other. If he takes anything from her, he must replace it with something else.

Malala (People belonging to an inferior tribe). They were owned by rich persons. They were owned by the Batswana of the

olden times. The Balala were people who were captured during the wars and their children were taken by anyone and were owned just like dogs. The female serf was made to wear ragged clothes and was treated as though she was not a human being. Sometimes if a person owned a male and female serf, he did not allow them to have many children. If they had two children that was enough for them. You would ask for them like dogs and they lived a bitter life with no rest whatsoever. They ploughed and prepared food and herded cattle. They were not considered as human beings. If the woman cooked food, all she got was the leavings she scraped off the pot when it overflowed and she ate those burnt up scraps. The males brayed skins, they herded cattle in the cold winter weather and no one had any sympathy with them. They had no freedom at all.

Cattle. They are owned by a kraal head who is a villager. But although a woman or children have their own possessions, they do not control them as long as their father lives. The cattle are nevertheless theirs, they are in the custody of their father. When they are married, they are given those that belong to them. A man can do what he likes with the children's cattle or his. He has however nothing to do with his father's child. He can slaughter as he wishes or he can sell or lend out as he pleases. Even if a wife has cattle which she has gained by trade or those which she has inherited, they are still controlled by her husband. Even if they were given to her by her father, he can no longer control them once they are in the kraal of another man. When the son marries, cattle with all the various marks are taken out of the kraal just as the man desires, they are paid out as "bogadi" (marriage gift).

Sometimes he pays his debts. The calves still belong to the owners of the cattle, they cannot be marked out for anybody else again. If cattle get lost and they cannot be traced, they become the property of the one who found them. But if they are found, they belong to their original owner only. If after having been stolen, they are found, they are returned to their owner.

The owner of the cattle recognises them by his mark and colour. A reporter of cattle sounds the alarm to find out who the person is whose cattle are missing. One person may find them and not make the fact known. He makes them his own. If one of the cattle dies, he consumes it secretly so that the people may not find out that he is a thief. Some slaughter another person's beast if they notice that the owner does not know where it is. But if it is found out that one person has eaten a beast that did not belong to him, or if the owner caught him, he is taken to the chief's "kgotla", where he is made to pay two head of cattle.

Dogs. Dogs are owned by men or boys. They are however not owned jointly. If a man owns a dog, it falls under his sole control. If he sells or kills it, he does not tell anybody. A child cannot do as it pleases with a dog even if it is its own. A dog is neither lent nor given to another person to increase his dogs. A pig is owned by a husband and his wife but it is under the husband's control. He cannot sell it or refuse with it unless he has first conferred with his wife. He cannot slaughter a pig unless his wife knows about it. If he wishes to sell it, he cannot do so unless he has heard that his wife is willing. Sheep and goats are owned by the husband only. The wife however, possesses her own and the children's. But they do not control them and they cannot do anything to them. If the husband wishes to slaughter, he does so without consulting any one. He can sell or refuse with anyone of them as he desires.

Crazing grounds and Corn lands. The land is under the control of the chief and the people of his "kgotla". Every one has the right to do as he pleases in that land. But he cannot sell or refuse with it without first calling a public meeting to make known the position. The chief cannot do as he likes. What is to be done with the lands is decided by the 'kgotla' together with the chief. Dwelling places, corn lands and hunting expeditions are controlled by the chief and his council. The petty chiefs have also a certain amount of control allowed

them but none of them should give land to any of the people who do not belong to the kraal or a stranger. Fowls are owned by the wife and she can do what she likes with them. If she likes to kill or sell, she does so of her own accord. A cock is borrowed for the purpose of breeding in another kraal. Nevertheless the husband remains the head of everything although others are not used by him. But of those which are possessed by him, there is not other owner but him.

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