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NOTES

ON

SEPEDI LAWS

AND

CUSTOMS.

*The Laws & Customs of the
Sepedi & Cognate Tribes*

Compiled for the Native Affairs Department of the Transvaal.

BY

C. L. HARRIES,

Native Sub-Commissioner.

PRETORIA :

THE GOVERNMENT PRINTING AND STATIONERY OFFICE

1909.

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PREFACE.

DURING my tenure of office in Sekukuniland, where the majority of natives are still living under nearly undisturbed tribal organisation, I was forcibly impressed with the influence their laws and customs had over them, and particularly over the women, who, by reason of the very limited opportunities they have had hitherto of getting beyond the environments of their own kraals, and for the development of ultra-tribal ideas, are more tenacious in clinging to the customs, habits, and traditions handed down by their forefathers than are the men, whose views are gradually becoming broadened by occasional contact, whilst out at work in the various towns and labour centres, with civilised habits and thought.

Finding it difficult to fully grasp the particulars of numerous disputes bearing exclusively on Sepedi Laws and Customs, which were daily brought before me by the natives for adjudication and adjustment, I soon became absorbed in the study of these subjects, which in many cases were found to be very equitable and useful as a means of appreciating native methods and reasoning faculties.

Having collected a fair amount of data in the course of my official duties, I became inspired with the idea of making deeper investigations, and of compiling the following treatise. For this purpose I sought the assistance of old men, renowned for their knowledge of all tribal matters, and from them have been taken down, nearly word for word, the contents of this pamphlet.

In nearly every instance I have also obtained a verification from other sources of the information imparted to me by these old warriors.

Therefore, crude as these notes may be, being due to the inexperience of my pen, they have a claim to be regarded as approximately authentic and original. I use the word "approximately" designedly, for whilst one may feel that every endeavour has been made for a thorough collation of the many distorted theories at present extant, it is necessary to bear in mind the difficulty of overcoming the scepticism with which natives regard any enquiries affecting their tribal organisation and traditions; and the reticence of the old warrior concerning indisputable facts in matters of this nature was almost exasperating at times.

The italicised words, which are more convenient for use than their English equivalents, are Sepedi; the meanings of these have been given in a short glossary appended to this work.

In submitting this short study to the Native Affairs Department for publication, it is my desire that it may be of some use to my colleagues who are also administering similar laws and customs.

C. L. H.

Pokwani, District Middelburg,
1st May, 1909.

CONTENTS.

CHAPTER I.

	PAGE
MARRIAGE CUSTOMS	1
Betrothal of Infants	3
<i>Ho Lata—Ho Bika</i>	4
<i>Ho Hlapetsha</i> Custom	5
Formalities of ordinary Courtship	6
Who cannot Marry	8
Delivery of <i>Lenyalo</i> Cattle	8
Division of <i>Lenyalo</i> Cattle	10
<i>Ho Hlala</i> Custom	11
Death of Girl before Marriage	12
Death of Woman after Marriage	13
Son refuses to Marry Girl bartered for him	13
Malicious Desertion of a Wife	13
Desertion of Husband	13
Infidelity of Wife	16
Barren Wife	16
Impotent Husband	18
Plurality of Wives	19
Head Wife	20
Status of Inferior Wives	20
Royal Marriage	21
Tribal Cattle	23
How Marriages Terminate	24
Native Divorce	24
Cattle Legitimising Offspring	24
Incestuous Marriages	25
<i>Kgomo ea Mokokotlo</i>	25

CHAPTER II.

INHERITANCE	26
Succession	26
<i>Lapa</i> or Establishment without an Heir	27
Gifts by Fathers to Sons or others	27
Wills	27
Estate without an Heir	27
Order of Succession	28
Liquidation of Debts owing by Deceased	29
<i>Ho Tsenela</i>	30
<i>Ho Lebanya</i>	32

CHAPTER III.

	PAGE
LANDS	33
Distribution of	33
Administration of	33
Assessment of Damage done to Gardens	34
Opening of Ploughing Season... ..	34
<i>Letshema</i>	35
Weeding Chief's Garden	35
Gardens Abandoned and Lying Fallow	36
Harvest Feast	36
Use of Ploughs	36
Irrigation	36
Crops	37
Granaries	37
General	37

CHAPTER IV.

NATIVE CIRCUMCISION SCHOOLS	38
<i>Bodikane</i> School	38
<i>Bokgoera</i> School	44
Native Girls' School... ..	46

CHAPTER V.

INTER-TRIBAL CUSTOMS	48
Warfare	50
<i>Dikgaka</i> Custom	51

CHAPTER VI.

CRIME AND NATIVE COURT PROCEDURE	53
Murder	56
Accidental or Culpable Homicide	57
Killing of a Paramour	58
Incest	59
Rape	59
Seduction	59
Abduction	59
Concealment of Birth... ..	60
Adultery	60
Treason	60
Theft	61
Assault	61
Malicious Damage to Property, and Arson	61
Sundry	61
Corporal Punishment... ..	62

CHAPTER VII.

	PAGE
GENERAL CUSTOMS ...	63
Burial of a Chief ...	63
Installation of a Chief ...	64
Native Symbols ...	65
Habits and Dress ...	68

CHAPTER VIII.

NATIVE DOCTORS ...	70
Rain Doctors ...	73
Witchcraft ...	74
Love-philtres ...	75
Miscellaneous ...	77

GLOSSARY ...	79
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Why not call it Bapedi

SEPEDI LAWS AND CUSTOMS.

THE Sepedi Laws and Customs obtaining in Sekukuniland will also embrace the various sub-tribes or clans which have their origin from the Bapedi, namely, Baphuti, Batau, Bakoni, Batlou, Bakgautshoana, Bakoena, and may even be extended to the Bakgatla of the Pretoria, and portions of the Rustenburg, Districts.

C. L. H.

Baroka

The Bapedi on invading the present Sekukuniland found the Batau W of Lake & the Baroka & Bakoni E of Lake & asserted their Bapedi authority over the lot.

Natives know no law of prescription

SEPEDI LAWS AND CUSTOMS.

CHAPTER I.

MARRIAGE CUSTOMS.

THE disputes which a Native Commissioner most frequently finds it necessary to adjudicate upon are those arising out of the *lenyalo* custom. This question is therefore dealt with at some length, and although some of the rules or formalities are gradually sinking into disuse, it has been considered necessary, with a view to recording nothing but authentic and reliable particulars, to treat of those customs which were administered by the natives themselves before any civilising influences whatsoever were brought to bear on their minds by missionaries and other Europeans. They, therefore, date back approximately to the time of Tulare, the father of Sekoati, who was paramount chief in the Eastern Transvaal before the "voortrekkers" made their way into that part of the country.

Tulare circ.
1780-1820
prior to invasion
of Mordelheim

Polygamy is commonly practised, and no restriction placed upon the number of wives a man may marry, whether he be a chief, headman, or an ordinary native. As a native's status is raised proportionately with the number of wives he has been able to marry and pay for, the inducement to be a polygamist is therefore two-fold; firstly, to possess the wife, and secondly, to have a better social standing among his fellow-tribesmen.

usually
three
wives

Concubinage is not permitted according to the old custom, and, although it exists to-day owing to the avaricious nature of the Mopedi, who undoubtedly regards a woman as nothing better than merchandise, it is not to be found in nearly so marked a degree as amongst certain other of the Bantu tribes. In fact it is not known that any of the chiefs indulged at all largely in this practice.

Marriage, according to native custom, consists in the paying of *lenyalo* cattle, *bohadi*, or *lobolo*, and receiving the woman, accompanied of course by certain formalities which are herein briefly set down. It is quite erroneous to think that the Bapedi will invariably give their daughters in marriage to the men who are prepared to pay the largest number of cattle for them, and it is reasonable to attribute the intermarrying of households, which is so common amongst them, to the regard which is had for the social equality of the parties marrying. It is not usual

Bapedi also intermarry -

Transvaal Presents usually
marry too close -
Swarajies marry well out of
the family.

for a true Mopedi to give his daughter in marriage to a man whom he regards as his inferior, or to one of a different clan from his own. Different clans do intermarry nowadays, but a few generations ago a woman would have scorned to have been taken to wife by a man who was not of her father's clan. Of course, as a matter of policy, chiefs have always intermarried with other clans, and even with distinct tribes, such as the Swazi, etc. However, the chief wife of a chief must be a member of a branch of the same tribe and clan as those of the chief.

Such a wife becomes sort of ambassador for her own clan in this place

It cannot be stated that the Bapedi are capable of much sentiment. The sole purpose of marriage is to have children, and the poor woman whom nature has deprived of the honour of being a mother receives very little sympathy from her friends, and much less from her husband.

The marital and paternal powers of a man are very extensive.

Even although it is stated that the Mopedi in his barbarous state is devoid of sentiment, it would be erroneous to assume that his wives fill the rôle of slaves to him. As a rule the women are industrious and hard-working, and they really appear to find a pleasure in their labours. To deprive her of her gardens, or restrict her from doing the usual weeding, harvesting, etc., is to inflict a great penalty upon her. The necessity for a husband to dictate to his wife the duties she shall perform does not frequently arise. Similar to all other communities, there are unhappy marriages, but where a reasonable amount of harmony exists between the husband and wife, or wives, they live fairly peaceably together. The husband will frequently consult his wife or wives with regard to his business transactions, and more especially when the sale or barter of cattle or grain is involved. There is a great deal of give-and-take with them in their domestic affairs, and the aphorism, "What the eye seeth not the heart grieveth not for," is very applicable to them; particularly when rumour pronounces a certain woman to be unfaithful to her husband, he will remain practically oblivious of what is being said until he himself has discovered her infidelity.

Few men are more respectful than a Mopedi

The marital power of a husband includes the right to administer reasonable corporal punishment to his wife or wives. On the whole the women take these punishments very resignedly, and cases have come to notice where wives have refused to admit that their husbands were responsible for the injuries which had been done to them. Jealousy frequently arises amongst the wives of a man, especially when a young wife makes her appearance for the first time in his household. But, taking them as a whole, they live in comparatively good harmony with one another.

If husband cannot beat his wife, who then does? All women require beating!

She will also be on the best of terms with her husband's mother or "mbelelo."

Within their respective *lapas*, or huts, the wives observe marked cleanliness, but this can hardly be said of their person, which is rarely washed, and always adorned with a profusion of ochre, grease, and dirt. It is the bounden duty of a good husband to prepare the skins forming the wearing apparel of his wife or wives, and great time and care are spent by him in cutting the artistic designs on these skins.

It is noteworthy that a man never emancipates from the paternal power to which he is subject during the lifetime of his father; should the father predecease his son the latter becomes responsible to his paternal grandfather, if living. Great stress is laid on the question of paternal power by the heathen Bapedi, and to disparage the same is regarded as a violation of one of the tenets of their circumcision schools. It is peculiar to note how rigidly the men uphold their so-called superiority over the women, and also how resigned the latter are to their lot. It will be noticed in the following notes that in their own native courts a woman has very few opportunities of bringing a civil action against a man. Of course this rather savours of civilised laws, for even they do not permit a woman to take certain actions unless assisted by her husband, if she be married. In cases involving the rights of a native woman, there is always a certain amount of collusion amongst the men who may also be concerned in the case, the principle being women must be kept in their places, and for this purpose the men combine against the opposite sex.

BETROTHAL OF INFANTS.

It is a very old custom of the Bapedi, and perhaps peculiar to them, for parents to give their daughters in marriage whilst the latter are still infants. It frequently happens that two brothers will arrange the intermarriage of their respective children, present or prospective. A man has a prior claim, on behalf of his own son, to his brother's daughter, such daughter being given in marriage to her cousin for the purpose of perpetuating the stock without introduction of alien blood or contamination; thus it will be observed that the Bapedi *do* intermarry a great deal. The custom of marriages being arranged by the parents, whilst the prospective contracting parties are still infants or without discretion, is a very bad one, and gives rise to numerous disputes and intricate litigation in their own courts. It should be disallowed, and claims arising out of this custom should not be entertained by civilised courts.

As soon as parents have arranged the marriage of their respective son and daughter, the father of the boy will pay over to the father of the girl the *lenyalo* cattle mutually agreed upon by them. The idea in paying over these cattle whilst the girl, or perhaps both parties vitally concerned, is without discretion, is that she shall be nurtured on the milk of the cattle so paid. That is to say, her sustenance shall be at the cost of her prospective husband's father. When a girl who has been given in marriage by her parents in this manner reaches the age of about twelve years, the boy for whom she has been bespoken, or bartered, is sent by his father to see his future wife at her home. On arrival there the girl is summoned and told to take a kaffir cup, *sego*, fill it with water, and present it to the young visitor. This having been done, she is then informed by her parents that the boy is her prospective husband, and that she is betrothed to him. If the girl, who doubtless has heard that all this formality is about to take place, refuse to hand the boy the water, she signifies her dislike for him.

or before
birth

Go slow
Harris did shape
? chaos.

Before accepting the water the boy will make it his business to carefully survey the girl who has been chosen for him by his father, and if she do not meet with his approval he will refuse the proffered cup of water, return home, and report to his father that the girl will not suit him. The father will naturally endeavour to coerce his fastidious son into regarding the arrangement for his future as a good and desirable one, but if the latter be obstinate, the former (if he be a rich man and able to afford sufficient cattle for his son to marry elsewhere) will take the girl to be his own wife when she comes of age, and permit this son to make whatever choice suits him best, provided due regard is had to social equality, as previously mentioned. Should the arrangement or betrothal not be looked upon with marked disfavour by either the youth or the girl, of course no complications arise. She remains with her parents, continues to be nourished on the milk of the cows paid for her, and on reaching the age of puberty is put to a native school. For particulars regarding these schools, *vide infra*, Chapter IV, part 3. The girl is, however, frequently reminded of her betrothal in order that her fancy may not rest on any one else.

A report is made to the boy's father when the girl is about to be put to school, and he is then called upon to pay an ox, goat, or sheep, according to his means. She remains at school for a year (for the Bapedi native school for girls lasts a year, and not three months as is frequently stated), and thus having completed these formalities, she is ready to be taken to wife. This fact will then be communicated to the father of the young man, and the latter, being still agreeable to the arrangement, is sent to the girl's home. He, on arrival at the kraal, will proceed to her parents and say *ke dikedetsoe*, which means "darkness has overtaken me." This is an indirect way of letting them know that he has come to fetch his wife, and also that he desires lodgings. This is merely a visit lasting from two to three days, during which very little attention is paid to the girl by her husband, for he may now be regarded as such. On his return home the final instalment of cattle, the number of which is left entirely to the liberality of his father, is sent over. (See "Delivery *Lenyalo* Cattle.") An ox is slaughtered at the girl's home, at the expense of the husband, and the first wedding feast, *monyanya*, is held. When this feast is over those who delivered the cattle, *bakgoenyana*, including the husband, will return to the latter's father, who does not attend the feast, and report that everything has passed off well. The husband is then sent back, and the *ho lata*, "to fetch," custom, which is observed in all marriages except those of chiefs, is conformed to. This custom is briefly as follows:

The husband is supplied with a new blanket by his father (in olden days it was a kaross) and told to fetch his wife. The "fetching" takes some time, and is attended by a lot of apparently unnecessary formalities. He, on arriving for the third time at his wife's home, directly informs her parents that he has come to fetch their daughter. She is thereupon summoned and given a native mat, *lekgogoa*, which, if she still be agreeable to the match, she is supposed to spread in a hut

identity of
trouble always

who subsequently
appear as
witnesses in
divorce cases

→ Many farmers cannot understand why a boy comes to live on his farm, marries there, then suddenly, for no apparent reason, insists on leaving, after perhaps three continental years, & returns to his old location home, wife & all.

for her husband to sleep upon. This is taken as a sign that she fully acknowledges the man to be her husband, whilst, on the other hand, if she refuse to spread the mat, she disclaims him, and a great deal of pressure is brought to bear on her by her infuriated and disappointed father. It would appear *prima facie* that the girl's feelings are always consulted, but this is not really so, for her father will allow no opposition to his will, and many a girl has been forced by a determined parent into a marriage which was both undesirable and distasteful to her.

So far the marriage ceremony is complete, and the consummation thereof now ensues. The husband will remain at his father-in-law's kraal for at least a year, usually until his wife has given birth to her first child. This is called the *ho lata* period. Now follows the final formality, which is known as the *ho bika* custom. This happens when the husband is tired of living under his wife's parents; he then returns home, and reports to his father or guardian that the time has arrived for the woman to come to his home. The father or guardian will proceed to the girl's father, and say, "I seek a road for your daughter, my son's wife, and may the relationship between our respective households be friendly and lasting." The former is then obliged to describe the ox or cow with which the road for the girl to proceed to her husband's home is supposed to be proclaimed open. As soon as this ox is delivered wedding feast number two is held, after which the girl, accompanied by her mother, several women of the kraal, and one man who represents her father, proceeds to her husband's kraal. This representative will there formally, in the name of the woman's father, hand her over, with an injunction that she be properly cared for. Wedding feast number three, which is the final one, is then held. The party which escorted the girl to her new home will remain there two or three days and then return to their own kraal, leaving the woman with her husband to settle down to the ordinary duties of married life.

Beer! Beer! always Beer on every occasion! It is never a
"HO Hlapetsha" CUSTOM, "TO LOOK AFTER."

It sometimes happens, where a marriage has been arranged between a boy and girl during their infancy, that the girl, being the older, is prepared to be taken to wife before he may, according to custom, receive her. In such cases the *ho lata* custom is not observed by the boy, who, after acknowledging her as his wife, will direct—or rather such matters are directed for him—that she be handed over to some one else, invariably his maternal uncle, to be looked after as a wife until he is old enough to claim her for himself. This is what is known as the *ho hlapetsha* custom. The marriage ceremonies are gone through in the usual way, except with this difference, that the first part of her married life the woman spends with her husband's uncle. Any children of this temporary alliance are looked upon as children of the proper husband, who, when qualified, will receive her with the children from his uncle. See "*Kgomo ea Mokokotlo*." An alternative, which appears to be far more desirable, is for the young man to consent to his betrothed being given in marriage

No!
generally
3 years
or until first
child is weaned

seldom a cow
in front of
witnesses,
as there is
plenty to say
about the
liga ox in
a subsequent
case.

