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Tswana
I Masiangoako.

Tswana law of inheritance
Inheritance.

K32/13

No.254 (17) b

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When a man dies and has male and female children, the cattle are controlled by the male children. It does not matter whether the male child is the youngest, the cattle are his. His sisters are given by him. If a man dies and leaves debts behind, his children still being minors, his father must take the cattle of his child and pay his debts. If he dies when his children have reached the age of full understanding and responsibility, they must pay up the debts of their father, with the advice of their grandfather or their paternal uncle. They do not divide these cattle before they all get married. When two have been married, they may divide theirs between themselves. The cattle of the younger children are taken by the eldest in order to look after them for them. They will take them away when they have grown up, when they have married and put up their own homes. The eldest son must provide for his mother, plough for her so that she lacks nothing; she must not complain, otherwise his paternal uncles will want to know why she is complaining and what it is she is in need of. If a woman dies (their mother), her belongings are taken by the girls, the fields are divided amongst the girls. When these things are divided, they are divided by their paternal uncles, so that the eldest child should not penalize the younger ones and so that there should be no complaint.

If a man has married two wives, their possessions are not put together, those that belong to the principal house are separate and so are those that belong to the junior house. But if the husband is not very rich, the cattle are driven together into one kraal. They differ by marks. They show which

mark belongs to the principal house and which one belongs to the junior house. After his death, his younger brothers divide his cattle, driving those of the principal house to one side and those of the junior house to the other side, so that the children of each house should know their cattle. Furthermore, when the children have grown up, their paternal uncles will still come, to redivide these cattle, giving each of them his own. When the man dies leaving a child or children in their childhood, his younger brothers remain looking after the cattle as well as his wife, this means that they should take care that this woman brings up the children of their elder brother. They look after these cattle until the children become of age and marry. When they are married, they will then divide the cattle amongst them. If their paternal uncles eat these cattle the maternal uncles of the children will come to ask the cattle from them and say, " Since the father of these children died owning cattle, what has happened to them?" If they have slaughtered them and eaten them, they have to replace them with theirs and they must be divided amongst the children in the proper way. There should not be any argument whatsoever as to how the cattle were dispensed with.

When a woman dies, her possessions are divided among her daughters and younger sisters. Her dresses are taken by her younger sisters, the fields are taken by the daughters as well as the blankets and skin mats. The husband has no right to give them to anyone he wishes to give. They are distributed by order. The younger sisters of the woman should also come to distribute

these articles for the children of their elder sister so that none of them should complain that he got nothing and also to remove any feeling of jealousy amongst them and so that their father should not do them down or hide anything or take anything which he likes from them. In the fields, the husband is given the field which he knew that it was all the time his, the one known as the field of the kgotla. This means that the corn of this field belongs to the husband. When the wife works with the field she must ask the permission of the husband. That is the field the husband is given when the possessions of his wife are distributed.

Kobedi Tau.

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