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No. 243(15)

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T.S.R. MOSI THOKO.

Swana Law regarding problems arising in marriage
MARRIED LIFE.

After Mantshele got married, she lived with her mother-in-law. When the wedding feast was over, her mother-in-law set out to explain to her everything that was cooked at the home. She was of course not given permission to do what she liked with kaffir corn. The corn bin was shown to her from which she could get kaffir corn for grinding. Her mother-in-law and father-in-law were very fond of her, they gave her no trouble. She performed all the home duties. She swept the house for her mother-in-law as well as the 'lapa'. She also did the cooking. Her husband's sisters also, did not touch anything. They only helped her with drawing water and gathering firewood. Grinding, cooking and sweeping were her duties. After taking food out of the pot, it was she who served all the children with food. They all looked upon her to give them food in due course. Not a single one of them dared serve himself or herself. They could do that in her absence. If she were not absent, it was her duty. As time went on, Mantshele found the work to be too much for her. She restrained herself for a little while but the position remained unaltered. Afterwards, Mantshele told her husband privately that the work she was doing was too much for her. Lebeko said "Be patient". She did so without avail. She continued to speak privately to Lebeko about the work. Later, Lebeko reported to his mother that Mantshele was complaining about her duties as being too much for her. Lebeko's mother said to him, "If your wife is unable to do my household duties, you had better build your own house far away from me". Lebeko told his wife that his mother said, "If you are unable to carry out the duties of my household, we had better go out of her home and go to build our own house far away from her". Lebeko's wife clapped her hands and said, "Father I shall

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be pleased if we can go and build our house ".

Lebeko told his father and mother that he thought it was time he built his own house and left the home of his mother. Lebeko's father said, "Can Lebeko who has just recently married and who has not yet had a child, seriously tell us that he is building?" Lebeko said, "father, that does not matter, I want to build my house". Lebeko's father referred the matter to his mother and said, "There is the child, he says he wants to build". Lebeko's mother agreed with her son and said, "Let him build". Lebeko's father was still complaining, saying if he is starting to build and has no bowls for their food, no cattle, no axe, and I have not yet given him cattle and an axe, with what will he work? Lebeko's mother protested and said, "Let the child build you will provide him with those things even after he has erected his house." Eventually, Lebeko's father allowed Lebeko to build his house despite the fact that he had no cattle. Lebeko's father however started to ask "But Lebeko says that he is building what is it that is driving him away from our home, why does he insist on building? Lebeko's mother then said that Mantshe, Lebeko's wife says, "she is no longer able to carry out the household duties alone." Lebeko's father then said, "I am sorry that I have already agreed that they should build. Had I known that it is the house work that is driving him away from this home, I would have refused. I paid "boga i" cattle for Mantshe, and I was fond of her, if she is lazy let her tell me and I will take her back to her mother". Lebeko's mother protested and said, "Never mind that Lebeko, let the children build their own house, it is then that we will be able to find out if Mantshe is a lazy woman". That was the end of their argument. They then called Mantshe's mother's people, her mother's sisters, her father's sisters. When they had come together, they told

then that Lebeko says that he is going to build. They replied and said, "If you, their mothers and fathers have agreed, we clap our hands" (are grateful). He says, "Let him build father". Her father's sisters then said, "If he is building, where is the place he is going to erect his house on? Have you seen the place where he is going to build?" They said, "No we have not found a place but we thought it right to inform you what the children want. We shall consider next day where they have to build." After further conversation, they all agreed. The paternal uncles of Lebeko, his father and Lebeko himself, went out to find a place where he could build his house. When they had found it, they took their wives to show them the place. They then called a witchdoctor to come and doctor it. When the doctor came, he threw his divining bones. When he had finished divining, he said he wanted the fat from the kidney of a black cow. It is the fat we need to doctor here. Lebeko's father gave the cow. After it was given, the doctor sprinkled it with medicines and after doing so he selected Lebeko's uncle to slaughter it. He said that after the slaughtering, they should cut off its ear and bring it to him. After it was slaughtered, they cut off the ear and gave it to him. He then said to them, "Do not flay it, when you have finished, do not cut it open, call me and I will come". The doctor took the ear and mixed it with the medicines he had brought with him to doctor here. When the men had flayed the cow, they called the witchdoctor. The doctor came, looked at the cow and said, "Cut it open. When they had done so, the witchdoctor took the fat from the kidney and said, Cook all the inside of it, cut off the shoulder and hang it up, the whole carcass should then go to my home. The doctor took the fat and mixed it with medicines. He then called his wife and sons-in-law and washed their feet and