French
Petisquette
to get very
drunk.

→ go gorosha nhyoutzi
to bring him the bride

to another, and to receive a younger daughter, more his equal in years, in her place; but, strange to say, this alternative is not frequently adopted. It will be observed that in the event of either of the parties betrothed in their infancy refusing, on reaching the age of discretion, to ratify the arrangement, or on the death of the girl before marriage has taken place, complications and disputes must of necessity arise. The cattle, which have probably died in the meantime, will be claimed, and, according to true native custom, are recoverable with living increase. This method of giving in marriage is perhaps the most useless custom practised by the Bapedi. It is believed that the origin of it was for the purpose of guarding against the seduction of young girls who, knowing that they are already given in marriage, would have more fortitude to withstand temptation. But I fail to see how this could act as a deterrent in any way. Rather the reverse, for if a girl be given in marriage against her will she will be more inclined to accept the overtures of the first man who appeared to be the least bit desirable to her than she would have been had no such marriage been arranged.

THE FORMALITIES OF ORDINARY COURTSHIP.

Although it is a father's duty to *nyadisa* his son, that is to say, provide him with the means of procuring a wife, poverty very often prevents him from doing so during the son's infancy. It is therefore obvious that the foregoing custom can be observed only by the rich native. Elder brothers are also obliged to assist in providing the cattle for the marriage of their younger brothers. No man may marry whilst he has a brother older than himself still unmarried. It frequently happens that a son, on reaching a marriageable age, finds that no arrangements for a wife have been made for him. If his father possess stock, it is unlikely that these arrangements shall have been overlooked, especially if the former be the eldest son. The son then sets about to assist his parents in obtaining the necessary stock for the purpose of bartering a wife. As soon as sufficient cattle or goats have been collected he will look about for a suitable woman to marry. It is only the younger sons who really have to go beyond the members of their father's family for a wife; the elder son's claim to his paternal uncle's daughter—failing which, another woman of his father's household—is invariably exercised and observed. It is now proposed to deal with the formalities of what might be called ordinary courtship; that is to say, the course which is adopted by a young man who is desirous of marrying, and who has not had a woman bespoke for him by his parents. These formalities are lengthy, numerous, and undoubtedly tedious. Take, for instance, a young Mopedi bachelor for whom no arrangement for marriage exists, beyond that his father may have sufficient stock with which to gratify his desire of taking a woman to wife; he makes it his business to select a woman for whom he might have some slight regard. The selection having been made, he will without shyness or ardour ask the girl to be his wife, or rather intimate in a figurative manner that he is prepared to pay *lenyalo* cattle for her. This is treated very much like a matter

Yes true!
not more done
in full.
gradually
nowadays
becoming original
numbers only.

or even money
in days of
East Coast Tribes

Standard dowry in ancient days 10 head but nowadays
numbers vary & generally less than 10.

It is noticeable that ^{immediately} even after a marriage under Law 3/1897 both parties appear entirely indifferent to one another.

of ordinary business, and without any display of sentiment. Should the suggestion meet with the girl's approval, she will, with the usual indifference, intimate as much to the young man. A messenger is then employed and secretly despatched to her father to inform him of the proposed arrangement. This having been done, the next step is for the suitor to apprise his own father or guardian of his desire to marry, and at the same time to name the woman of his selection. The father then, in apparent annoyance, interrogates his son on various matters, and particularly as to whether any overtures have already been made to either the girl or her parents with regard to marriage. The son will make a full denial of having had any intercourse whatsoever with those parties, and is then dismissed by his father, who knows quite well that the denial is false. The untruth in this case is considered formal, on the grounds that if a man really desire a certain woman as his wife he will naturally indulge in some secrecy concerning any overtures that may have been made to her or her father in furtherance of his suit. There is no question of wooing in these marriages. A suitor, after having handed the matter over to his father or guardian, is not supposed to take any interest in the formalities and transactions which follow. The fathers of the parties concerned take the matter into their own hands, and all arrangements, excepting the price to be paid for the woman, are concluded by them. After dismissing his son in assumed annoyance, the suitor's father will proceed almost immediately to the girl's home. On arrival there he will greet the inmates of the kraal in a formal manner, and ask either for "a little dog," *mpe mpjanyana*, or a drink of water, *sego sa metsi*. The girl's father, who is of course expecting the visitor, will come forward and say "What do you want?" and the formal reply, which is even adopted at the present time, is "One of the little dogs that run about your kraal." He is then asked whether he seeks a dog for himself or for his son, and he answers accordingly. The girl's father then pretends to be quite agreeable to the match, and the visitor returns to his home with the assurance that the matter will receive due consideration. Nothing is, however, done, and these formalities are repeated four times, with a few months' interval between each, before the girl's father mentions the matter to the members of his household and to the head of the kraal. The object in causing the suitor's father to call four times, and on each occasion to ask in the same manner for a wife for his son, is to make sure that his request is backed up with every sincerity, for it is assumed that no man who lacks honest intentions and who is not prepared to comply with the dowry part of the ceremony would go to so much trouble about a mere woman. After the fourth visit he is told to go home, and then the matter is laid before those of the girl's relations who are interested. Should they offer no objections to the match, beer is prepared and a messenger sent to summon the suitor's father, who, on this occasion, will depute some one in his stead to make a public and formal request for the girl's hand. Should this deputy return with a favourable report as to the result of his mission, six men will then be told off to deliver the *lenyalo* cattle. There are numerous formalities

↳ Not always six now, but if possible never less than three men.

attending the delivery of these cattle, and they will be dealt with under a separate heading.

WHO CANNOT MARRY.

The Bapedi, though it is a very general thing for cousins on the paternal side to intermarry, are very particular about the rules governing the relationship of those who enter into a marriage contract. Generally speaking, the civilised law prohibiting the union of two parties related to each other within the fourth degree of consanguinity is similar to theirs on this matter, except that

- (1) the progeny of two sisters cannot intermarry, even though they be only half-sisters;
- (2) the grandchild of a second wife cannot marry a first, second, or third cousin of the first or third or so on wife, and vice versa;
- (3) a man may not marry a woman whom he has abducted.

THE DELIVERY OF "LENYALO" CATTLE.

The ceremonies attending the delivery of *lenyalo* cattle (*lobolo*) are so many, and always observed, that they warrant being treated of at length herein. Not that a knowledge of them is really essential to one who has to adjudicate upon cases arising out of Bapedi customs, for these formalities, excepting the part played by the *bakgoenyana*, who are, of course, the chief witnesses involving the claim for the recovery of *lenyalo* cattle, rarely offer sufficient cause for litigation or controversy, but that the perusal of them gives one a better idea of grasping the narrowness of the native heathen mind; for the natives carry out these formalities as conscientiously as any civilised community would its rules of etiquette, and perhaps more so.

When the *lenyalo* cattle are delivered, they are driven to the girl's home by three men of the prospective husband's household, who are also accompanied by three elder members of the same kraal. These are called *bakgoenyana*. They are the masters of the ceremony, directly representing the young man's father. On arriving at their destination they are met by a representative of the girl's father, to whom the cattle are temporarily delivered. These *bakgoenyana* are then treated with the utmost contempt; nobody takes any notice of them, and they in turn mete out the same behaviour to all members of the same kraal, neither are they given anything to eat all day. After sundown they are taken to the girl's home by her father's representative, there given a very scanty meal and also a place to sleep, which is usually within the reed enclosure surrounding the hut or *lapa*. This representative, *motseta*, will then inform his principal that the cattle have arrived; the latter then directs that a similar announcement be forthwith made to the men of the kraal in order that they may assemble the following morning at sunrise for the purpose of deciding whether the price offered for the girl be a fair one or not. The six emissaries are summoned before this assembly, and as they come forward no salutations are exchanged between them

on even young boys

The *Motseta*, "especially if representing", a chief plays an important part in all things in Sekukuni-land.

and any of the natives assembled. The head of the kraal will then ask, "What do you want?" and the reply is, "We come for a cup of water" (*sego sa metsi*). Then the bargaining starts, and a great discussion will ensue as to the price to be paid for that "cup of water," meaning of course the girl. The emissaries will point to the cattle they have brought, and the men of the kraal will consider amongst themselves whether the offer be a fair and reasonable one or not. It is characteristic of the Mopedi always to plead poverty, and when purchasing anything, invariably, by means of this plea, to endeavour to get the purchase price considerably reduced. This habit was particularly noticeable at one time in the payment by him of taxes. Should the amount payable be £2, an offer of £1 would be made with a plea that it was all that he had, but directly he realised the uselessness of expecting any reduction, he would produce from amongst his rags and skins another sovereign or even more. Now, in the payment of *lenyalo* cattle, the same method of bargaining is also adopted, and those entrusted with the duty of delivering these cattle (*bakgoenyana*) will, in the interests of their principal, the young man's father, hide a certain number of them away en route to the girl's kraal. That is to say, the cattle to which these emissaries have directed the attention of the assembly are only a portion of the number which was handed over to them for delivery to the girl's father. The assembly, after very little consideration, refuse the price tendered, knowing, of course, that there are more cattle still to come. When the *bakgoenyana* see that there is no way of silencing the demand for more, one of them returns for some of the hidden stock, whereupon the offer is again considered by the tribesmen, and so it continues until an agreement be arrived at. This, however, is not usually accomplished until the tribesmen feel certain that all the hidden cattle or stock have been fetched and delivered. Should the parties come to terms before the reserve, that is the hidden cattle, is exhausted, the balance undelivered is returned to the principal. During all these negotiations, the girl's father, who, of course, is the party most concerned, has no say in the matter whatsoever; he merely sits there looking on and not giving utterance to a single remark. Every time the tribesmen refuse an offer on the grounds of its insufficiency, they report to him accordingly. When, however, he sees that his fellow-tribesmen are pressing for too high a price for his daughter, he will come to the rescue by offering a certain number of his own cattle to supplement those already delivered by the emissaries. Of course his offer is purely fictitious, and only to show the assembly that he himself is satisfied. Directly this fictitious offer is made, the tribesmen will declare themselves satisfied, and the bargaining then ceases. The behaviour towards the *bakgoenyana* is immediately changed: they are greeted; the young unmarried girls of the kraal approach and wait on them hand and foot. Beer is brought out, the ox, which has already been alluded to as being provided at the expense of the husband, is slaughtered the following morning, and generally a great deal of rejoicing and feasting takes place. It may be added that until the bargaining is satisfactorily concluded the six emissaries are deprived of all weapons, sticks., etc., which they may have been carrying, and which they usually consider it proper to

carry, when proceeding on missions of this nature; these are taken from them by the young girls of the kraal on their arrival, and placed against the hut of the girl's parents. When the feasting takes place the young and marriageable girls mingle freely with the emissaries, who are entertained with great hospitality. After the feast is over they return to their home and give an account of their mission. The *ho lata* custom, which has already been described, is then carried out by the young husband.

It is peculiar to note that under no circumstances may the *bakgoenyana* delivering cattle in the case of the marriage of an ordinary native exceed six in number, but there is no limitation to their number in the event of the marriage of a chief.

THE DIVISION OF THE "LENYALO" CATTLE.

The *lenyalo* cattle—*kgomo tsa lenyalo*—go, of course, to the girl's father, and if he have more than one wife, they belong to the *lapa*—establishment or household—out of which the daughter was married; so that on his death they become the property of the heir to that *lapa*, or in the absence of an heir, who must be of the male sex, they are taken by the mother of the girl, and with them a woman is bartered, whose first male issue becomes the heir. Briefly, the cattle are taken to barter a woman to raise seed to the *lapa* being without male issue. This will be more fully dealt with under the heading "Inheritance." The father has, however, the right of taking the cattle, and bartering another wife for himself or for the own brother of the daughter married. In the event of his bartering a wife for himself, she is, however, obliged to take a subordinate place among the other wives, and is subservient to the wife out of whose *lapa* the cattle were derived, so that when the father dies she will be inherited by the heir to that *lapa*, and not by the general heir, as would be the case with regard to the other wives.

Of course, if there be no father the *lenyalo* cattle are the property of the girl's guardian, who is the heir to the *lapa* she is a daughter of.

After all ceremonies have been observed, the girl's eldest maternal uncle is called, and to him is delivered one head of the *lenyalo* cattle, which is called *hloho*. Why this is done remains a mystery. In the event of there still being cattle owing on his sister—the girl's mother—especially as it frequently happens nowadays that a man who is unable to pay the requisite number of cattle for a wife, will pledge the *lenyalo* cattle of the first daughter of such wife given in marriage, he—the maternal uncle—will demand a settlement of the debt out of these *lenyalo* cattle, which, if not made, will result in the matter being immediately brought to the notice of his chief and his *kgoro* council.

A great many native disputes nowadays have a bearing on this point, and to those who have to decide these disputes it is essential that they should be fully conversant with the details concerning the principle of bartering women on credit, for it is so easy to arrive at a wrong decision through ignorance of it. This custom itself, whilst the *lobolo* custom continues to be recognised, may be regarded as a fair and just one, and which substantially fulfils its object in preventing promiscuous cohabitation.

Still! I think the Natal Code better. 25/11.

Hence the inexperienced official is sometimes astonished to find one woman the "wife" of another woman.

except in the unusual case of a Mfedei marrying a Swazi girl

not before

It should be remembered that practically all marriages in Sekukuniland are still by native custom. From 1908 to 1922 there were never more than a dozen marriages a year by Law 3/1897.

PRINCIPLES GOVERNING THE "HO HLALA" CUSTOM.

FAILURE TO COMPLY WITH CONSUMMATE OBJECT OF MARRIAGE.

The *ho hlala* custom, which literally means the divorce law, is perhaps the most important custom for administrative purposes which exists at the present day. It naturally involves the recovery or non-recovery of the *lenyalo* cattle, is intricate, and, in districts such as Sekukuniland, where tribal organisation continues in a nearly undisturbed state, is brought into frequent use by the natives. In olden times, the Bapedi enforced this law, or set of customs, very rigidly, but of late years, and especially since rinderpest and other diseases have swept the country of the major portion of native cattle, they have been carried out with a certain amount of laxity, not so much that evolution has caused the natives to regard them as less binding, but rather that conditions and altered circumstances have rendered their enforcement more difficult, and in certain cases almost impossible. It may also be argued that contact with civilisation has taught the natives to rebel against the execution of all laws and customs which deprive him unjustly, according to civilised mode of thinking, of his property, and more especially cattle, the latter being regarded as a factor of his existence, as will be seen under the heading "Cattle Legitimising Offspring." This argument is a good one, and no doubt is responsible to a great extent for the laxity which is now perceptible among the heathen natives. The general principle with regard to this marriage question, although for reasons just given it has become somewhat distorted and is to-day subject to many theories which are advanced by individual natives to suit their own ends, is that, on the refusal of a woman who has been betrothed during infancy, or even later, to marry and cohabit with the man to whom she was betrothed, and she withstand the pressure brought to bear upon her by her parents or guardian, all cattle, i.e. the identical cattle, *mathiakathoka*, with increase, are recoverable. Even if they have been sold, they are taken away from the purchaser under what is called the *mamale* custom. The purchaser then has recourse to a claim against the seller for the value of the original cattle only, the increase in this case not being considered. For example, A agrees to pay B ten head of cattle for the latter's infant daughter to be the wife of the former's son when she reaches a marriageable age. The cattle are delivered to B (*vide supra*), but when his daughter grows up she refuses to ratify the contract. A will then claim the identical cattle still living, with increase, including also the increase of all cattle which may have died from disease or poverty. Should B have sold or bartered these cattle, he is, according to true custom, obliged to recover them with their increase from the purchaser, and hand them back to A, who is not supposed to accept substitutes. The party or parties to whom the cattle had been bartered or sold have no power to refuse to hand them over, and may be forcibly deprived of the same should they attempt to do so. They then have a claim against B for the recovery of the purchase price paid in the first instance, or to another head of cattle in place of each of those which originally formed the subject of transaction. Assume, for instance, that a third party

bought from B a cow which was part of the *lenyalo* cattle delivered to him by A, and this cow has had four calves since the date of sale, making a total of five head of cattle with increase, and it becomes necessary for all the *lenyalo* cattle to be returned to A owing to the non-fulfilment of the obligations thrust upon B's daughter, the third party is compelled to hand over the five head of cattle, and he then becomes entitled to no more than the original purchase price paid by him for the cow, or to another beast in its place, the increase since the sale was effected not being taken into account at all as far as he is concerned. If B's circumstances do not enable him to refund either the purchase price or to substitute another for the cow in question, then the third party is obliged to nurse his claim until the marriage of the girl who caused the confusion, when it will be discharged out of the *lenyalo* cattle actually derived through her. Should she die before any such benefit has accrued to B, the claim stands over until cattle are derived through the marriage of any other daughter, if he have one. Failing all these means of effecting a settlement, the third party has a good claim against B's relatives for the amount due to him. This is called the *mamale* custom, which is literally "of the same colour," meaning the identical cattle, which were paid at the time A and B entered into the arrangement. Should some of the *lenyalo* cattle, not exceeding nine, have died from natural causes after they were handed over, and before the girl's refusal to ratify the compact entered into on her behalf, then B is obliged to give one head as compensation for the dead cattle; this is under the *ho phuta masika* custom—compensation to A for the loss of the sinews of the dead cattle. These sinews are always preserved, even at the present time, and used for the purpose of sewing native skins and karosses. Should more than nine cattle have died, then two head are given to A instead of one. For every head of the *lenyalo* cattle slaughtered by B he is obliged to substitute another in its place.

The principle of giving up the increase, especially when it is recoverable from a third party, is somewhat unpopular, and therefore a compromise is frequently arrived at by A and B, in which the *matlakathoka*—original number without the increase—is accepted. The *mamale* custom is a very peculiar one, which frequently gives rise to litigation in their courts, sometimes dating back many years, for there is no such thing as prescription under native law.

Should B not have cattle or stock of any description with which to satisfy A's claim against him, the latter is then called upon to be patient and to wait until the former has received cattle or stock through the marriage of one of his daughters. In this case A will find it necessary to waive his privilege under the *mamale* custom, the latter of which savours of superstition, and take what he can get.

