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~~Gifts~~ (shaping) K32/22 B Mogorosi
 Tswana law & custom
Gifts relating to property. 1/4

Gifts. A history that can be properly related with regard to gifts which we know is that of the Bathaping, Barolong and the Bathoere tribes. These tribes say: If your ox has its horn broken or is crippled, give it to your maternal uncle. He too, when he sees it, he just takes it without asking you, since such are those which belong to him. He does not give you anything to "cleansse you" (thank) you. If something which belongs to a grandchild drops down e.g. food, money, clothes, it given it to its uncle, if he is present when that happens. If one's clothes are burnt, one gives them to one's cousin without expecting any reward for these things. If dishes are broken, or a drinking vessel is broken, it is given to the maternal uncle, he does not give anything as a token of gratitude (cleansing purposes). Something that is picked up is just a gift and nothing is given for it as recompense. Mashori (gifts) are taken out by the grandchild and they are given to its maternal uncle. Those of a he-goat, a ram and a bull are taken out even though one reported something which may be given to his uncle. A he-goat is compensated for by a she-goat which is marked for the grandchild. The ram is compensated for by an ewe. A bull is compensated for by a heifer. If the grandchild has reported an assegai or a knife, it given it to its maternal uncle, and he in turn marks a goat for the grandchild. It is said that sometimes when a grandchild had reported something big, and it gave it to its maternal uncle, it was given its cousin although she may have been still a minor child, so that the grandchild should marry her, for the reason he was very brave. He paid no 'bogadi' for her because he was going to increase bulls, rams and he-goats for his father.

Anteala (a cousin's mother). If a person has reported a pin or a bead or anything else which is not used by men or old people, he gives it to his cousin, but he in turn gives him nothing.

Thanks. If a person gave something to another or if he did something good for another person, he thanks him with a sheep to comfort his heart or to thank him for his kindness or his deport-

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ment. Sometimes if someone lent you his oxen, you must make beer for him or give him a goat to please him. Trading. Things which are sold are beads, bracelets, karosses, mats and riems. Others are stamping blocks, pots, wooden bowls, and calabashes and dishes. Blankets, beads and bracelets are taken from place to place by a pedlar who goes about the villages selling. Some people go to where they may find a pedlar. Pedlars who come from other countries do not pay anything to the chief. They just go about selling. If a pedlar cheats the people, they do not buy from him, nobody ever likes him. The sale of things and beads depends on how they are made. The beads are fastened to a thong which makes them one bundle. The same is done with bracelets and blankets, they are placed on top of each other and are carried on the shoulders. They are sold one by one. There is no correct measure or any fixed price or law. The seller fixes his price. A bead was sold for a fowl, blankets for a young ox or five sheep. Five riems for a sheep, a dish for a basket of kaffir corn. A calabash for two fowls. The seller or buyers do not pay anything extra to satisfy the buyers or seller. If the seller is not living a long distance away, he gives others credit who pay him after a certain time. If a person wishes to take credit from the seller, the seller gives it to him even before payment is made, he will not look for witnesses for their agreement. In the olden times the people were not so clever or cunning. One was faithful even without witnesses. The Betsoana did not know how to undo what one had done with another. If one had sold something and had not yet given it to the owner, if it got spoilt, one gave the person another one in the place of the spoilt one. If a cow is bought and seen by the owner without taking it away, if it takes years before it is transferred, the owner will demand its calves as well because he maintained that it multiplied. If he bought it without seeing it, he can be given anyone which is just as big as the one described

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to him when he bought it. If a person bought a sheep from another man and found faulty with it, he took it back to the owner and got back what he bought it with. Sometimes even if they had not finished, if one did not like to continue one withdrew and they still remained in good terms. Nothing was demanded by way of damages or payment for breaking the agreement. If a person bought a sheep from another and the sheep died on arrival, the one who sold it is not compelled to pay for it because it was sick and because it died. Even if a person bought something from another having seen it, if it dies on being taken to him and he eats it, the matter is settled. Things which are usually borrowed are thongs, oxen, ploughs, food and bulls. Blankets, dogs and weapons are never lent out. If a person has borrowed a basket full of corn, he brings it back with the same quantity that he has taken. It is brought back at any time that one is able to do so. If the basket was long and pointed it was brought back just as it was. If some one lends his cattle to another person to plough with them, he does not demand payment because he helps him in order that he may also get help from him in the future. Things like weapons and others which are used, no payment is asked for them if they happen to be damaged. If they get damaged, they are repaired by the one who damaged them. If they are lost he gives others in their stead or something else. If things are borrowed, they are returned when the people have finished using them. Sometimes if the owner wants them, they are brought back or he goes to fetch them. If something is damaged, the owner is informed immediately so that he should know.

Cattle. Cattle are borrowed for the purpose of drawing branches and carrying burdens and food from the lands. They are lent to anyone who borrows them. They remain a long time with the borrower. The same cattle that have been borrowed are returned. If one ox gets lost or dies, the owner of the cattle is informed immediately. If an ox is dead the whole of it is

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taken to its owner. It is he who gives them what he wishes. If it is dead it is not paid back by another and there are no witnesses for this agreement concerning cattle. They have of course, the mark of their owner. Cattle are not borrowed for the purpose of paying dowry. Yes, if he is going to take out others, in that case he is given them. Sometimes he may be given two, in which case he must bring back two, they take no notice of their increase even if 6 years have expired.

Land. Land was borrowed by people who have no place of abode. It was lent out to chiefs. A man was however given a place to build his house if he came from a different place and was unknown. No payment was demanded from him. Even his crops were not demanded. He ploughed just as he wished. There was no notification to him as to how he should use his land and when he should use it. Women have no right to give other women places of abode without informing their husbands. The men also have no right to lend other men places of abode without informing their wives. The chief cannot compel a person to lend another his land if he does not like. Money is lent to another person without any interest charged. A plough is lent out to a person and for working with it, he pays a goat. A wagon is lent out freely, but the borrower pays something like a bag of mealies if he carts crops from the lands.

Work. Work that is done for remuneration is the herding of livestock. If a person herds livestock, he is given a sheep for a period of a month or a sheep or a beast is marked out for him when the sheep are lambing or the cattle calving. When a person undertook to build a house, beer was made for him in the olden times. If a person ploughed gardens, he did that gratis, but to-day he demands payment in money or small stock: a sheep. No witnesses were required for the transaction. For braying skins one demanded a sheep for ten skins, and for making blankets one demanded three sheep. If one was sent to deliver a message one was given food. Doctors are given a beast for their doctoring sometimes they demanded kaffir corn. Others were not paid as they were not real ones.

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