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hands. Having done so, he sprinkled the place with medicines. He then said, "It is finished, the women can now prepare the floor, as for the wizards, I shall deal with them". The witchdoctor then said, "You can now eat the inside of the cow and give the shoulder to the women who will prepare the floor here so that they should not be worried or complain that we have not given them meat". The witchdoctor took the meat of the beast and the skin to his home and ate it there. The women were given the shoulder of the beast. They began to clean the floor and when they had finished scraping the ground, they commenced building up the wall. The people who were building the wall were Mantshe's mother-in-law and his mother's sisters and Mantshe's father's sisters. When they finished the wall, they began cutting grass for thatching. When the women had finished cutting grass, they told Mantshe that they had finished building the wall and had also, already cut the grass. Mantshe also informed Mantshe's paternal uncles that the women had finished the wall and had also cut grass. They were waiting for us with the rafters. The men went to cut the rafters and when they had finished, they began to bind round the eaves and put laths on the roof. When they had finished, they reported having done so, and the thatching could be began. The women then go to get the baboon's tail (shrub) which they weave. Having weaved it, the thatching begins. When the hut is finished, they informed Mantshe's father (Mantshe) that the child's house is thatched and complete. Mantshe's father then called Mantshe and Mantshe and he thus informed them in the presence of their father's sisters, their mother's sisters, their paternal uncles together with their maternal uncles, "You said you want a house, there it is". They clasped their hands, they rejoiced and thanked.

Lebeko's maternal uncle took out a skin mat and said, "Lebeko, there is a skin mat". Lebeko said, "Thank you my uncle". The sister of Mantshere's father took out two bowls and said, "Mantshere, here are bowls, one is yours and the other one is Lebeko's". Mantshere clapped hands and said, "Thank you my aunt". Lebeko's paternal uncle took out an axe and said, "Lebeko, here is an axe which will help you to chop firewood". Lebeko said, "Thank you my uncle". Lebeko's mother took out a small pot, a flat basket used for cleaning winnowed corn a flat basket, a milking vessel and said, "Mantshere, take these articles, work and help yourself with them my child". Mantshere's father's sister took out a calabash and five vessels for holding beer, a strainer and mat and said, "Mantshere, child of my sister take these things and use them always for giving food to your guests. Mantshere's father and mother took out a pot to keep fat in and a kaross made of sheep skin and a mat of ox skin and gave them to them. Lebeko's father gave two cows one red, one black and said, "Lebeko, you will milk these cows for you wife so that she may also be able to eat thick milk". All the people now rejoiced and said, "Held fast, there is the house, we have built it for you". Mantshere, look after you husband. Lebeko, look after your wife". The people dispersed.

Lebeko and Mantshere at their house. After the people dispersed, Mantshere and Lebeko now began to live in their house. While they lived there, the cattle caused trouble by rubbing themselves against the wall of their house. Lebeko told his father that the cattle caused trouble at his house. Lebeko's father told the paternal uncles of Lebeko that Lebeko stated that the cattle gave him trouble at his house. His uncles then sharpened axes and cut bushes and made a hedge.

They then said, "Lebeko, here is a hedge, they will no longer give you trouble". Lebeko was very much pleased with the way his paternal uncles helped him. When it was about ploughing time Lebeko's father called Lebeko and said, "My child it is ploughing time now, you must also come and find a reaped garden and plough for yourself". Lebeko said, "Very good father". He then went to tell his wife that they should look for a reaped garden in order to plough for themselves. Mantshere said, "I have no hoe, with what am I going to dig in order to bury the seed". Lebeko went to his mother and told her that they need a hoe (petlwana). His mother gave Lebeko a hoe. Lebeko followed his wife and when he came to her he said, "Mantshere, here is a hoe". Mantshere then said that medicines were needed to wash the seed. Lebeko went again to his mother to ask for medicines for kaffir corn and medicines which wash the seed. Lebeko's mother gave him seed which had already been washed as well as medicines and she said to him, "Go and give your wife this medicine. She must grind it and put it in water to remain there overnight. She must take out early the next morning and go with it to the place where she is going to plough and sprinkle with it and then go back home. She must go there before eating anything and before washing herself". Lebeko took the seed and the medicine. He told his wife all the directions given by his mother. Mantshere did exactly as she was told by Lebeko. When she had doctored the garden, she started to plant the seed. She planted the garden alone and when she was about to finish, his mother came to help her to finish it quickly.