DEATH OF A GIRL BEFORE ATTAINING A MARRIAGEABLE AGE.

Should a girl for whom *lenyalo* cattle have been paid die before she is taken to wife, her place will be filled by a sister, but if there be no sister available as a substitute, that is to say, if deceased's sisters have already been given in marriage to

others, complications, which will be governed by the principle laid down in the foregoing paragraph, will naturally arise. A man whose betrothed has died is very loth to accept the cattle he paid for her whilst there is still another woman available in her household as a suitable wife for him. For the purposes of this principle the deceased's brother's marriageable daughter will rank as a legitimate substitute.

DEATH OF GIRL AFTER MARRIAGE.

Should a woman die after marriage, having offspring, her husband has a claim against her parents for another wife, who has to be paid for in the same way as he paid for the deceased. This principle is adopted under the belief that the deceased wife's sister will have more care for the children than a strange woman could possibly be capable of. But should death occur before a woman has given birth to a living child, her parents are obliged to give another daughter in her place, or to return the *lenyalo* cattle to the husband, in order to enable him to barter another wife elsewhere. A very nominal fee would be paid for the second daughter taken to wife under such circumstances.

his very often another beast, or two beasts. I have known three beasts.

SON REFUSING TO MARRY THE GIRL BARTERED FOR HIM.

Under these circumstances the father is entitled to elect whether he will take the girl to be his own wife, she being willing, or to forego all claim to her and the *lenyalo* cattle which had been paid over to her father. These are forfeited to the benefit of the latter.

MALICIOUS DESERTION OF A WIFE.

If a woman without cause maliciously desert her husband he is entitled to recover all the *lenyalo* cattle according to the principles already set forth, and to retain the custody of the children of the marriage. The woman is then permitted to be given in marriage to another man.

This is where lawgivers imposed the local customs to the detriment of the tribe & its morals. None of these marriages are lawful according to the Transvaal. The Natal system is far the best.

The principle of permitting the husband to retain the custody of the children is in harmony with civilised laws, and usefully acts as a deterrent against native women breaking up their homes on the slightest pretext. If, at the time the woman deserts, she be pregnant by her husband, or suckling an infant whose delicate age does not permit of its being taken from its mother, the husband is obliged, on receiving the *lenyalo* cattle from her parents or guardian, to give this woman a cow in full milk in order that the child might be reared therewith to his benefit. When the child is old enough it will be taken from its mother and delivered to the father, but the cow remains the property of the woman and cannot be touched by either her parents or a future husband.

as with marriages

HUSBAND DESERTS HIS WIFE OR DRIVES HER FROM HIS HOME.

It frequently happens nowadays that men who have proceeded to labour centres grow accustomed to town life, become emancipated from their tribal customs, and decline to return to their wives. According to civilised law this is desertion, but

The Supreme Court of the Transvaal bastardized almost every native of the Transvaal & deprived parents of authority over their children. This was done by changing the word "humanity" of the Old Natal & Transvaal Laws into "civilization".

the natives are not inclined to place this interpretation upon it. In the first place, the family of a husband who has been guilty of such inattention to his wife, in order not to lose anything, that is, the children of the marriage, will always endeavour to provide a substitute—the callous husband's brother, for instance—and upon the refusal of the wife to assent to this arrangement, they will immediately endeavour to thrust the guilt of desertion upon her on the grounds of her refusal to cohabit with her husband's representative. Really, a native woman is allowed very little alternative in such matters, and in olden times her feelings were considered far less than they are to-day. And then, again, a woman who has been maliciously deserted by her husband is always blamed as being the cause of the desertion; she is jeered at by other women and scorned by the men, who say she must be diseased, otherwise her husband would not have left her. Women are therefore very reluctant about complaining against their husbands, and it has frequently happened that they have undertaken long and tedious journeys in order to try and find their husbands and to induce them to return home. An instance is recalled to mind of a woman who walked from somewhere beyond Pietersburg to Pretoria for the purpose of trying to locate the whereabouts of her husband who had been missing for some years. She was clad in skins, and looked a pitiful sight when ushered into the Sub-Native Commissioner's Office, to which place she had the presence of mind to have her steps directed. The story she told was very touching, and, strange to say, during all the years of his absence, she had remained faithful to her husband and had given birth to no child but his own. Every effort was made to find this man, but, in the end, she was obliged to return home with no reward for her faithfulness. It must be admitted that such fidelity is very much the exception to the general rule. Another instance, which demonstrates how little the feelings of the opposite sex are considered by the men, might also be found interesting. Early in the nineties a native married a young woman under tribal custom, but before all the formalities had been concluded he wanted her to live with him at his home. This she refused to do, whereupon he proceeded to Kimberley without warning her or providing for her maintenance. Year after year passed by and he did not return. She sent messages to him asking him to come back, but still he remained away. She had one child by him in the *ho lata* period, and during the years of starvation amongst the natives, following the year in which the rinderpest swept the country of cattle, she worked and begged for food for herself and her child. Her husband's people would not succour her in any way, and her own people had migrated to a town. Through others she wrote for money, but he sent her none. He married—or rather took a woman to live with him in Kimberley. After waiting ten years she followed her parents to a town and there became converted to the Christian faith. Even then she wrote to him asking him to return, but still he paid no heed to her appeals. Finally, after waiting for sixteen years, she sent to his people and informed them that she had waited long enough, and that

she now intended marrying another man according to Christian rites. This message was immediately transmitted to Kimberley, and within two months her husband returned and wanted to claim her or the *lenyalo* cattle, and the custody of the child. She naturally refused to have anything to do with him, especially as she was about to be married to another who also professed her faith, she having no desire to revert to heathen customs and dress, this being one of the conditions imposed by her husband should she return to him. When he found that he could not induce her to return he sought to claim the *lenyalo* cattle from her parents, who either refused to pay or were not in a position to do so. In due course the matter was brought before a Sub-Native Commissioner, who refused to entertain the claim, as it was distinctly contrary to civilised habits; but according to true native law the husband's claim was a good one, and had the action been brought before a chief he most probably would have got judgment in his favour. This very clearly shows that it is very difficult for a woman to bring a charge of desertion against her husband. But if a husband drives his wife from his home for no just reason, it is regarded as a very grave action, and he forfeits all right to the woman, the children of the marriage, and the *lenyalo* cattle. It is not actually necessary for a husband to forcibly eject his wife, although this does happen, especially if he have more than one wife, and one of them becomes jealous of another, the former might exercise her influence over their husband by coercing him into violent acts against the latter. There are various signs that lead a wife to understand that she is no longer wanted; even although the husband may not have used the words "go away," they are inferred:

1. If he persistently refuse the food prepared for him by his wife. This is regarded as a sign that he does not trust her, and is afraid that she may poison him. The wife will then return to her parents, and when the husband reclaims her or the cattle the onus of proving that he had not driven her away rests on him.

2. If he do not clothe her. It is incumbent upon every husband to prepare the skins forming the wearing apparel of his wife or wives (*vide supra*), and if for no good reason he fail in this duty, thereby causing his wife to go to her parents for dress, *theto*, or else go in tatters, she is entitled to infer that he desires to divorce her.

3. If a husband who has two or more wives neglect to plough, or cause to be ploughed, the lands of one wife, when he does so for the other or others, the wife so neglected may return to her parents and accuse her husband of having divorced her. (See "How Marriages Terminate," page 24.)

It is strange that a wife who has been denied the benefits of conjugal rights, has apparently no good cause to infer that she is being divorced by her husband. This question will be more fully dealt with under "Native Divorce Procedure."

(4) Close up door of hut with reeds or pieces of wood.
vide Fata u Tshoo page 66

is considered to be of the same hut or establishment as the barren wife is, and the children she may bear are not regarded as her own, but are appropriated by the barren wife for whom the original *lenyalo* cattle were paid. The *seantlo* is looked upon as a proxy, and carries out the duties which unfortunate circumstances have prevented her sister from carrying out. It is a popular idea that no cattle are paid for a *seantlo*, but that idea is erroneous. The saying is *seantlo se a nyaloo*, the *seantlo* is married. A nominal charge is always made for the *seantlo*, sometimes very little, but never exceeding three head of cattle. The duty of arranging about a *seantlo* devolves upon the barren wife. The husband does nothing in the matter. Should her demand for a *seantlo* be refused by her parents, she is entitled to take the *lenyalo* cattle which had been given for her and hand them back to her husband, so that he might be able to barter a *seantlo* with them. If this latter course be adopted the barren woman will still remain with her husband, and the newly bartered wife then becomes the substitute, is regarded as a sub-wife, and is expected to bear children to the benefit of the barren wife. It is obvious that a *seantlo* has very little status as a wife, and is regarded as a mere instrument for the purpose of bearing children. A barren woman will spare no efforts in order to obtain a *seantlo* or substitute, because by so doing she is able to redeem her status as a wife, and her failure to be a mother is not forcibly visited upon her by her husband. Barren women on the whole receive very little sympathy; they are very badly treated by their husbands, scorned by other men, and unmercifully ridiculed by their own sex.

The following is a case which appears to strongly bear out the foregoing remarks, and forcibly illustrates how brutal some men become in their treatment of a barren wife:—

During infancy a woman was given in marriage to a certain man. The cattle were paid, and everything seemed very satisfactory for both parties. She was an only child, and during the time she was passing from childhood into womanhood, a cattle disease swept the country of cattle, leaving her parents poverty-stricken. In due course all marriage formalities were concluded, the woman fetched, and then, to crown the misfortunes which had befallen her parents, it was discovered that she was barren. She returned to them for a *seantlo*, but unfortunately they were unable to provide one, and as the cattle had all died they were naturally unable to supply their daughter with the means of bartering one elsewhere. The husband was infuriated, but realising that there were no cattle to which he could lay claim, and no other woman available as a *seantlo*, he ordered his barren wife to return to him, at the same time intimating to her parents very clearly that they would have to make some arrangements with regard to the *seantlo* or to returning the cattle to him. Some years went by, and neither *seantlo* nor *lenyalo* cattle appeared to be forthcoming. From time to time the husband visited his wrath upon this unfortunate woman, and her existence became almost unbearable. He married another wife, who frequently taunted him with the fact that he was maintaining a barren woman who had not provided a *seantlo*. This apparently took root in the husband's mind.

Quite also case of daughter of Masilela who lived a terribly unhappy existence as woman could penetrate her. Eventually she was raped by a Matabele boy who forced his way into her. After that she lived very happily, having regained her status among women.

and one day whilst a beer party was being held at the young wife's hut, he, having evidently become somewhat drunk, visited his barren wife's hut and there again accused her of being of less use to him than his dog. She replied that she was not responsible for her unfortunate affliction, and asked for permission to return to her parents, whereupon he became violent and struck her in the face. The blow partly stunned her, and a struggle between husband and wife ensued. He, being the stronger, had her at his mercy, and seizing a burning log from a fire near by made frequent attempts to thrust it into her face. With her arms she warded off the log, and this added so much to his fury that he struck her a severe blow, rendering her unconscious. He, however, did not regard this as sufficient punishment, but, taking advantage of her unconscious state, made further use of the burning log, which, after passing it all over her body, he thrust into the genitals. The woman's agony when she came to was terrible, and it took some days for her to crawl a few miles to the Sub-Native Commissioner's Office to ask for protection.

Needless to say, the brutal husband was severely punished for this disgusting assault upon his wife. According to native mode of thought it was nothing compared to the humiliation of the husband in having to maintain a barren wife who could not obtain a *scantlo* or substitute. It is a very grave insult to call a woman *mopa*—barren.

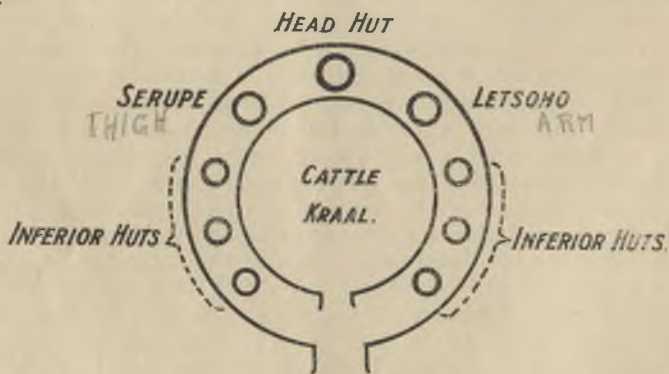
IMPOTENCY OF HUSBAND.

It is regarded as a great affliction for a man to be impotent or unable to beget children. Such a one has also a means out of this difficulty, and, needless to say, unlike the barren woman, this means is very easily procurable. It is not permissible for a woman to make public the fact that her husband is impotent or otherwise afflicted so as to render the procreation of children impossible; she is compelled to keep the secret, and even should she divulge it some excuse is always made for the man, the fault being ascribed to the woman herself. There is a legend that a woman is always able to tell two days after she has given birth to a son whether such son will be impotent or not. How this is done no one can explain, but the natives allege that the test is infallible. If, according to this test, a boy be set down as impotent, he will be apprised of this fact when he reaches the age of puberty, or as soon as he is about to take a wife. If really impotent he undoubtedly will have become aware of his affliction without any warning from his parents, but this will by no means cause him to elect to remain in a state of celibacy for life. On the advice of his parents he will make arrangements with a friend, as soon as he marries, who will be his substitute when necessary and beget children for him. These arrangements are usually made with a member of his own family, a younger brother, for instance, but there is no restriction as to this point, for even an outsider may be called upon to accommodate in this manner. The usual procedure is as follows: The impotent husband will inform his wife that a great stigma rests upon him in consequence of his impotency, and that it is incumbent upon him to make provision whereby this stigma might be obliterated. He will name the

HEAD WIFE.

It is said that some tribes of South Africa reckon the seniority of one wife over another by the priority of her marriage. From time immemorial the custom has prevailed amongst the Bapedi that a wife takes her rank of superiority or otherwise from the stock or household out of which she has been married. It is the general principle that the "head wife" is the woman who has sprung from the same root as her husband. The custom is popular for a man to marry his paternal cousin, and as soon as she comes to her husband's kraal she claims, and without question is granted, superiority over the other wives whose marriages date prior to hers. Failing a cousin, it has been shown that a man will invariably marry the next relative whose marriage with him is not precluded by native custom, and likewise her status as the head wife is always recognised. A cousin or next relative becomes the head wife, provided always that the husband has not married, or does not subsequently marry, a woman who is the daughter or reputed daughter of a chief. When this occurs the chief's daughter claims, by right of birth, precedence over all other wives, and she in turn is obliged to submit to the superiority of a wife who is the daughter or reputed daughter of a chief who is of better rank than her father. The ceremony attending the marriage of a head wife varies slightly from ordinary marriages, and is very similar to that observed when the royal wife of a chief is taken, only of course, instead of it being a tribal ceremony, it is confined to the families of the husband and wife.

The following diagram shows the arrangement of a man's household. It is nearly the same amongst all South African tribes.



The *ntlu e kgulu* is directly opposite the gate of the cattle kraal.

STATUS OF INFERIOR WIVES.

The respective ranks of the inferior wives of a chief are defined when he marries his royal wife, or "tribal candle," as she is designated by the natives, that is to say, when the ceremony of rekindling the fires is observed. When this takes place, the particulars of which will be shown later, the wives will be assembled and she who is first called upon to take coals

from the fire which has been kindled by the royal wife will rank as chief of the inferior wives, and occupy the hut on the right-hand side of the head hut. This wife is regarded as the *serupe*—leg—of the household, and her eldest son will succeed to the chieftainship, failing male issue in the head hut. The second wife called upon to take coals ranks next, and will occupy the *letsoho* hut—arm—on the left-hand side of the head hut. It is questionable whether her eldest son would succeed to the chieftainship on failure of male issue to either of the two superior huts. No particular attention is paid and nothing need be said with regard to the other inferior wives that follow, but their respective claims to occupy the *serupe* side of the household, which is looked upon as the superior, are also settled at the same time, and they occupy according to their priority in taking coals from the fire. This is briefly the formality which is more or less observed in the regulation of a chief's household. With regard to that of an ordinary native, the respective ranks of inferior wives are invariably arranged by the husband himself.

The head wife takes the lead in everything, and although the inferior wives are subservient to her, she has no claim to their services. The duty of summoning the wives to weed the gardens of their husband devolves upon the head wife. A chief's head wife is always waited upon by the young unmarried girls of the kraal.

Generally speaking, each wife acts and lives independently of the other wives. A chief who has many wives usually appoints an induna to supervise them. The duties of this induna are to preserve peace and good-feeling amongst the wives and women of the chief's household, and it is even stated that some chiefs relegate to him the authority of regulating the occupation of the various huts by the chief. Of course the custom of accommodating a visitor with a woman is also observed by the Bapedi (*vide* page 49), and with regard to a chief's visitor these arrangements are concluded by the induna having custody of his wives and other women.

ROYAL MARRIAGE.

The terms royal wife and royal marriage are used for the purpose of differentiating between the head wife of a chief and that of an ordinary native, and likewise the ceremony attending each respectively. Although the formalities observed in connection with ordinary marriages have already been given, those appertaining to a royal marriage are so important and impressive that they are worthy of being dealt with separately. The selection of the royal wife of a young chief is a matter which receives the very careful consideration of the tribe. A woman who is selected for this important position plays an onerous part in the affairs of the tribe, and therefore it is necessary that she be married out of a family, if not equal, nearly so, in rank to her husband. In most cases the royal wife is chosen and negotiated for by the tribe long before the chief has obtained a marriageable age, the marriage not necessarily taking place as soon as he has reached such an age. Of course to the young

chief the tribe's choice is intimated. When he decides that the time has arrived for him to marry a royal wife, who is called the "tribal candle" for reasons which will be shown later, he will announce this fact to his counsellors, indicating at the same time that he has chosen a woman for the position, who, needless to say, will be the same woman that has been chosen for him by the tribe some years previously. The council in turn summon the followers, and to them is explained that the tribe is without a *lebone*—candle—and that it is now necessary for one to be provided. A consultation is then entered upon as to who shall be chosen for the exalted position. A sort of formal vote is taken, but this seems to be quite unnecessary, for the choice rests really with the head induna and other indunas, and in most cases has already been made long before the consultation takes place. It is noteworthy that the tribe will never dissent from this choice, but, on the other hand, it may be stated that the indunas do not lay themselves open to defeat in this direction, for they diplomatically obtain the general feeling on the subject and invariably make their choice accordingly.

After the foregoing formality has been concluded, a deputation is sent to the chief—the father of the woman chosen—and a formal request made for his daughter, much in the same way as is done in ordinary marriages. It is peculiar that when a proposal of marriage is made to a daughter of a chief to be the royal wife of a young chief, the latter, ranking above her father, neither she nor her father have the right to reject the proposal. This principle has undoubtedly sprung from the fact that in earlier days the proposal would have been exacted by force of arms, should it have been rejected by the tribe to whom it was made. The royal wife of the present chief Sekukuni is of the *Maruteng* clan of the Mphahlela household. When chosen by Sekukuni's following she had already been given in marriage to a petty chief in the Pietersburg District, by whom she had two children. This woman, who was considered to be a woman unequalled in rank, was literally demanded by Sekukuni, and the Mphahlela following were obliged to annul the former marriage and hand the woman over to him. The petty chief, who had been led to regard her as his wife, had no means of protesting, and he contented himself with another woman of inferior rank who was given to him instead.

On the return of the deputation, contributions to the *lenyalo* cattle are sought from the members of the tribe. Each petty chief or induna is called upon to give at least one head of cattle. The marrying chief will also give cattle from his own kraal. When sufficient cattle have been collected they are delivered to the woman's father with a considerable amount of ceremony. All headmen and indunas will accompany these cattle, and, on delivery, a great feast takes place, at which ten or twelve head of cattle are slaughtered. The woman's father will assemble his tribe and they also take active part in the ceremony. The marrying chief does not attend the functions at his prospective wife's home. Most of the formalities of an ordinary marriage are observed, excepting, of course, the *ho lata* custom (*vide* page 4), which necessitates the husband spending a certain time under the

Young
Tschane is
the son of
the petty chief
but is now
undisputed
him to the
Roopeedi
chiefdom
& is regarded
as Sekukuni's
own son.

control of his parents-in-law. In due course, the royal wife will be fetched—*ho bika*—(vide page 5), and her arrival at the head kraal of her husband, the young chief, is celebrated with impressive and considerable ceremony. She will be accompanied by most of her father's following, and a few indunas who represent him. On approaching her destination, the major portion of her husband's following turn out to meet her, and then her progress towards her future home is made with exasperating slowness. Sometimes the whole day is occupied in travelling a few miles. At intervals the royal wife and her escort will sit down at the roadside, where they remain until the chief sends out presents imploring them to approach. This is repeated very frequently. At first the present will probably consist of an ox, and then a goat, and then perhaps a kaross, and so on, gradually diminishing in value until it amounts to a few bangles. Of course, on the receipt of each present, the wife will travel a few hundred yards nearer to the kraal. About eight o'clock, when the procession comes to its last halt, just prior to entering the kraal, a forerunner is sent on to announce the arrival of the "tribal candle," whereupon all fires throughout the village are extinguished. On arrival, the royal wife will be conducted to her hut, and there attended by the female members of her escort. Nothing further happens that evening, but the next morning at dawn the rekindling of the fires takes place. This is done personally by the royal wife. Formerly, fire was produced by means of rubbing together two pieces of dry wood, but of late years the use of matches has superseded this primitive method, not without opposition by the older members of the Bapedi. As soon as the fire has been kindled by the royal wife, the grading of the inferior wives in the manner already set forth will take place, viz., they will rekindle their own fires from the coals obtained from this one, and so the fire is distributed throughout the whole village, until every household has rekindled its fire with the coals taken from the fire kindled by the royal wife. The reason for this peculiar custom will be gathered from the definition of a tribal candle, which will follow. After this a great feast takes place, at the conclusion of which the escort return to their chief with the presents made by the young chief on the afternoon of their arrival at his village.

"LEBONE," TRIBAL CANDLE.

The royal wife of a chief is called the tribal candle, because from her it is expected will spring the light of the tribe, in the shape of an heir, who will succeed to the chieftainship. This method of settling the order of succession is indisputable as far as the tribe is concerned, whether the heir be the child of the chief or not, so long as he is born of the tribal candle. It has been shown that the formalities attending the marriage of a royal wife are long and tedious; so lengthy, in fact, that instances are known of chiefs for whom the tribal candle has been negotiated have died long before all ceremonies have been concluded. In such a case she is still looked upon as the future mother of the succeeding chief. A regent is appointed, and this royal wife or tribal candle will cohabit, on the advice of the indunas, with some member of the tribe, preferably the deceased chief's next own

Schuburni II
was born 2 years
after his father's
death.

Young Schuburni is
not actually the
son of present
Schuburni, yet
is heir to the
chieftainship.

Thorometzane

Moramotsha the ~~son~~ of Sekukuni I & nominal father
of Sekukuni II was killed at Fighting Kops on Djeate on
Nov 2nd 1879 fighting against²⁴ Sir Garnet Wolseley.

brother, and her first male issue is regarded as the chief. Such issue is looked upon as the late chief's own son, even although lapse of time between the death of the former and the birth of the latter proves this to be a physical impossibility.

At the present time, the most powerful chief in Sekukuniland, in fact no other than Sekukuni himself, claims to be the son of the chief who died about ~~twelve~~ years before his birth, and it is strange to say that nobody dares to declare that he is not the son of his reputed father, namely, Moramotsha, the son of Sekukuni I., simply because his mother, Torometshane, was chosen as the deceased chief's wife, and bartered with the tribal cattle of the Mohlaletsi-Maruteng faction. Who the actual father of this chief is no native will divulge.

vide note

HOW MARRIAGES TERMINATE.

Marriages under native custom are terminated

1. By death.

2. By *ho hlala*, i.e. the desertion of either the wife or the husband. It has been shown what constitutes desertion in either case, but for the sake of convenience it is given again under this heading. A wife's desertion consists in her maliciously leaving her husband and either returning to her parents or going to live with another man. The husband's desertion is defined by the natives as the act of driving his wife away from her hut. This may be done directly, i.e. forcible ejection, or impliedly in the manner already referred to on page 15, namely: Firstly, by placing brushwood against the door of her hut whilst she is out. (See *Feta u tshoe*, page 66.) Secondly, by refusing to eat the food she has prepared for him. Thirdly, by neglecting to clothe her properly. Fourthly, by neglecting to plough for her, whilst he ploughs for his other wives.

Each of these is taken as a sign that the husband no longer desires his wife's presence in his household.

NATIVE DIVORCE.

The natives have no divorce procedure. If a husband refuse to cohabit with his wife she has no means of suing for restitution of conjugal rights, but her remedy is to apprise her parents of the fact, and after waiting a reasonable time, after which, if the husband continues to neglect her, she is at liberty to bear a child by any man she pleases, it being considered the bounden duty of a husband to enable his wife or wives to give birth to as many children as nature permits them to bear. Should the husband accuse her of infidelity, she has recourse to the chief, who will enquire into the matter, and if it be found that the husband failed in his obligation to the woman she and her paramour are exonerated from all blame, and the child looked upon as quite legitimate.

CATTLE LEGITIMISING OFFSPRING.

The native maxim "that cattle beget children and not men" means that it does not really matter by whom a woman bears children, as long as she has been paid for with cattle, in which case her children are looked upon as being those of the man who

1879-1881

(two)

Parentage of Sekukuni II

The actual truth of this matter is only known to a few & never discussed.

Sekwati, the son of Modubatae a younger brother of old Sekukuni I, went to Mphahlela's while Thoronetjane was still living there & cohabited with her & became the father of Sekukuni II.

On Sekwati's return (to Masetling old Kgotho's stead) he was soon afterwards killed by order of Maruteng, as otherwise he might have boasted when drunk or tried to assume undue authority.

Inser- common Death &
Mourning Customs.

Add to book a Tribal History

Authorities:- Short official History of
Transvaal Tribes.

Tradition of Rehobots.

History of Sekwati by Wintie.

Best living authority for pre-Tulare
days is boy living at Tseane-Mait
stiad.

Kyobalala can also help.

Carl Jeppie's book
Kalidoseopia Transvaal

The Transvaal of Today. by
Angward. 1881 Edition.

Theal is inaccurate & not much use.

Stow's book is useful.

Polhu Book. Further Correspondence Respecting
the Affairs of S. Africa. Colonial Office. 2950.
of April 1881.

Many white & black living authorities
re 1876 fights.

War office report on Sir Garnet Wolseley's
campaigns of 1879.

Give list of native names
of more important localities
in Sebukuiland, with
European equivalents - from
name -

paid the cattle. Should a young girl be seduced, and after being delivered of her child, married with cattle by a man other than her seducer (see page 19), her child becomes the indisputable offspring of the payor of the cattle, and is regarded as being quite legitimate. The same principle is adopted in all matters of this nature, which need hardly be entered upon. This gives one some idea of the important part played by cattle in the lives and domestic affairs of the Bapedi, and the same might be said of all Bantu tribes.

INCESTUOUS MARRIAGES.

Incest and incestuous marriages are absolutely prohibited. Of course a man will cohabit with his deceased father's wives, save and except with his own mother.

"KGOMO EA MOKOKOTLO."

The literal translation of this phrase is somewhat difficult, but it alludes to one head of cattle, which is paid as a reward to a man who has been requested to look after and cohabit with a woman, whose husband is not prepared to receive her at the time she attains a marriageable age. (See *Ho Hlapestha* Custom, page 5.) This reward is made out of the cattle derived through the marriage of the eldest daughter of the woman who has been treated in this manner. It frequently happens that a man having custody of a woman, but not the right of cohabiting with her as is the case when a father inherits his son's wives in the absence of a brother, tacitly consents to this woman being visited by some member of the kraal, but as he has not expressly requested him to do so no claim will lie to a reward in the event of this woman having a child by this man.

Usual penalty for seduction, a cow & a calf, or sometimes a cow-in-calf. This must be paid on birth of child, by the seducer or his father. (vide also page 59 seduction)

No matter how many women the son seduces the father must keep on paying for each instance, if his son fails to do so personally out of earnings.

~~A girl sees~~

A man does not have to pay a cow & calf or, in fact, anything at all, for a second or subsequent illegitimate child produced by a girl. The Bapedi say that if such payment was allowed some parents would encourage their daughters to get children for cattle.

CHAPTER II.

INHERITANCE.

THE Bapedi laws of inheritance are, on the whole, very equitable, and in principle substantially resemble those adopted by civilised communities. There are, however, certain differences which appear to be essential to the requirements of a polygamist, and also to the custom of bartering wives. The question of who shall inherit the dowry of *lenyalo* cattle paid for a deceased man's daughter does not present itself to a civilised community as it does when dealing with Bapedi and other native customs.

There is a slight difference between the principles governing the inheritance of a chief and those regulating the estates of ordinary natives. This principle, which is important, is that a chief may exercise the right of ownership over all the goods and cattle which were the property of his father, the late chief, even although they do not appertain specifically to the household—*lapa*—out of which he was born, and he may claim as his own property all cattle paid in marriage for any of his father's daughters, whether they be his own sisters or only half-sisters by inferior wives. It is a popular custom for a man of two or more wives to allocate his possessions to the different establishments or *lapas*. For example, if a daughter of a second wife be given in marriage for cattle, these cattle are the property of the establishment or *lapa* of the second wife. Thus it will be seen that with regard to the estate of an ordinary follower, all possessions, namely, stock, etc., belonging separately to each *lapa*, are inherited likewise by the heirs to the estate of each *lapa*. This must not be confused with the privilege of a chief, who, as stated above, may exercise ownership over all the property belonging to all or any of the *lapas* of his father's estate.

SUCCESSION.

The eldest son of the head wife succeeds his father as head of the *kgoro*—family. This, as will be seen from these notes, is a rather responsible position. He also inherits all the cattle and goods appertaining specifically to his own mother's establishment, and all household goods, cattle, and other articles belonging, or debts owing, personally to his deceased father which do not appertain or have not been allocated to any *lapa* of an inferior wife.

The eldest son of each inferior *lapa* or establishment inherits the cattle and goods appertaining, and legally allocated, to such *lapas*, and also all cattle which have been or may be derived through the marriages of his own sisters.

The eldest son by the head wife also exercises the rights of guardianship over his younger brothers and half-brothers. Whilst he has no claim to a share of the property inheritable

If the father is still alive he cohabits with
 the bartered woman. If he is dead the senior son
 of the major house has the right to cohabit with her. If minor house
 27 has no son, then the senior son of the third house

by the latter, he is in duty bound to do as much for them as his father did or should have done when alive, namely, chiefly to assist them in procuring wives by contributing cattle towards the *lenyalo* and generally to exercise the authority of a pater-familias.

“LAPA,” OR ESTABLISHMENT WITHOUT AN HEIR.

Should it happen that a *lapa* be without male issue, i.e. should the children thereof all be daughters, then the cattle of this *lapa* are taken and with them a woman is bartered. This woman is brought to the *lapa*, where she cohabits with the man, who in the ordinary course would have cohabited with the wife of such *lapa*. Should she give birth to a son, he is regarded as the heir to the *lapa*, takes precedence over the daughters thereof, and is entitled to all the cattle derived through the marriages of these daughters, whether derived before or after his birth. This is the custom of *ho hlatsa di noka*—raising of seed. A woman bartered under these circumstances is subservient to the wife of the *lapa* by which the cattle were paid for her, and is regarded merely as a means whereby seed would be raised to the *lapa* for the purpose of perpetuating that branch of the *kgoro* or household.

Again!
 a woman
 the "wife"
 of a woman.
 vide note
 page 10.

This custom is nearly analogous to that laid down under the heading of “Barren Wife,” for a woman who only bears daughters, and who has been unable to give birth to a son, is regarded as being partly barren.

GIFTS BY FATHERS TO SONS OR OTHERS.

It has been shown that the eldest son inherits his father's property, i.e. the property appertaining to the *lapa* or establishment of which he is the eldest son, but should the father during his lifetime have made a gift of any such property or stock to a younger son, or even a more distant relative, the procedure is—should the eldest son have a mind to dispute this gift—for him first to claim and seize the property or stock in question and then to call upon the party who lays claim to it to produce satisfactory proof that the gift was actually made. This proof is only considered satisfactory when the beneficiary is able to produce witnesses who were present when the deceased made them over to him. Should the claim be thoroughly established in this manner, it will be incumbent upon the eldest son to immediately hand over the property in dispute to the claimant. If he refuse to do so, the chief then has the right to have him deprived of the same for delivery to the beneficiary.

A case of many cases
 especially across districts
 round Mafikeng, vide
 case Mafikeng vs Mafikeng

WILLS.

It is not customary for the Bapedi to make oral or written wills.

ESTATE WITHOUT AN HEIR.

In the event of a native dying without a next of kin (this is almost impossible amongst the Bapedi) his estate is taken in hand by the chief, who spares no efforts in order to find a legal

heir to the same, however distantly related to the deceased. If the deceased be a native from another part of the country, one who has taken up his residence amongst the Bapedi and adopted their habits and customs, messengers will be sent to his place of origin in order to try and find a next of kin. All enquiries in this direction having failed, the estate goes to the chief. Briefly, the custom is, where there is no *moloko*—next of kin—the estates lapse to the chief.

ORDER OF SUCCESSION.

The Bapedi order of succession is as follows:—

1. The eldest son succeeds his father in the manner already set forth.

2. The father inherits the property of an unmarried son.

In most cases the property of an unmarried son is regarded as belonging to the father.

3. If the son be married the father may exercise guardianship over the deceased's household, but it is customary for him to cede his right thereto to a younger son, who becomes the fiduciary, and who, in due course, has to render an account of his stewardship to his deceased brother's eldest son, who may have been a minor at the time of his father's death, or even born subsequently of the deceased's wife by the fiduciary himself.

Owing to the time spent in carrying out all the marriage formalities, it frequently happens that a man dies before he has been able to cohabit with the woman bartered by or for him. In such cases the marriage formalities will continue uninterruptedly, and at their conclusion the woman cohabits with one of her late intended husband's family—*moloko*—preferably his younger brother, and her first male issue becomes the heir to the deceased's estate on his reaching the age of discretion.

It is significant to note that the Bapedi maintain that a man's seed or stock can never become extinct, because the *lenyalo* cattle make it impossible for a woman to bear an illegitimate child, and therefore the offspring of a man is perpetuated.

4. A brother succeeds in the absence of a direct heir or father.

5. An eldest paternal uncle in the absence of male progeny (by other wives), brothers, or sisters.

6. A paternal aunt's eldest son in the absence of the foregoing.

7. If the claimants to an estate be two aunts, one on the paternal and the other on the maternal side, the maternal aunt takes the cattle, and with them she is obliged to barter a woman whose first male issue is supposed to revive the name of the deceased, and is therefore named after him—*ho tshusa leina la mofu*: to awaken the name of deceased. Here it may be seen again what an important part cattle play in the habits and customs of the Bapedi.

8. A paternal aunt takes preference to a maternal uncle, but she also is obliged to barter a daughter from this uncle, and the custom of reviving the name or seed of deceased is the same as in No. 7. In both cases the woman so bartered will

This is always
disputed
in-weddings

Aunts invariably quarrel & it is a bad
business settling inheritance when they are
concerned.

cohabit with the aunt's son or with any one of the deceased's family of whom such aunt approves.

9. In reckoning the next of kin, paternal relations take precedence over those on the mother's side. The data received regarding the most ancient rules of succession have been somewhat conflicting, and it appears to be almost impossible to get indisputably reliable particulars at the present time. The foregoing is the result of much enquiry and calculated to be the rules of succession extant in the days of the chief Tulare, and, furthermore, it is possible that they may be found to differ in some respects from those in vogue at the present time.

LIQUIDATION OF DEBTS OWING BY DECEASED.