One day Lebeko's mother called Mantshere to come and help her smoothen the 'lapa'. When it was finished,

Mantshere also began to build a 'lapa'. She told her mother-in-law and her husband's sisters and they came to help her build the enclosure, when they finished building it, they felt her to smoothen the ground. Mantshere complained and said to Lebeko, "I am surprised at my mother, the other day she called me to go and help her smoothen the 'lapa'. Now they leave me alone, they do not help me". Lebeko said to her, "Smoothen it yourself it is your own 'lapa' and not hers". Mantshere asked Lebeko to allow her to go and see her mother as it was a long time since she last saw her. Lebeko said, "I will take you to her when we have finished weeding so that you may remain there for a good while". Mantshere struggled to smoothen the 'lapa' until she finished it. When she had finished it, she started weeding, she weeded her garden alone. One day while she was in the garden, it rained heavily and she was forced to remain in the garden until it was nightfall. When she came home wet, she hurried to do her cooking. While she was still busy cooking, Lebeko arrived from his mother's home. When he entered, he said, "are you still busy cooking, what have you been doing?" When Mantshere said, that she had been obstructed by the rain in the lands, Lebeko got angry, caught hold of his wife and beat her severely. He told her that she was lazy, and that she had said that she wanted her own house, now she is unable to manage it, what is it that you want? He said, Lebeko went away to ask for porridge from his mother. When he arrived at his mother's place, he told her that Mantshere had just arrived and had not even done her cooking. It is now that she is busy cooking, he said. His mother gave him porridge, but Lebeko did not tell his mother that he had beaten Mantshere. His mother told him to be patient with his wife and not to get angry over trivial matters.

While Lebeko was away at his mother's place, Mantshere in the meantime ran away to her mother's home. She told her mother that she had deserted after having been beaten by Lebeko for not cooking in time, when I told him that I had been obstructed by rain in the lands he did not believe and he beat me. Mantshere's mother related the story to her father (Mantshere's father). Mantshere's father called his sisters and brothers together to come and hear Mantshere's reason for deserting from her husband. After they had gathered together, they asked Mantshere to explain why she left her home. After Mantshere had explained how she had been beaten, her maternal uncle said, "Take off your upper garments and let us see where he has beaten you". When Mantshere took off the skin on her back for carrying an infant in, they found that she had really been beaten and that it was a mere playing. They then said, "We shall meet Lebeko's father to hear whether he had instructed his child to beat a woman in this manner".

When Lebeko returned to his house, he found nobody. He went round and round the house calling out, but saw nobody! Lebeko got confused in the mind and called out aloud. That did not help and he saw nobody. He slept alone. The next day he went to tell his mother that Mantshere had deserted the previous night. His mother told his father that Lebeko says Mantshere has gone away to her parents' home. Lebeko's father called Lebeko and asked him what he had done to his wife. Lebeko told his father that he had beaten her for not cooking. The father insisted on asking why actually had he beaten her. He stated, "Yesterday Mantshere came home late at night from the lands at an unreasonable time. When I asked for food, there was no food for me to eat. His father told him that he was

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in the wrong if he beat her for that reason only. As it had been raining how did you expect her to come home during the rain. After a day, Lebeko's father called Lebeko's paternal uncles together, and he told them that Lebeko had beaten his wife, his wife had even run away to her parents' home. There is the case that faces us my brothers. Lebeko and his paternal uncle and Lebeko's mother's sister were sent to go and fetch Mantshere. They then set out on their journey. When they arrived at the home of Mantshere's parents, they reported that they had come to fetch Mantshere. Mantshere's father called Mantshere's maternal uncles and her mother's sisters together. When they had all gathered together, Lebeko's paternal uncle told them that they had been sent to come and fetch Mantshere. When he had finished saying so, Mantshere's maternal uncle asked where they had come to fetch her from and what she had done. I gave her to you in marriage, he said. Lebeko's paternal uncle stated that Mantshere had deserted. Mantshere was asked what had driven her away. Mantshere stated that while she was at the lands, rain detained her there until night fell. When she arrived home, while she was still busy cooking, Lebeko got angry and said, "I just stayed away purposely doing nothing". Mantshere's maternal uncle said, Lebeko, is that correct? Lebeko said, "It is correct my uncle, I beat her I was hungry and there was nothing for me to eat." Did Mantshere not tell you that she was obstructed by rain in the lands? She said so my uncle. And yet did you beat her? Yes, my uncle. Mantshere's uncle informed the others and said, "You have heard, Lebeko is condemning himself, he says that he beat her even though she had been obstructed by the rain in the lands. The people said, "we have nothing to say". Mantshere's maternal uncle said, "Lebeko, you