It has been shown that the eldest son of the head wife inherits all debts owing personally to his father, and likewise he becomes responsible for amounts or obligations due by his deceased parent. It is customary for a man of two or more wives to keep a fair account of all debts which he may contract in connection with each *lapa*, or establishment, and he will usually apprise the wife of such *lapa* thereof. These debts arise chiefly through hiring oxen and ploughs to plough, or the purchase of grain, clothing, etc., for the *lapas*. On the death of the husband who, of course, is head of the household, his creditors will demand a settlement of the eldest son of the head wife, as the paterfamilias, and he, in turn, has recourse to the respective *lapas* or establishments through which the debt may have been contracted. Briefly, the eldest son of the head wife is held responsible for all debts of his deceased father, whether contracted in connection with his own or any other *lapa*. Should it happen that the debt has been incurred solely on behalf of the head hut or establishment, and that the assets of such establishment be nil or insufficient to meet its liabilities, but that the inferior establishment or establishments have sufficient assets for this purpose, the eldest son of the head *lapa* will approach the inferior establishments with a plea for assistance in order to redeem the reputation of their deceased father. Such assistance is invariably given, but, if refused, there appears to be no remedy. The creditors will then appeal to the chief, who will enquire into the matter, and should the claims be substantiated, the eldest son of the head *lapa* is ordered to pay the debts owing. He naturally pleads his inability to do so by reason of the impoverished state of his *lapa*, but will point to a sister or daughter, no matter of what age, and offer to settle the debts out of the *lenyalo* cattle derivable through her when she attains a marriageable age, and the creditors are obliged to be satisfied with this offer and await the marriage of the girl.

In nearly every respect the different *lapas* or establishments of a man are regarded as so many distinct families or households, excepting of course that the eldest son of the head *lapa* is looked upon as the head of the whole household—*moloko*—and exercises a certain amount of authority over the wives and children of the inferior *lapas*. What this authority really amounts to will perhaps be better understood from the details of the *ho lebanya* and *ho tsenela* customs which follow.

“HO TSENELA”: TO ENTER, AND “HO LEBANYA”: ENTITLED TO.

The term *ho tsenela* is equivalent to the Zulu *ukugena*. Amongst the Bapedi two distinct customs obtain with regard to the wife or wives of a deceased native. They are *ho tsenela* and *ho lebanya*. These customs, whilst having a very close relationship to each other, are better treated of separately.

A.—“*Ho tsenela*”: to enter.

On the death of a native he is buried in the manner laid down hereinafter, and then his wives are placed in a hut together, where their hair is closely shaven off their heads. A native doctor is then sought, and he invests the ceremony of *ho orela sehlari*: to receive the medicine. This ceremony is as follows. Roots of certain shrubs and herbs are placed in a pot over a fire and roasted. As soon as they commence to smoulder each wife is taken and made to inhale the fumes exuding from the pot. This having been done, the cinders which then remain in the pot are taken, ground into a powder, mixed with some fatty substance, and the bodies of the widows well rubbed with this preparation. The peculiar idea is that this ceremony renders the wives equal to young virgins, and they will therefore be sought after by men. The skins which the widows wear are reversed so as to expose the hairy side to view, and thin strips of prepared ox-hide are cut and bound round each wife's forehead, making a sort of fringe over the face. Besides these formalities each widow is obliged to employ the left and not the right hand when eating. A woman is considered to be in deep mourning for her husband when she observes all the foregoing.

The period of mourning lasts until the next season's crops are reaped. Then follows the ceremony of discarding the mourning, of allowing the hair to grow after the manner worn by Bapedi women, and the appointment or election of the man who will cohabit with each wife.

The following are briefly the formalities attending the second ceremony, which is called *moring*. All the relatives of the deceased husband, both on his mother's as well as on his father's side, are summoned to the deceased's kraal, where a quantity of food and beer have been prepared. Each relative attending this ceremony is supposed to bring some present for the widows. The beer receives their first attention. It is cautiously served out in half-sized kaffir drinking-cups, and the drinking ceases as soon as the last pot of beer is half finished, at which stage the widows, after having had their hair trimmed and smeared with a profusion of grease and blacklead, are brought out, and, in turn, each one is made to place her hand over the mouth of the beer pot so as to prevent any one from dipping the beer it contains. As soon as a wife has taken up her position before the pot, one of her late husband's relatives will come forward and request, in the name of some person nominated by him to be her future husband, that he be allowed to dip beer. If the party nominated be agreeable to her, and in most cases the one entitled to her under the *ho lebanya* custom,

(graphite)
 The blacklead is dug out of the ground
 from near Matlala (Plainsmole's) & near
 Madibong.

i.e. her late husband's heir, she will lift her hand from the pot as an indication that she assents to the nomination. But, if the nomination be not agreeable, even although the party so nominated be legally entitled to her under the last-mentioned custom, she will turn her head away disdainfully and keep her hand in its position over the mouth of the pot. Then some one else will come forward and nominate another party, and so on until she finally removes her hand when the right person is named. In this manner each wife goes through the same procedure. Thus it will be seen that, under the old custom, it was possible for each of the various wives of the deceased man to be allotted to a different man for the purpose of cohabitation, although it was very improbable. When the allotment or choice is being made, only such men are nominated as have a right, by reason of their relationship to the deceased, to cohabit with the wife or wives in question, even although there be others who have better rights. Should an outsider be nominated, the relatives of the deceased would object on the grounds that the blood or stock of the household will become contaminated. In the majority of cases the choice is made so as to cause no unnecessary complications to arise, viz., a widow will invariably choose the man who is legally entitled to her under the *ho lebanya* custom, which follows. Should it happen that the women have chosen one other than the man who is entitled to them, the latter will naturally resent being overlooked, and endeavour by all possible means to cause them to change their minds. The relatives of each wife will inform her that she has chosen unwisely, and strongly advise her to consent to cohabit with the man who has the nearest claim to her. If these women be obstinate the matter is brought before the chief in due course, who tells them that they have acted injudiciously in choosing the wrong man, and directs them to cohabit with the man who has put forward a just claim to them. If they still refuse, and resignedly face the pressure which is brought to bear on them, they are allowed to have their way, but under no circumstances are they permitted to leave the nominal husband's (that is, the man who is entitled to them) kraal. They must remain under the protection of this man, and the man or men of their choice has access to their huts. These men have no claim to the children of such cohabitation. They belong to the nominal husband who has inherited the belongings of the deceased. The paramour, or man of choice, has nevertheless the right to claim one head of *lenyalo* cattle derived through the marriage of the daughter of the woman with whom he has been cohabiting, provided he be the father of such daughter. This claim is made under the *kgomo ea mokokotlo* custom (*vide supra*). No such claim can be made in the event of the cohabitation being secret, illegal, or unauthorised. Widows do not invariably exercise their right of choice, but this is frequently done when the man legally entitled to them is too young or physically unfit.

It will now be gathered that, although some men inherit their father's wives, it does not necessarily follow that he may cohabit with them. In nearly all cases no disputes arise, for

the women, fearing opposition, will invariably choose their late husband's heir, even though he be a boy at the time. If the latter be the case, the wives are taken by the deceased's next eldest brother, who looks after them until the boy reaches manhood and is able to do so himself. This is also known as the *ho hlapetsha* custom (*vide supra*). All children belong to the boy, whether begotten by him or not.

Widows are called *bahlolohadi*.

B.—“*Ho lebanya*”: *to succeed to, entitled to.*

An heir to an estate also inherits the widows pertaining to such estate or household. Whilst the foregoing custom plainly shows that it is possible for the heir to lose the right to cohabit with his deceased father's widows he cannot, however, be deprived of the right of control in other respects over them. They bear children for him and must remain at his kraal.

In the absence of a son the deceased's brother younger than himself has a prior claim to control the wives. This brother exercises the right only until a son is born and reaches manhood. Of course by that time the wives are old, and are invariably permitted to continue to cohabit with their late husband's brother.

In the absence of a younger brother, the father or an elder brother, the latter whose authority over the deceased was equal to that of a father, will take control of the wives, but under no circumstances is either permitted to cohabit with them. *Inter alia*, a father may not cohabit with his son's wives, and likewise an elder brother may not cohabit with the wives of a younger brother.

In cases where widows are inherited by the father or by an elder brother of their late husband, the father or brother, whichever it be, has the right to nominate some man or men to cohabit with such widows, provided of course this point has not already been settled under the foregoing custom, and also subject in a sense to the refusal of the widow or widows. It is not usual for the *ho tsenela* custom to be observed in cases where the widows become subject to the control of the father or an elder brother of their late husband. This is perhaps owing to the fact that neither has the right of cohabitation with them. In many cases a different nomination will have been made for each child that is born, and in every case the nominee may claim one head of cattle, also called *kgomo ea mokokotlo*, for begetting the child, but may not exercise any paternal right over it.

When a father or elder brother inherits widows who have no man allotted to them under the *ho tsenela* custom, it is customary to nominate the eldest son of the deceased's paternal aunt as the man who shall cohabit with, and beget children by, such widows.

Sefogole a Bapedi headman gets lands from Martino a Motau.

Even the ruling Bapedi recognizes to a large extent the Bapedi prior ownership West of the Indu for before the location, 400 square miles in extent; was

CHAPTER III.
East of the Indu the Bapedi & Baragahed claim precedence.
LANDS AND AGRICULTURE.

IN districts, where natives are living under tribal organisation in reserves, disputes frequently arise with regard to the administration of gardens or fields for the purpose of cultivation. As a rule, these disputes are settled by the chief, and it rarely happens that they form the subject of litigation in a Native Commissioner's Court. However, as district officers are frequently asked for advice in matters of this nature, it may be well to record the method of distribution and customs regulating the administration of lands.

DISTRIBUTION.

If, through war or other circumstances, a tribe is obliged to abandon its kraal and establish a new one elsewhere, the following procedure is always observed. After having chosen a favourable site for their new village, they proceed to lay it out according to the different *kgoros*, or households, comprising the chief's following. This is done under the personal supervision of the chief, and every regard is had to the status of each household, the position of each in the village being settled accordingly. As soon as the village has been established and huts erected, the duty of distributing land for cultivation then has a prior claim to the chief's attention. On a day appointed by him he will summon all the men of his following together and inform them that the distribution of gardens is about to take place, whereupon they all proceed with the chief and his indunas to the spot which is considered the most suitable for the making of these gardens, and there the following is sub-divided according to its different headmen. The chief then allots a block of ground to each headman, who will immediately proceed to erect the beacons thereof in order to avoid disputes at any future time. The headmen in turn subdivide these blocks amongst the members of their respective *kgoros* or households. In making these sub-divisions due regard is had to the number of wives each member may have at the time. It then falls to the duty of the individual member to sub-divide his allotment amongst his wives, for it is essential that each wife should have her own garden. If a headman find that the ground allotted to him is not sufficient to meet the requirements of his *kgoro*, he is obliged to make an application, through the head induna, to the chief for a further allotment. *if possible but not necessarily adjoining.*

ADMINISTRATION OF LANDS OR GARDENS.

From time immemorial the Bapedi have attached great importance to all matters affecting their gardens, and these are therefore placed under careful administration.

The chief's eldest own brother (i.e. by the same mother) is entirely in charge of this department. His decision in all matters of this nature is final. Under him is the head induna, who fills

the post of chief inspector of gardens. The junior indunas are appointed inspectors under the chief inspector, and to each of them is allotted for supervision a section of the land under cultivation. Should any dispute arise concerning the gardens, the matter must, in the first place, be brought before the junior induna in charge of the section for adjustment, failing which he takes the parties concerned to the chief induna, who in turn will refer them to the chief's brother, should his efforts to settle the dispute amicably also be futile. The reason why no appeal can be made against the chief's brother's decision is because it is assumed that he speaks for the chief himself.

ASSESSMENT OF DAMAGE DONE TO GARDENS.

Should any damage be done by stock to standing crops, the owner of the garden will invite the owner of the stock to inspect the damage done. Three days are usually given for the owner of the stock to comply with this request. Should he fail during this period to put in an appearance, it is assumed that he repudiates his liability for the damage, and the matter is then reported through the junior induna to the head induna, who will summon the parties concerned to appear before the chief's brother, who adjudicates thereon. Should the dispute be with regard to the amount of the damage done, the induna in charge of the section, together with both parties concerned, will proceed to the garden and carefully assess the damage.

No compensation can be claimed for damage done to gardens made near or within the village. Such gardens are made at the owner's risk, and he is therefore obliged to fence them in securely with bushes or by other means, so as to render them safe from harm by the cattle and goats of the village. Under no circumstances may kaffir corn be sown in these gardens, which are called *dirapa*. Any one infringing this custom is sure to have his garden destroyed, and be severely and publicly censured by the chief and his indunas.

OPENING OF THE PLOUGHING SEASON.

No native is allowed to start ploughing before the season has been properly opened by proclamation of the chief. Any native violating this rule is liable to be deprived of all his stock, *ho hula di ruoa*, which are confiscated to the benefit of the chief, who slaughters a number of them for the members of his court. After rains have fallen and the season has arrived for the ploughing to commence—this is usually during the month of October—it is the duty of the chief induna to approach the chief and inform him that the tribe is now awaiting the word of command to start ploughing. All the men of the following will then be summoned by order of the chief to the *moshate*—place of holding court—and after consulting his counsellors the chief will appoint a day, invariably the first Monday after the day of the meeting, on which ploughing operations shall commence. On that day all available ploughs, with their teams of bullocks, are taken to the lands, and in this manner the ploughing season is duly declared open. Women whose husbands cannot afford ploughs proceed

with their hoes, and their gardens are cultivated in a very primitive manner by hand.

The chief's garden, usually a small one, *tshimo ea moshate*—not the gardens belonging to the wives of the chief—must be ploughed and sown before any others. No native is allowed to sow his grain until he has first ascertained that the *tshimo ea moshate* is sown. The reason for this is that it would be derogatory to the dignity of the chief for the crops of any of his followers to ripen before his own.

LETSEMA.

A *letshema* is a beer-party, at which men and women meet together for the purpose of performing some specific duty collectively. This purpose may be to plough, weed fields, harvest crops, or any other work which a person may desire to have completed expeditiously with the help of his fellow-tribesmen and women. *Letshemas* are more frequently held during weeding operations in the fields. Any one whose garden is in need of weeding, and who decides upon holding a *letshema* for this purpose, will have a quantity of beer and food prepared, after which the proposed *letshema* is advertised to the tribe. The men and women, who are naturally attracted by the beer, will attend with their kaffir hoes, and then weeding and beer-drinking are indulged in alternately.

In order to legalise the holding of a *letshema*, the native intending to hold the same is obliged to obtain the permission of his chief to do so. This is done by sending a small pot of beer, which is called *sebegu*—that with which I report—and by imploring him not to be alarmed should he see a large gathering of people at the garden, where it is contemplated the *letshema* shall be held. On receipt of this offering, the chief will say *ke botaga*—all is well. There is no penalty for a native who holds a *letshema* without the permission of the chief, but should any disturbance occur at an unauthorised *letshema*—this is not unlikely, whether it be authorised or not—and an injury be done to any one attending it, the chief will hold the host or hostess, as well as the party or parties actually concerned in the disturbance, personally responsible for all the damage which has been caused. A *letshema* which is not authorised is looked upon as an unlawful gathering, and only punishable on evil consequences arising from it. On the other hand, should disturbances or assaults take place at an authorised *letshema*, the host or holder thereof is not held responsible in any way, provided, of course, he is not personally implicated therein.

*Some now make letshemas with sake
not beer, but this is not so frequent.*

WEEDING OF THE CHIEF'S GARDEN.

Whenever the chief's garden requires weeding, the head wife of the chief will report accordingly to the chief induna, whose duty it will be to proceed the following morning to the garden in question, and inspect the same. If he agree that it does require weeding, he will return to the *moshate*—court—carrying a branch of a tree on his shoulder and an axe in his hand. After the usual salutations have taken place, the chief will enquire of him the object of his mission from the kraal. The induna then reports

that he has inspected the chief's garden, and that it requires weeding, *tshimo e medile*—the garden is overgrown. Instructions will then be given by the chief that the women of the tribe be summoned to weed the same. The induna then immediately proceeds to a point overlooking the village, from which he shouts out as loudly as possible that all the women of the tribe are called upon to assemble at the chief's garden on the following morning with their hoes for the purpose of weeding it. No beer or food is provided for the chief for these women, otherwise it would be regarded as a *letsHEMA*, and optional to them whether they attend or not.

*Not be told any woman who does not attend.
Her clothes are torn to pieces & she is well beaten.*

GARDENS ABANDONED AND LYING FALLOW.

Gardens which have been allowed to lie fallow belong to their original owners. They may be lent for the purpose of cultivation to other members of the tribe, but must be vacated as soon as they are required by the proper allottee. Gardens which have been abandoned revert to the chief. Any native, who leaves the tribe or kraal for permanent residence elsewhere, has no authority to cede his right over a garden or allotment to another. Such gardens must be abandoned and redistributed by the chief.

*This is a base
custom now
that land
is scarce.*

THE FEAST OF "MOLOMO" OR "KGOSI EA LOMA"—HARVEST FEAST.

Similar to the Zulus, the Bapedi also hold a harvest feast.

It is very peculiar that, although there is nothing to prevent an ordinary follower from using the products, i.e. kaffir corn or mealies, of the new season, the chief under no circumstances is permitted to taste of them until he has proclaimed his feast. This is done when all the harvesting has been completed, and in the following manner: The chief announces his intention to hold the feast, whereupon notice is sent round to all that he is going to bite, *kgosi ea loma*, i.e. taste of the products of the new season. The women are told to prepare beer, which is presented to the chief on the day of the feast. All presentations are made through the head induna, who is entitled to about one-fifth share of the beer, *tshia namane*. As soon as sufficient beer has arrived, the feast commences, and consists of drinking, eating, singing, and dancing. The men of the neighbouring friendly kraals are not long in finding out about the feast, and in no time the gathering is more than sufficient to consume all the beer that has been prepared.

USE OF PLOUGHS.

The use of ploughs dates from about 1863 or 1865. Prior to that date cattle were never used as draught animals. The women did the tilling by hand, with kaffir hoes made of rough iron.

*In 1926 there
were 1280
ploughs in
Gibber's district alone.*

IRRIGATION.

Irrigation is regarded as quite a European practice, and was first introduced into Sekukuniland by the Rev. J. A. Winter on the farm Djate about twenty-five years ago.

Now all are here on it.

CROPS.

The Bapedi are agriculturalists and stock farmers combined. The women do most, in fact nearly all, of the work in the fields, whilst the men attend to the cattle and goats. Needless to say, there is not much manual labour attached to the latter. *dipping.*

The production of summer crops seems to be the limit of their agricultural pursuits. Only in a very few isolated cases have any attempts been made by them to raise winter crops, such as wheat and oats. Their summer crops consist chiefly of mealies and kaffir corn, whilst ground nuts, pumpkins, sugar-cane, beans, and water-melons are also extensively cultivated by way of luxuries, though in dry seasons these latter often form an important factor in their food supply. *More now*

The Bapedi still have everything to learn in the matter of agriculture, and until the men take a keener interest in the cultivation of their fields, instead of leaving this duty almost entirely to their women, very little improvement on their at present primitive methods is likely to be made.

GRANARIES.

The Bapedi—in fact, most of the Bantu tribes—usually store most of their grain in large, well-made baskets, which are capable of holding about thirty or forty bushels. These baskets, which are called *sishigo*, are plaited by the men, and very often form the subject of a *letsHEMA*, in the event of which only the men will attend.

GENERAL.

It is remarkable how improvident and shortsighted the natives are with regard to the disposal to traders of their season's products. Instead of going out to earn sufficient cash for the needs of purchasing blankets, luxuries, or paying their taxes, they frequently sell their grain at low rates without any regard as to whether they retain sufficient for their own consumption until the next season's crops are fit for use. This invariably necessitates their having to enter employment after all, and further to purchase food, mealies or kaffir corn, from the same trader perhaps, at a considerably higher rate, long before the succeeding crops have matured.

In bad seasons many natives in Sekukuniland subsist almost entirely on prickly pears. These are prepared in various ways, and can be made into a very strong beer, which is largely consumed. It is extraordinary that hardly any cases of appendicitis, for the cause of which this fruit is noted, occur amongst the natives during these periods. *as in 1912*

Wild fruits are also largely used during famine for the purpose of augmenting the food supply. These are usually prepared in the same manner as the prickly pear. The *marula* fruit, which rather resembles the loquat, makes a very strong beverage, which is said to have the effect of causing those who indulge largely in it to become excessively amorous. *ditto prickly pear.*

The grass in the narrow strip of unploughed ground between two lands can be cut by anybody for thatching, and cattle are also free to graze on this strip which cannot be claimed as belonging to the owner of the one or the other garden. — Keptsefe case from Naquet Heights just before Tribal Pits at Schomond.

CHAPTER IV.

NATIVE CIRCUMCISION SCHOOLS.

EVERY heathen male Mopedi, before reaching his majority, is obliged to pass through two distinct native schools.

The first, which is called the *bodikane* school, is the one at which the circumcision takes place. The second, which is supposed to be attended a year later than the *bodikane*, is called the *bokgoera* school. As the ceremonies and formalities observed at each of these schools are somewhat dissimilar, it is better to treat of each school separately.

Mr. C. A. Wheelwright, Native Commissioner, Zoutpansberg, in his pamphlet on circumcision lodges, written for the British Association, states that the Transvaal Basuto schools are made up of three terms, with a vacation of three years between each one. It can, however, be authentically stated that the Bapedi only hold two terms, the first mentioned by this gentleman not being observed by this tribe.

A native who has not been circumcised is called a *leshuburu*. If an adult he is despised by the men of his kraal, and frequently jeered at by the women, who regard him as no man. It is not legal for a *leshuburu* to have sexual intercourse with a woman, and should he do so the penalty for such an offence in the time of the chief Tulare was death, and an abortion procured to prevent the child being born.

A native who has attended the *bodikane* school, but not the *bokgoera*, is called a *lehaola*. He may not consider himself a man, but there appears to be nothing to prevent his marrying. A *lehaola*, though senior in years, is considered a junior to all the men of the kraal who have passed through both schools. A native who has passed through both schools is called a *monna*, which means a man.

A.—“BODIKANE.”

This school is held on an average of about once in four years by every chief. Sometimes, when there are not sufficient candidates or students to form a school, two or more petty chiefs of the same clan will combine and hold one school conjointly. Without question the *bodikane* school is the most sacred and important custom observed by the Bapedi. The formalities regarding the conduct thereof, which are fully carried out even at the present time, are very strict and severe. The old warriors, from whom the particulars of this custom have been obtained, assert that so important in fact is the school that during its term the natives are prone to revere it in the light of some earthly deity. The formalities concerning the *bodikane* are as follows.

About the third year after a *bodikane* school has been held, the chief, with the advice of his counsellors, will summon the men of his following together, and without directly informing

them that it is contemplated to hold another such school during the ensuing year, he intimates as much by exhorting them to be very careful of their grain, chiefly kaffir corn, and under no circumstances to dispose of the same for cash or cattle, as a great deal may be required within a very short period. This advice is thoroughly understood by all, and they act accordingly. Nothing, however, is done until just before the time has arrived for the establishment of the school, when it becomes incumbent upon the chief or headman, who intends holding the same, to send messengers to a *Maruteng* chief, that is, a chief directly descended from the house of Sekoati, to report that a *bodikane* school is about to be established, and to obtain permission for its establishment. These messengers are accompanied by an induna, and the custom is for him, after formally greeting the *Maruteng* chief, to say, *Dipoho di godile*: the bulls of the kraal are full grown. The *Maruteng* chief will then reply through his own induna, *Ga di faoloe*: let them be castrated. This signifies that the *Maruteng* chief consents to the establishment of the school. At the time of asking for this permission, no gifts are sent to the *Maruteng* chief. As soon as the necessary permission has been obtained, the petty chief or headman will again summon the men together, and tell them to make arrangements for the opening of the school, *koma ea buloa*. All the eligible lads of the tribe are obliged to attend the school. Their parents spare no efforts in order to have them at home when the ceremonies commence. In former years the students ranged from fifteen to seventeen years of age. They were supposed to attend the first *bodikane* school held after their attaining the age of puberty, but nowadays boys are put to this school even before they reach this state. The reason for this is that the natives are afraid, firstly, that the holding of the circumcision schools will be abolished by the Government, and, secondly, that missionaries may induce their boys to become converted and consequently influence them into refusing to observe this important custom.

A great deal of beer will also be prepared, and generally the whole tribe is in a state of excitement. Should there be any political unrest among the tribe or following, the holding of a *bodikane* school will be deferred until this unrest no longer exists. These schools may therefore be looked upon as an indisputable sign that there is no immediate intention on the part of a tribe to indulge in any inter-tribal or faction fights, etc. When all preparations have been duly made, a representative of the chief will again be sent to the *Maruteng* chief. On this occasion a young ox, which is called *kgomo ea sebego*—the ox with which a request is made—is presented to the *Maruteng* chief. He, on being informed that all preparations for the establishment of a school have been made, will send his own representatives to conduct the opening ceremonies. Before these representatives arrive the petty chief or headman holding the school will have engaged the services of a doctor or operator to perform the rites of circumcision on the intending students. It is peculiar and also noteworthy that the operator must be either an Ndebele or a Moroka. Under no circumstances may the operation be performed by a Mopedi, or a member of any

Most Transvaal
chiefs except
in West refer
to Maruteng

Cancellation
contracts on
deserting from
Maruteng

tribe other than the two just mentioned. If the services of either of the above cannot be obtained, the petty chief or headman announces that the school has been demolished by a wolf—*koma e eloe ke phiri*—and its establishment has therefore been postponed. The doctor or operator must be an experienced man, i.e. one who has been instructed in the method of circumcising. It is customary for a father to impart his knowledge in this respect to a son. The remuneration of an operator is usually an ox, but, in recent times, owing to the restrictions placed on the movement of cattle, payment is more frequently made in coin at the rate of one shilling for each youth circumcised.

When the *Maruteng* representatives arrive at the kraal the operator will be summoned to appear before the chief's personal representative, and asked by this official whether his services have actually been engaged for the school just about to be opened, and on being replied to in the affirmative, he will say, "It is well that it should be so." *Tulare oitse ke ge botse fagola di poho tse* (Tulare—who was paramount chief of the Bapedi tribe and head of the *Maruteng* house—requests me to instruct you to castrate the young bulls of this kraal). It may appear to be unnecessary to give the formal phrases used at this ceremony, but as this is the manner in which the *bodikane* school is actually opened, it is hoped that the introduction of these phrases may not be found out of place.

Invitations will have been sent to all the neighbouring friendly chiefs and their male followings to attend the ceremony, which is called *ho hlagisha koma*. On the night of the opening ceremony, all men who have assembled will conduct the students to some place about three miles distant from the kraal, and not far from running water. The latter are there surrounded by these men, and as soon as the day dawns each student is taken by his father, guardian, or an elder brother to the operator, who awaits him at the water. On approaching the spot where the operation is to take place the student's loin cloth is wrenched off, he is seized and firmly held down whilst the operator severs the prepuce with a sharp knife, and also lacerates the second skin. In this manner all the students are operated upon with as little delay as possible, it being incumbent upon the operator to complete his duties before the sun rises. Only one knife is used for all the operations, and it would appear that no trouble is taken to have it cleansed, much less disinfected, after each operation. The operation is called *ho theno*. Each boy, as soon as he has been circumcised, is taken away to some quiet spot, and there the wound is allowed to bleed; no dressing is applied, and no attempt whatsoever made to stop the flow of blood. It is stated that the older the student is the more profusely will the wound bleed. Many students are said to faint from exhaustion after the operation has been performed on them, more especially those who have not been strictly moral during their boyhood. It is also said that some bleed to death, but it appears that this does not happen frequently. The writer personally knows of one case where a student died, presumably through loss of blood, within twenty-four hours after the operation had been performed. The operator was duly arraigned for manslaughter, but acquitted.

On the knife see my minute SK 23/6/4/607 of 19-4-26.

on medical evidence, which asserted that the loss of blood through a wound of this nature would not be sufficient to cause death.

The operator's duties are now over, and he has nothing further to do with the school. He applies no dressings to the wounds, and even if he were desirous of so doing it would not be permitted of him, for reasons that the bleeding must stop of its own accord, and also that nothing is or may be done to the wound for at least three days after circumcision has taken place. The *bodikane* school lasts for at least three months, and is always held in the mountains at some secluded spot where there is no great danger of being intruded upon by women or strangers. This spot is located by the chief and his indunas, who cause primitive buildings to be erected for the accommodation of the students. The opening of a school takes place during the month of April or of May.

As soon as the circumcision rites have been concluded the men will proceed to conduct the students to the accommodation just mentioned. Some students will naturally be too exhausted to walk. These will be carried bodily by the men. There they are left in charge of the young unmarried men of the kraal who have passed through both schools, and the married men return to the kraal, singing and dancing en route. On reaching the kraal, beer and other provisions are brought forth, placed in the courtyard of the chief, and a great feast and dance take place. The operator, having been permitted to partake freely of beer, will receive his fee and return to his home, although he may sometimes be detained for a week, in case some students are late in attending school.

The next day a headman of the school is appointed. It is essential that he be a man of a very harsh temperament, daring, and skilled in the art of hunting game. He, in turn, appoints two assistants under him, whose particular functions are to watch the school and instruct the students to hunt. Other instruction in singing and dancing are given by the young men of the kraal, who are in constant attendance upon the students as assistant tutors.

The skins of all animals killed during the hunting expeditions of the school are preserved and presented to the chief.

The third day after the operation of circumcision has been performed the students are taken to the water, and there the wounds are washed for the first time, and such medicines applied as each boy's father or guardian may wish to supply.

It is stated that, in the majority of cases, the wounds will heal in about three weeks, during which time the students are permitted to remain idle, no hardships being imposed upon them. Should it happen that any of the students have not recovered from the operation by the time the school is about to conclude its term, doctors are summoned and every effort made to cure them before the breaking-up ceremony takes place. If no cure can be effected in time, the patients will be taken, rubbed well with red ochre, and handed over to their parents or guardians for treatment at home. The students are made to endure great hardships. In the first place they are allowed no other clothing by day or night than a small skin which envelops their loins.

This is the
"Nqobato"
something
translated
"Regiments"

In short, they are entirely dependent on the huge fires, constantly kept burning, for protection against the cold at night. After the three weeks have elapsed they are given very little rest, called upon to receive instruction, and to sing at all times during the night. They rise about an hour before dawn, start singing, and as soon as they have rubbed themselves with white ash they go out to spend the day in hunting. They are frequently chastened by those attending them, who always carry long and formidable-looking wands. Three regular chastisements are always administered to each student during the course of the school. The first is to impress upon the boy the necessity of obeying, respecting, and never violating the confidence of his chief. The second thrashing is to impress upon him the necessity of obeying his father, and the third to impress upon him that he should never obey his mother. The last applies more forcibly to a chief's heir or son attending school. It is assumed that a man of many wives is unable to treat them all alike, and this naturally gives cause for jealousy amongst them, and it is for the purpose of guarding against the likelihood of a jealous woman inciting her son to do his father an injury that the students are all exhorted not to obey their mothers. As stated, it applies chiefly to a chief's heir or son, in order to obviate the danger of his being coerced by his mother into doing acts against the chief, his father, or against the good government of the tribe, before or when he succeeds to the chieftainship.

It is generally assumed that all manner of lewd instruction pertaining to the opposite sex is given at the *bodikane* school, but this is quite erroneous, for a woman may never be mentioned by or to any of the students. *without spitting at the same time.*

During the course of a school, whether it be *bodikane* or *bokgoera*, the men of the kraal devote a lot of time and attention to it, and frequent visits are paid by them to the *koma*—school. It is customary for them on returning from these visits to sing lewd songs, invariably disparaging the faithless and barren women of the kraal. As the question as to what is done with the prepuces, after they have been severed, has offered some speculation, some saying that they are sold to doctors, and others that they are buried with great ceremony and a sort of monument built over them, it may be mentioned in passing that, when the circumcision rites are being observed, an induna, who has been specifically deputed by the chief, will collect all the prepuces, wrap them up carefully, and after winding a lot of plaited grass around the outside, secretly bury the parcel in some secluded spot.

When the school is nearing the end of its term, the students will collect a quantity of firewood and make a big fire upon some flat piece of rock, which, when sufficiently heated, will crack and shell off. The small flat pieces of rock which have been broken off in this manner are then taken to where the school is being held, and about four days before the breaking-up ceremony takes place, the men of the kraal will proceed to the *koma* and with these stones erect a sort of monument of conical shape, very similar to an ordinary beacon. These monuments are apparently for no other purpose than to indicate that a school has been held there, and under no circumstances are they destroyed or tampered with by

herd-boys or others. It is noteworthy that the monuments erected when the old chief Tulare, and later Sekoati, attended the *bodikane* school, can still be found in Sekukuniland quite intact. The former must have been erected considerably over a hundred years ago. These monuments are called *phiri*—wolf.

The food for the students is prepared in the kraal at their respective homes, and carried by the young girls to a certain spot, where it is delivered to the men attending the students. The grass rings which they use for the purpose of balancing anything on their heads, *kgari*, are carefully threaded on a stick placed in the ground at this spot, and there they remain until they rot or are destroyed by grass fires.

When the school breaks up the same formalities with regard to reporting to a *Maruteng* chief are observed, as when it was opened. A feast, surpassing that held during the opening ceremony, is now prepared. When everything is ready for the reception of the students, the men of the kraal proceed to the *koma* with a loin skin, *lekgeso*, usually of stembuck, for each student.

The students are rubbed well with grease and red ochre and conducted to the kraal by these men with a great deal of ceremony and singing. On the arrival of the procession at the kraal, the students occupy the mats spread for them in the *kgoro*, the courtyard of the chief. They are then supposed to be on show, and after having been presented to the chief, they remain his guests for about a week. If the chief be of some influence, he will slaughter cattle and goats in honour of the occasion, and generally a huge orgie is indulged in during the whole week.

The concluding duty of the students after the week's festivities are over is for each one to cut a pole about eight feet in length and four inches in diameter with which they proceed to present as a greeting to the *Maruteng* chief on whose authority the school was held. This chief causes a few sheep and goats to be slaughtered in their honour. The poles are always used for the purpose of strengthening the palisade surrounding the cattle kraal and courtyard of the chief. Thus the *bodikane* finally ends, whereupon the students invariably go out to work for about a year, prior to being called upon to attend the second and final term, viz., the *bokgoera* school.

The consent of the father or guardian to have a boy placed at school is necessary. Unlike the Bavenda, only members of the same tribe or clan are permitted to attend Bapedi schools, provided the chief of any other tribe or clan may ask for permission to put the youths of his following to a Sepedi school, in which case permission may be granted or withheld at the discretion of the chief holding the same.

The site for a school is usually selected within audible distance of the kraal, so that the singing of the students may be heard at night. When any distinguished visitor enters the kraal he may, as an act of good feeling towards the tribe, beg that the singing be silenced, and the students be allowed respite during his stay. If granted, the students are permitted to enjoy restful nights during the visitor's sojourn in the kraal.

It is a known fact that no woman who has seen a *bodikane* school is allowed to live. If she be out gathering wood in the

They used to
use for all the
stembuck
skins. I shot

I know an instance where a woman was caught, thrown down, beaten, her clothes torn off her & torn to ribbons, she was pinched on & her private parts filled with sand, but 44 she was not killed. This was done by a Bodikane, not a Bogoea school.

mountains and she suddenly come upon a school out hunting, she will be poisoned by order of the chief within three days. Of course, every one is told and is inclined to believe that she died of fright.

During the holding of a *bodikane* school a great deal of inconvenience is experienced by the women of the kraal, who are obliged to avoid the hills and other places likely to be visited by the students during their hunting expeditions, and it therefore rarely happens that any woman is unfortunate enough to behold the *bodikane* students in their nude state, and thus lose her life.

There is a native maxim, *Koma gae boleloe*, which means that whatever happens at a school should never be divulged out of school, and that anything with regard to the *bodikane* school should be strictly kept from the knowledge of those who have not attended the same, and particularly women. This maxim has now assumed a metaphorical aspect, and is applicable to all matters which should be regarded as strictly secret; in this manner, that if a man confided in another, and he wished his confidence to be respected, he would request that it be treated as a *koma*, that is to say, as sacredly secret as the particulars of a *bodikane* school. It is hoped this will give the readers some idea as to the difficulty that has been experienced in obtaining the particulars of these native schools.