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were in the wrong by beating your wife seeing that she told you what had obstructed her. You saw the rain with your own eyes. Mantshere's maternal uncle fined Lebeko five sheep and seven strokes with a thin stick. Lebeko was asked whether he had the three sheep and Lebeko said he did not have even one. His maternal uncle said, "If these sheep are not forthcoming, Mantshere is going nowhere". Lebeko's paternal uncle said, Lebeko, lie down and receive your beating, that will help us to reduce our debt. " Lebeko received his beating and after that they went back to Lebeko's father and they told him that five sheep were demanded before Mantshere could come back. Lebeko's father told Lebeko's mother what they were asked to pay. After he had discussed the matter with Lebeko's mother, they gave Lebeko's paternal uncle the sheep in order that he should go and fetch Mantshere. He drove them away to go and fetch Mantshere. On arrival, he informed Mantshere's maternal uncle that he had brought them and he in turn informed Mantshere's father and mother. They then gave consent to Mantshere's return to the home of her mother-in-law. They prepared themselves and the next day, Mantshere went away with her paternal uncle to the home of her mother-in-law. When they arrived at the home of her mother-in-law, her paternal uncle reported that he had arrived with her. Lebeko's father said, " Lebeko, here is your wife, I have suffered loss on this woman. Take care of her, do not make her a play thing. Mark you, I paid "bogadi" and now I have just paid five sheep in respect of her. Be afraid my child and cease entirely from doing this". Mantshere went back to her house. She began weeding until she finished. Lebeko took his wife to her parents' home to see her mother. She remained there for three weeks and then she went back to her home again. When they had finished reaping,

Mantshere went to her parents' home for confinement. A son was born to her and he was named Ituoane, Lebeko's father's name, that is to say, he was named after his grandfather. Lebeko's maternal uncle slaughtered a sheep for him and even brayed its skin for making the "thari" for him. (Thari, a skin worn on the back for carrying an infant in). After her confinement, Mantshere returned to her home. Mantshere and Lebeko lived together there right up to the death of Lebeko. After the death of Lebeko, his father remained looking after Mantshere as he had no other child to marry away. When Lebeko died, he left Mantshere with two children, sons, whose names were Ituoane and Lebeko. Kaleboko brought up these boys. When the old man died, they already had an understanding of things and up to that time their mother had not remarried. Kaleboko also died, leaving Kaleboko and Mantshere, her daughter-in-law Ituoane and Lebeko grew up living with their mother Mantshere. Ituoane at last married the daughter of Mantshere's maternal uncle. Ituoane separated with his younger brother Lebeko during the war of Moselakatse when Moselakatse went across to Malwayo. Lebeko disappeared during that time ever since. No one knows where he is. Ituoane is still with his mother and his wife at Molatedi's village. As for his children, I do not know where they are. His mother of course, is very old. Molatedi is in the area of chief Matlapeng.

Matselele Matlapeng.

When a woman is divorced, it happens in many ways. Sometimes she is divorced because of her laziness; sometimes because of her terrible temper and talkativeness; sometimes because of her being witch. Sometimes because of her having many men; sometimes divorce is caused by the husband beating her severely, but in that case it is when the wife divorces because of bad treatment by her

husband. If a woman does not look after her husband properly, the husband deserts her. If a woman is barren, she is not divorced but another woman is sought who can beget children for her. This woman is sought by the very woman who is barren so that the other one will come and beget children for her. She will love the children of this woman because they will be the children of her husband.

That is why she must love them and she must even carry them.

When a man is divorced by his wife, it is by reason of being assaulted to such an extent that the wife can bear it no longer. Sometimes it is when he assumes control over those things which are within the wife's province such as kaffir corn, meat and milk. These are the things which sometimes cause husband and wife to quarrel, when the husband wants control personally over them. Sometimes a husband goes for an indefinite period to the European towns to work. He stays away a long time without coming home. But this problem of divorce is a modern thing that is, since the arrival of Europeans here. Formerly, you could never hear of husband and wife having divorced one another. But was bound by the parents of the people, no one could ever undo. To-day people divorce for very trivial reasons, if a man happens to remonstrate with his wife, the wife simply walks away, even before the husband beats her, she ^{Just} goes, or even if her mother-in-law utters a word, the daughter-in-law carries her belongings and says, her mother-in-law is making life intolerable for her.

Ntuoane ootsi.

When a man marries more than one wives, he does not

marry relatives. He marries here and there. The wife to whom the parents offered marriage on his behalf is the principal wife amongst all the others. Those who are married afterwards are juniors to the one who is married first. Their husbands build houses for them. Each wife looks after her own belongings. The cattle of the first wife do not mix with those of the others. If their husband is rich he separates their cattle. The cattle of each house are kept apart. They do not mix. If he has not many cattle, he puts them in one kraal, but he makes many marks on them to avoid confusion. The children of each house know their own and that this one belongs to this house and that house. Even in milking, each one knows the one which belongs to his house and which he milks. Each wife looks after the kaffir corn which belongs to her house and each one performs her own duties. If she does not help herself, no one will help her. Even with regard to children, each wife looks after her own children. A man cannot marry the children of the same parents. That can happen only in this way, if he marries a woman and she dies, the younger sister of the dead woman can be married by the man who had married her eldest sister, so that she may look after the children of the eldest sister. He cannot marry the two sisters at the same time. That can be improper.

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