B.—“BOKGOERA.”

This is the final term.

In times of peace and plenty, the students who have passed through the *bodikane* term will be called upon to attend the *bokgoera* school the following year. The interval between the *bodikane* and *bokgoera* schools, which is never less than a year, is, however, regulated according to circumstances, and instances are known when it has been extended over a period of ten years, owing either to inter-tribal disturbances or famine. The word *bokgoera* means contemporary, and the seniority of the men of a tribe is determined by the school to which they belong. It is therefore obvious that one of the main objects of this school is to classify the men of the following into so many classes or regiments. Each *bokgoera* school receives a distinctive name, and it is noteworthy that, though the veracity of a native's statement in ordinary matters may frequently be questionable, he will never dare to claim to be a member of any school or regiment other than his own. In former times, when a chief proceeded on hunting expeditions, he would call out his following and assign distinctive duties or positions in the hunt to each class or regiment, and the same applied to military discipline in times of war.

Before entering upon the details concerning the formalities observed in connection with the *bokgoera* school, it might be found useful to record the names of all schools held since the days of the old paramount chief Sekoati. They are as follows:—

Name of School.	Chief who attended.	Remarks.
<i>Nalijona</i> — Lebjoana ...	... Sekoati ...	Early in 19th century.
Dithaga ...	... Makopole ...	Brother to Sekoati.
Magolopo ...	... Sepadi ...	One man who attended this school is still known to be alive.
Mathuba ...	... Sekukuni I.	About two men still alive. <i>All dead</i>
Matsepa ...	... Kgoro ...	— <i>All dead</i>

Name of School.	Chief who attended.	Remarks.
Manala ...	... Mampuru II.	—
Madikoa I. ...	... Kgolokoe ...	—
Makgola ...	... Ramaroke ...	—
Madisa ...	... Selatole ...	—
Makoa ...	... Moramotshe	Father of Sekukuni II.
Makgaloa ...	... Malakuta H. ...	—
Mankoe ...	... Kgobolale ...	—
Mathuba II. ...	... Sekukuni II.	Named after grandfather's school.
Magana ...	... Phatudi ...	Sekukuni's brother.
Madikoa II. ...	... — ...	Held during the winter of 1909.

The names of the *bokgoera* schools held before the Sekoati period are unknown to the natives of the present time. By means of the above names, one is more or less able to approximate the age of any old warrior. It will be seen that the school attended by the present Sekukuni is named after that which was attended by his grandfather, Sekukuni I.

It has been shown that the *bodikane* school is the most sacred and important custom observed by the Bapedi. The *bokgoera* school is also regarded as a prominent institution, but not governed by nearly so severe a set of formalities. Before a *bokgoera* school is established, the same custom of reporting to, and obtaining the permission of, a *Maruteng* chief is observed, as is in connection with the establishment of a *bodikane* school.

The opening ceremony is also attended by a great deal of feasting and drinking, which in most cases are limited to the actual members of the kraal in which the school is being established. Before the school has been publicly opened, the intending students are made to cut a number of poles suitable for the erection of a shed-like structure. This building is erected by the men of the kraal within the chief's courtyard, and is for the accommodation of the students while attending the term.

The *bokgoera* school differs from the *bodikane* in three prominent respects. Firstly, the term lasts only from a month to six weeks.

Secondly, the students are not banished from the kraal during their attendance at this school, but return at night and occupy the accommodation above mentioned.

Thirdly, it is not an unpardonable offence for a woman to catch sight of the students whilst out hunting, although it is incumbent upon all women to avoid the school as much as possible. If one were found purposely going out of her way to see the students she would be caught and severely chastised.

After the opening ceremony of this school has taken place, the first duty the students are called upon to perform is to proceed to the mountains for the purpose of gathering a peculiar grass, which they plait and hang about their loins. This covering is called *koma*, and is all the students are permitted to wear and sleep in, except a chief's son, who is allowed a jacket, in former times a skin, to shield him from the cold at night. The grass is not very easily obtainable, and frequently students are compelled to travel forty or fifty miles in order to gather a sufficient quantity of it.

Nothing further remains to be added with regard to this school, except that during the term the students leave the kraal about four o'clock in the morning on hunting or other expeditions

This grass is only found in a few places e.g. across the Obfonta river North of Senge; on Dwansivini & a few other places. The forbidding of carrying of grass at time of Ence-koan-Tam gave rise to great perplexity.

and do not return until about nine at night. They are also subjected to certain hardships with a view to making men of them.

The breaking-up ceremony is very similar to that of the *bodikane*, except that it is not regarded as quite so important.

With regard to the rationing of the students during the term, their parents send the necessary supplies to the accommodation erected for them in the chief's courtyard.

C.—NATIVE GIRLS' SCHOOL.

It may be well to place on record a few notes concerning the Native Girls' School. This school, whilst it is considered essential by the men, is not regarded by them as an institution sufficiently important to be worthy of their interest, and under no circumstances do they participate in the ceremonies attending its establishment. The particulars concerning this school, through not forming a subject for discussion by the men, have been extremely difficult to obtain. They are as follows:—Firstly, all girls are obliged to attend school as soon as they have reached the age of puberty. Secondly, although the girls' school is treated with contempt by the men, it owes its establishment to the chief and his *indunas*, and all the duties performed by them in this respect are carried out secretly. The first duty the chief imposes upon his *indunas* to perform in connection with the establishment of a school is the construction of a large pot-drum, about four feet high and ten feet in circumference. This drum is called *mashupjoane*, and is not supposed to be seen by any other men. When the school is established the drum is beaten for the purpose of warning the men of the kraal to avoid the spot where the girls have been summoned to attend school. Thirdly, when this school is opened, each girl is given a corn-stalk, with the outside pared off, leaving only the pith. With this extraordinary wand, which she carries in her left hand, she is made to climb a mountain. The girl whose wand is first broken is considered to be under a bad spell, which will affect her in her matrimonial affairs, for it is held that such a girl will not enjoy the society of her husband for a longer period than two months after marriage, as the latter may either die or desert her. This custom gives rise to quite a number of disputes, which are so difficult to understand unless one has a knowledge of their origin. It frequently happens that the parents of a girl who is supposed to be under this unlucky spell, by reason of their superstition, and through fear of the supposed evil results, will withhold their consent to the marriage of their daughter to a young man of the kraal, who naturally is ignorant of their reasons for doing so. In many cases seduction ensues, which gives rise to litigation. The question naturally presents itself as to what such an unfortunate girl, living under these circumstances, has to look forward to as far as her future is concerned. It appears that the only solution, from the native point of view, is that she be given in marriage to an old married man of the kraal, who is supposed to be sufficiently hardened to break the spell resting upon the girl. It is said that no member of the kraal, except the woman who acts as matron of the school and the girl's parents, has the slightest knowledge as to the party upon whom the spell has fallen. Everything in connection with this school is treated by the woman in charge of the

The girls' school begins on the same day
that the boys' school finishes.

same with the same amount of secrecy as is observed by the men with regard to their own schools. Secrecy appears to be the fundamental principle of native schools.

Fourthly, the girls attend their school for a year. They move about the village freely when not attending instruction, and, unlike the boys' school, they return to their respective homes at night, except when a chief's daughter attends the term, when the girls proceed to the hills, where they spend their time idling for about a month out of the year.

During mid-winter they are made to bathe in a stream before sunrise for eleven consecutive days. Their dress consists of a skin, called *ntepa*, and they carry with them grass mats, which they wrap about their bodies when approaching the *kgoro*, after having been out.

Fifthly, the woman to whom has been assigned the duty of looking after and instructing the girls, and who has been called the matron, is obliged to make them thoroughly conversant with the following principles, which, though hardly fit for publication, are best not omitted in a study of this nature.

(a) The girls are advised never to reject the overtures of any man should their future husbands be neglectful.

(b) All natives with whom the writer has conversed upon this subject authoritatively state that if a woman be pregnant, and she allow any man, other than the man by whom she is pregnant, to have sexual intercourse with her within two months after conception, the man is sure to die. They say that he dies from a disease peculiar to natives. Of course such an extraordinary superstition receives no credence from a civilised community, but the natives so firmly believe in it that it is an important duty of the matron of the school to explain this matter to the girls, and also to exhort them to guard against the danger of causing the death of any man in this manner.

It frequently occurs that women during the absence of their husbands become pregnant by a paramour, *motlabu*, and that their husbands return within two months of conception. In such cases it is the duty of the woman to avoid the husband by returning to her parents, to whom she shall confess her infidelity, and through whom an explanation is made to the husband as to what has taken place. Under these circumstances he will not insist on her returning to him until the period of two months has elapsed.

There are various other subjects upon which these schoolgirls are said to receive instruction, but as they are somewhat insignificant, space will not permit of their being recorded herein.

Sixthly, after the term of a year has expired, a breaking-up ceremony, which consists of drinking and feasting, is held by the women. No men attend this function, and even the beer does not offer sufficient inducement to cause them to demean themselves to such an extent.

As soon as a girl has passed through this school she is considered ready to be given in marriage, and, if already betrothed, the marriage ceremonies are forthwith commenced.

A girl who has not been through this school is called a *lethumasha*; one who has is called *mothepa*. A married woman is called a *mosadi*.

CHAPTER V.

INTER-TRIBAL CUSTOMS AND WARFARE

INTER-TRIBAL CUSTOMS.

THE Bapedi inter-tribal customs are somewhat historical at the present time, for a great many of them, by reason of the civilising influences of Europeans, have become obsolete through disuse. Some, however, are still extant, but they amount to nothing nearly so impressive or important as they did during the days of the old chiefs Tulare and Sekoati, when inter-tribal intercourse was of daily occurrence. In those days the chiefs had the power of forcibly asserting their authority over, and claiming tribute from, lesser chiefs. Tulare, who claimed to be the paramount chief of the Bapedi before the advent of the "voortrekker," and also before the various factions had sprung into existence, demanded allegiance of most of the natives resident in the eastern, southern, and western districts of the Transvaal. The chiefs in those days frequently despatched messengers to this old warrior, as token of their submission to him. Later, when Tulare was succeeded by Sekoati, and the latter's government somewhat harrassed by the depredations of Moselikatse, who was finally routed by the Zulus, he, Sekoati, was obliged to recognise the Zulus as a superior power, and it is said that, about fifty years ago, four Zulu messengers, whose names are given as Makagiza, Makatelele, Mvana, and Matjotji, were sent by Cetewayo to Sekoati for the purpose of collecting tribute from the Bapedi, and after a sojourn of two years amongst the Sekoati followers, they returned to Zululand with quite a retinue laden with ostrich feathers, lion, and various other skins.

Sekoati very rarely visited any of his neighbouring chiefs, but whenever the occasion arose for him to do so, his visits were attended by a great deal of ostentation and care. It is said that he never informed his host of his contemplated visit until within a few miles of the kraal, when messengers were despatched to the chief or headman of the kraal to inform him of Sekoati's approach. Before these messengers were despatched, spies would have been sent to ascertain whether the kraal was well disposed to receiving Sekoati or not, and were there the slightest suspicion of animosity, these spies would advise Sekoati not to stay overnight in the kraal, and for his own sake he acted accordingly.

At the present time all these precautions have been rendered unnecessary, through the protection of a civilised government. Furthermore, the power of asserting military superiority by one tribe over another has been abolished through the same element.

A great many factions opposed to each other exist to-day, and it is strange to note that, if a chief meet the chief of an antagonistic faction, he will evince no outward feelings of dislike

for him, but, on the other hand, salute him as though the relationship between them were mutually friendly. The reason why they do not display their bitterness in public is that by doing so, they would be warning their opponents, so that when the opportunity of striking at them arose, the latter would be prepared to receive the blow, and perhaps to retaliate in an uncomfortable manner.

In ordinary conversation chiefs invariably address one another directly, but in any matters of a tribal nature, they do so through the medium of an induna, who, in turn, directs his remarks to an induna of the chief addressed, and the reply is given through the same channel. Therefore it will be seen that in order to make any subject impressive to a chief and his followers, they should never be addressed directly, but through the medium of an induna or an interpreter, and further, in order to uphold the dignity of a public office which has dealings with natives, the addresses to or replies of a native chief should be received in like manner. This is without a doubt considered to be true and essential native court etiquette. A chief to whom a messenger has been despatched by a neighbouring chief or a Government official, will pretend to be wholly oblivious of a message which has been delivered in his presence until it is repeated to him by his induna.

Nowadays, chiefs are more prone to visit one another than they were in the days of their forefathers when treachery and murder were rampant. A visiting chief is not entertained in nearly so impressive a manner as he would have been before civilising influences interfered and somewhat disorganised certain of the Bapedi customs. The custom that a chief should never sleep alone is one which is still observed, and also one which has been handed down from time immemorial, and is supposed to be the means of protecting the chief from assassination by enemies whilst under the influence of "morpheus."

It would strike one that this means was not very effective as far as Sekukuni I. was concerned, for it will be remembered that he was stabbed to death while asleep by his brother Mampuru.

A chief on a visit to a fellow-chief will be asked, as a matter of etiquette, whether he has taken note of the young girls of the kraal, and, if so, whether he has made his choice as to the one he desires to have as his bed-companion during his visit at the kraal. He will invariably, out of compliment to his host, the chief of the kraal, choose one of the latter's wives, and if the visitor be of better standing than his host, it would be proper etiquette for him to direct his choice to the chief wife for this purpose. It would naturally be assumed that the tribe will object to the "tribal candle" also being subjected to this custom, but, strange to say, as long as they are satisfied with the rank of the visiting chief, no questions are raised. The writer knows a prominent chief who is indisputably the son of a visiting chief, and yet he has not suffered one iota in authority or control over his following in consequence thereof, neither is he likely ever to be taunted by his fellow-chiefs that he is not the son of his reputed father, the late chief.

WARFARE.

It is hardly necessary to enter into minute details with regard to the ancient custom observed by the Bapedi in connection with their system of warfare against other tribes, but as the *dikgaka* custom, which will be given later, was brought into prominence in Sekukuniland within the past four years through the faction fights which took place between Sekukuni's adherents and those of the rival chief Kgoloane, it may be interesting, and also useful as a matter of record, to briefly set down a few of the rules of discipline and methods of warfare which have been observed by the Bapedi chiefs up to very recently.

It can hardly be said that the Bapedi are a warlike tribe; they lack courage, and, as far as one is able to gather, the great battles which the present generation praise their forefathers for having won amounted to nothing more than nightly and murderous attacks on unprepared and unsuspecting tribes. The old chiefs Tulare and Sekoati were undoubtedly responsible for a great deal of bloodshed, but it is difficult to ascertain whether they ever had the courage to fight a pitched battle with any rival tribe. It appears that if any ill-feeling towards another tribe existed amongst the Bapedi, they secretly harboured this feeling until an opportunity arose for a surprise visit to be paid to the tribe in question. The intention of paying this visit was known only to the chief and his head induna, who, it is stated, in nearly all cases conferred with a representative of the Swazi tribe, noted for his prowess in warfare, and in most cases acted on his advice. The custom was to despatch men to the headquarters of the tribe to be attacked, ostensibly for the purpose of doctoring or selling bead-work, but in truth they were secret spies, who remained in or about the enemy's kraal until they were able to report that a favourable opportunity had arrived for an onslaught to be made on the kraal. On receipt of such a report the chief would immediately send out young men to close all roads against traffic to and from his kraal, and at the same time summon the men of his following to assemble with their weapons, which in those days consisted chiefly of assegais and battle-axes. It was never necessary for him to give his men warning to come sufficiently rationed to proceed immediately on some warlike expedition. The fact that they were told to assemble with their assegais intimated that they should also come with the necessary supplies of food.

It did not take very long for the tribesmen to assemble, and the same night the whole of the Bapedi army would leave their headquarters and proceed in a direction quite opposite to that which it was intended they should take. Their ultimate destination was kept secret from the main following until the next night, when suddenly the course would be changed, and all haste made towards the headquarters of the tribe to be attacked. Needless to say, the attack was made stealthily, no prisoners were taken, with the exception of women and children, who were regarded as loot. In but very few instances these attacks were effectual, and a great deal of bloodshed resulted therefrom.

Whenever the occasion arose for a sub-chief to be punished, his sins against his superior were visited upon his following as well as upon himself, and the decimation of the male members of

such following invariably resulted. In such attacks upon a sub-chief, whose military power was by no means alarming, the chief whose rights had been infringed would not observe the same amount of precaution and secrecy as he would in the case of a contemplated attack on another tribe. In fact, he would openly exhort his followers to prepare for war, but under no circumstances disclose the identity of the sub-chief whom he intended to attack and punish.

Their military organisation was very crude; each man provided for himself and followed his own ideas as to what he should do. Their tactics were formulated by the chief in council, the execution of which was assigned to the chief's own brother, who exercised active command of the tribesmen. All cattle looted, which are called *mathupjoa*, were handed to the man in command, who caused a third to be slaughtered, a third to be sent to the chief's kraal, and the remaining third to be handed back to the party who looted them. Women and children were also regarded as loot, and divided amongst the following of the chief.

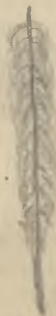
The *dikgaka* custom is frequently misunderstood as having reference to loot, but such is not the case. If two tribes or factions were at war with each other, the first duty the indunas would be called upon to perform would be to ascertain whether any stock or wives belonging to members of the opposing tribe or faction were in the custody of any of the members of their own. Should they find such to be the case, the stock would be immediately confiscated to the benefit of the chief without any reward being given to the party through whom the information regarding the same had been obtained.

In the event of any of the enemy's wives, the latter whose parents are members of his own following, being found under the protection of their parents, their husbands having joined the enemy's ranks, the chief will deprive such parents of the *lenyalo* cattle given for these women, and treat these cattle as *dikgaka*.

For example, two chiefs, A and B, are at war with each other. A man, C, of B's following, had taken a woman of A's following to wife, and paid cattle over to this woman's parents. Should C's wife be found, during hostilities, at the home of her parents, who are of A's tribe, chief A will confiscate the cattle given by C for the woman as *dikgaka*. It is strange to relate that by so doing the marriages of such women are not annulled. Their husbands have a good claim to them without further payment of cattle as soon as hostilities have ceased. This appears to be an unfair custom, in which a chief inflicts a penalty upon a member of his own following, whose son-in-law happens to belong to an opposing tribe or faction, but the natives do not regard it as a punishment upon the person who has been deprived of his daughter's *lenyalo* cattle in this manner, for they consider that he should only be too pleased to be rid of anything obtained from one of the enemy. It is considered rather as a severe punishment to the husband, who will be deprived of the right to say that his children are the children of his cattle (*vide* page 1, *Lenyalo Cattle*). Briefly, they would be thrusting an insult upon the man and his children, whose only means of expunging the same would be to voluntarily tender a second instalment of *lenyalo* cattle.

The word *dikgaka* literally means guinea-fowls, and the custom is so called because all cattle falling under its treatment are supposed to belong to the chief, in the same way as the guinea-fowl cannot be claimed by any member of the tribe, but is considered to be a bird appertaining to the *kgoro* or chief's household.

"*Difoka*" the war-flags sticks covered with black ostrich feathers. They are carried alongside the chief on the line of march & are waved up & down.



CHAPTER VI.

CRIME AND NATIVE COURT PROCEDURE.

As European Courts take cognisance of all crimes committed in this Colony, therefore that portion of this chapter treating of the subject of crimes will serve merely as a matter of record, and at the same time be the means of enabling one to appreciate the fact that most natives are born lawyers in all matters bearing on their own laws.

Of course, when a heathen native is arraigned before a European Court the strangeness of the procedure rather baffles him in any attempt at conducting his own defence, so much so, that he invariably pleads guilty to the charge, notwithstanding the fact that he is confident of his innocence; and in the cross-examination of witnesses he cannot understand that only direct questions should be put, and also that his defence must be reserved until the case for the prosecution has been declared closed. This procedure is so strange to him that when he is given the opportunity of defending himself and of rebutting the evidence which has been adduced against him, he will have no idea of what he is entitled to do or say, and in most cases remains silent. It is therefore obvious that Native Commissioners' Courts, in order to arrive at the true facts of cases, are sometimes obliged to depart slightly from the regular procedure of other European Courts. This, of course, is only necessary when dealing with the heathen native. On the other hand, in their own native courts, where no stereotyped procedure obtains, and such procedure as may be observed is a matter of general knowledge, the natives show remarkable natural talents of sharpness, eloquence, and rhetoric. They freely cite precedents in support of their arguments, and as any one is entitled to a hearing and to cross-examine witnesses, whether he be concerned in the trial or not, the holding of these courts has become of general interest and study to every male member of the tribe.

It cannot be denied that in most cases decided by the natives in their own courts there is an element of equity. This applies principally to civil cases, for in former times, when a chief's jurisdiction was his own will and unlimited, too much reliance was placed on the so-called divining powers of native doctors, and many an innocent man was done to death because these doctors had "divined" that he was guilty. In all cases, no one was deprived of a hearing, or of putting up some defence, but sometimes doctors, to save their own reputations, would so arrange matters that a feasible defence was impossible.

A chief does not take a very active part in the trial of cases in his court. He has an induna, who fills the rôle of an attorney-general, who is supposed to have a thorough knowledge of all native laws, and also able to quote precedents bearing on any case or dispute which may arise.

The following is briefly the procedure which is adopted by native courts, and which applies *mutatis mutandis* both to civil and criminal trials.

The attorney-general, called *moahludi*—adjudicator—receives all complaints, which he transmits to the chief. Should a man have a complaint of a civil nature against another, it is his duty to give the defendant notice that he is about to institute a civil action against him. The defendant is then supposed to attend the court voluntarily. This he will invariably do. But should he disregard the notice, he will be sent for by the chief, and in order to avoid having to pay the costs of his summons it will be necessary for him to satisfactorily disestablish the claim against him, and to prove it to be a frivolous one. These costs are relative to certain fees, *tifo ea mauto*—payment for the feet—which are charged by the court messengers to compensate them for the unnecessary trouble to which they have been put.

When all the parties interested are present, the case comes on for trial in the *kgoro*—courtyard—where the old men of the tribe have assembled to listen to the evidence adduced on both sides, and to assist the indunas in their duty of advising the chief rightly.

The chief himself may or may not be present during the trial, but in all cases the general verdict is reported to him by the *moahludi* for confirmation.

Witnesses, when giving evidence in a native court, are liable to cross-examination by any one present, whether the examiner be a stranger in the kraal or not; and, further, after all evidence has been heard, and the general discussion of the case follows, any stranger, whether he be a member of that tribe or not, may demand, and in all cases is granted, an opportunity of participating in the debate.

The principle of admitting disinterested parties as well as strangers to have a voice in the trial of a case is obviously a commendable one from a point of view of justice in their own courts, for it is assumed by the natives that a disinterested man, and particularly a stranger, must be unbiassed, and that he would be more likely to detect any injustice in the course of the trial than would a member of the kraal; and, furthermore, if he be a member of a different tribe it is expected that he might be able to give some information regarding the method adopted by his own tribe in the trial of cases similar to the one before the court.

Before the verdict is given, a great deal of discussion of the different features of the case is entered upon by those present at the hearing; they constitute themselves into a kind of informal jury, and if there be any difference of opinion amongst them as to whether a man is guilty or not, or in civil cases should have judgment given for or against him, those who dissent from the general verdict are called upon to give their reason for doing so. It is always hoped that the verdict will be a unanimous one, but should it not be so, and should there be no possibility of convincing the dissenters, the matter is then brought before the chief in the following manner:—The *moahludi* will give a résumé of the case, and explain that there is some opposition to the general verdict. He himself may be opposed to the general verdict, which it has been omitted to explain, is the verdict of the majority of the followers present at the trial. The chief will then call upon a member, representing those supporting the general verdict, to

give their views on the case, and their reasons for finding such a verdict. He will also call upon a representative of the dissenting party to do likewise, and after having heard the arguments put forward by both sides, the onus of deciding one way or the other rests upon himself. Even if there be only one dissident he is entitled to a hearing by the chief.

In cases where a unanimous verdict is not arrived at, unless undue bias can be ascribed to the dissenting party, the chief will pay great heed to their arguments should they be in support of the person or persons standing trial.

In former times, before a chief's criminal jurisdiction was curtailed, a man charged with a crime was made to appear with his parents or guardian, and the particulars of the charge were in the first place made known to the parent or guardian, who in turn repeated them to the alleged culprit, calling upon him at the same time to defend himself, and to answer the accusation, whereupon he would be made to stand up, and the trial was then opened.

The evidence for and against, whether it be in a criminal or civil trial, would be taken as best suited the court; sometimes witnesses for the defence being called upon before all those for the prosecution or plaintiff had been heard. There was no such thing as giving evidence under oath, and, as will be shown later, perjury did not, neither does it at the present time, find a place in the category of crimes amongst the Bapedi.

In all cases brought before a native court, court fees are charged; these go to the benefit of the chief, who invariably causes them, if they consist of stock, to be slaughtered for the consumption of those who attended the hearing of the case.

The judgment of a native court, if not discharged, will be executed by sub-indunas, who are authorised and despatched thereto by the *moahludi*.

Hearsay or irrelevant evidence is admissible. To permit a native to give evidence after his own manner would necessitate one having to listen to a good deal of family history and irrelevant matter, dating back many years, and from there the witness gradually works up to the case in question. Once his eloquence has been checked he is at a loss where to begin again, and through the interruption having so disarranged his train of thoughts, he invariably omits the most essential facts; but give him his full say, and the smallest detail is recounted in the most lucid manner. The natives have also remarkable powers of enlarging on a few facts, so that their evidence has always to be carefully weighed before being admitted.

The principle that a man is innocent until he is proved otherwise is reversed, according to native court usage, for the onus of proving innocence is thrust on the accused rather than that his accuser should prove his guilt.

It is not proposed to deal at any length with customs and procedures which have long since ceased to exist, and a knowledge of which is no longer vitally necessary for administrative purposes, therefore details concerning native court procedure will be left for abler pens to describe.

A list of crimes regarded as such by natives, and peculiarities regarding each, are, however, worthy of brief record herein, space not admitting of the fullest details. The following is a list of the more important of such crimes:—

Murder.
 Incest.
 Rape.
 Seduction.
 Abduction.
 Concealment of birth.
 Adultery.
 Treason.
 Theft.
 Assault.
 Malicious damage to property.

The natives divide homicide into three different classes, viz., (1) wilful and malicious killing, (2) accidental, and (3) the killing of a paramour.

It would appear that no distinction is made between culpable and purely accidental homicide, both these crimes being treated in the same manner.

Murder.—The penalty for wilful and malicious murder was death, but this did not relieve the murderer's relatives of their liability to pay the victim's parents cattle for the purpose of bartering a woman to raise seed to the deceased, if he be a male; if not, to compensate them for the loss of their daughter; or, if a married woman, to enable her husband to barter another wife.

When a murder, apparently of a malicious nature, had been committed, and there was not sufficient evidence to bring the crime home to any particular person or persons, it was customary in former times for a chief to summon two or more native doctors and charge them with the responsibility of detecting the murderer. The methods which these doctors adopted in attempting to do so, with the assistance of their divining bones, was as follows: They took charge of the corpse, from which they cut off strips of flesh, which they placed in a vessel, together with the blood of a black sheep and a mixture of herbs and roots. These were all boiled together for some time, and then set aside to "mature"—as they called it—for a couple of days, after which the doctors took this extraordinary mixture, and distributed it across the roads and paths leading from the kraal in which the murder took place, or the kraal of the victim. By doing so, these doctors were supposed to have made it impossible for the murderer to hide his guilt, for it was assumed that as soon as he crossed any road over which this mixture had been strewn, he would become insane, and disclose his crime by shouting and calling for his victim. On the other hand, if he avoided all roads and paths his fellow-tribesmen would easily detect him on that account. It is stated by the old warriors that during the time of Tulare and Sekoati this method of detecting a murderer was infallible, and that it frequently happened that a murderer actually became insane the moment that he crossed or made use of one of the roads or paths. From careful enquiries on this subject, it has been ascertained that doctors were by no means scrupulous, and frequently for the purpose of saving

Sekukuni I was, or became, less bloodthirsty than the average chief of his times. He also stopped the killing of youths who ran away from the *vodivane* school.

57

their own reputations, in so far as this smelling-out process was concerned, they would lead the chief to believe that one had actually gone mad in the manner described. In such a case, the chief would summon his young warriors and charge them with the murderous duty of annihilating the whole family to which the alleged murderer belonged. The reason why such drastic penalties were meted out was that the murderer's family must have known that one of its members was guilty, and that by protecting him they had all become, as it were, accessories after the fact, and therefore liable to the same punishment as the murderer.

It is said that old Sekukuni I. killed many of his people in this manner, and that a native named Mutle, of Mphahlela's following, was the means of persuading this bloodthirsty old chief to totally abolish the custom. Since then it has never been practised.

Accidental or Culpable Homicide.—When a death had been brought about accidentally, the matter was immediately reported to the chief, who caused the party responsible for the accident to be arrested and brought before his *kgoro*, which would investigate the circumstances under which death was caused, and if satisfied that there was no intent to cause the same, would acquit the accused of the capital charge. But, nevertheless, a civil claim still lay against him by the relatives of the person whose death had been accidentally brought about. This claim amounts to compensation in order to supply the means of raising seed to the deceased if a male, and, if a female, to compensate the parents for their loss. This compensation usually takes the following form: The party who caused the death is obliged to give his daughter for the purpose of raising seed to the deceased. It is only necessary to speak of the guilty party in the masculine gender, for if a woman, her husband, father, or guardian would be held responsible for the deed in so far as the question of compensation is concerned. The girl who is delivered in this manner to the deceased's household is taken to wife by a member of that household as soon as she becomes of age. Now the question as to whether her children would be considered legitimate or not, in view of the fact that no cattle had been given for her, is one which the Bapedi have endeavoured to avoid by the delivery of a certain number of cattle to the deceased's household before the delivery of the girl, so that when the latter takes place these cattle are returned to the father of the girl in the form of *lenyalo* cattle. The whole transaction, of course, as far as the *lenyalo* cattle are concerned, is a fictitious one, but it serves as a means of legitimising the woman's offspring. This gives one another very good idea as to the importance of the functions fulfilled by cattle in the lives of the Bapedi.

Should the responsible party have no daughter to offer, he is obliged to substitute his son, whose first daughter will be treated in the manner just described, with the exception that the cattle are actually delivered at the time the substitution takes place, and it is optional for the deceased's household to claim the daughter and return the cattle or to renounce their claim and keep the cattle. It also may happen that there be neither daughter nor son available for the purpose of discharging this liability. In such cases, the relatives of the responsible person are obliged to

make good the claim against their kinsman. Should the claim to the girl be renounced in the manner just described, the deceased, if a man, passes out of recollection, and no seed can be raised under any circumstances to perpetuate his name.

This custom of compensation is in vogue at the present time, even although the responsible person has been duly punished or acquitted by a European Court. It savours of English law, and is regarded as a tort, which must be compensated for.

Killing of a Paramour, Ho bolaea motlabu.—Formerly should a man have discovered another in the act of committing adultery with his wife, and in a fit of rage have killed the paramour, the matter was reported to the chief in the ordinary course, who, after having had the circumstances fully explained to him, would direct that no further steps be taken. Ostensibly the husband was exonerated from all blame, but nevertheless very few chiefs seemed disposed to overlook matters of this nature entirely, and they invariably harboured a feeling of resentment, which gave rise to furtive designs against the husband to punish him for having taken upon himself the authority, which was deemed to be vested in a chief only, viz., that of inflicting upon another the penalty of death.

These designs usually took the form of a death-trap, into which it was expected the husband would be drawn, and thereby enable the chief to declare that he had encompassed his own death. The most common of these traps was for the husband to be put off his guard by an invitation from the chief to attend his court, and there publicly commended by the latter for the great service he had rendered to the tribe in ridding it of an adulterer. No further allusion was made to the occurrence, and everything was done to lead the husband to regard the matter as passed and settled. After the expiration of about a year, the chief singled out one of the girls of his following, bound her down to secrecy, and commanded her to make secret and passionate overtures to this man. When she had succeeded in courting his attention, she was further instructed to induce him to accompany her to or meet her at some secluded spot, usually in a mountain, to which place she had taken some beer in a vessel belonging to the chief's household. Having once proceeded so far, there was very little difficulty in getting him to go a second or third time. As soon as the girl reported to the chief that she had the man in her power, arrangements were made for him to be discovered in the company of this girl with beer in a vessel of the chief's household by men who had been directed as to where the clandestine meeting was taking place. Should they have discovered the man under these circumstances, he was killed, and a report delivered to the chief that he had been found committing adultery with one of his wives, the vessel being produced in verification of this statement. The chief then sent for the deceased's relatives, and, after having ascertained their ignorance of his whereabouts, he interrogated them as to whether they remembered the occasion on which the man in question had killed another for having committed adultery. They naturally replied in the affirmative, whereupon the chief exclaimed loudly, in order that those about the court might hear: "It is strange that this man should have brought about his own death in a

Beer belonging
to the chief.

similar manner, for he was this day discovered committing the same offence with one of my own wives and killed by my spies." In dismissing the deceased's relatives, he directed them to the spot where the man had been killed and left.

It sometimes happened that a man who had killed a paramour was too wary to be allured into such a trap, and that he considered it to his advantage to take protection under some other chief, but even then he was not certain of escaping the penalty which hung over him. If the trap failed, he was assassinated, or his death caused in some mysterious manner. Needless to say, this custom has long since sunk into disuse, but it was widely practised by the Bapedi before civilisation interfered with their heathenish manners.

Incest.—For a native to have sexual intercourse with a woman related to him within the prohibited degrees of consanguinity—briefly, to have committed incest—was a heinous crime, the penalty for which was death.

Rape.—It would appear that the committal of rape on an ordinary female was not regarded as such a very grave crime, and the culprit was considered to have been sufficiently punished if fined by the chief. Part of the fine went towards the woman's parents or her husband for the insult done to her. The natives were inclined to treat such cases with some scepticism, for it was always assumed that a man guilty of this crime must have received some encouragement from the woman who had been ravished, otherwise he would not have allowed his feelings to have overpowered him to such an extent. There was a decided difference made in the crime of rape upon an ordinary woman and rape upon the head wife of a chief. In the latter case the penalty was death. And, furthermore, it would appear that even although this wife had consented to it, her acquiescence was never accepted in mitigation of the crime. The penalty of death was not regarded as at all severe to a man who had given rise to the likelihood of the chief's direct descendants by his head wife becoming contaminated by the introduction of inferior blood. Though hardly relevant, it may be mentioned here that a similar penalty was imposed upon any man who absconded with one of the chief's wives, whether she were the head wife or only one of the lesser ones.

The writer knows an old native who absconded with one of Sekukuni I.'s lesser wives, and the only way in which he was able to save his life was by leaving Sekukuniland altogether, and placing himself and his wife beyond the reach of this old chief. After the latter's death this man was pardoned and induced to return to his native home, but even then he was wise enough not to re-establish his domicile amongst Sekukuni's immediate followers.

Seduction.—Seduction is not regarded as a crime; it gives rise to a civil action by the parents of the girl against her seducer for a claim for damages which, in most cases, are not supposed to exceed three head of cattle. (*Vide* page 16, Chapter I.)

Abduction.—It appears that no particular penalty attached to the commission of this offence, except that under no circumstances was the man guilty of the same allowed to marry the girl abducted by him. If seduction had taken place he was then

Father
responsible
for payment
if son
committed.

treated as under the foregoing paragraph. This procedure is still in force.

Concealment of Birth.—This is a crime of which native courts did not take cognisance. The matter was left entirely in the hands of the girl's parents, who meted out such punishment to their daughter as they deemed fit.

Adultery.—This offence was dealt with in a manner analogous to seduction, except in cases where a wife could plead negligence on the part of her husband (*vide* Chapter I, page 16), in which case she and her paramour were exonerated from all blame.

Treason.—It was considered impossible for an ordinary man to commit treason, in that he would not have sufficient influence amongst his fellow-tribesmen to conspire against the authority of the chief. A man possessed of a slightly rebellious nature was very soon put out of action by order of the chief, and therefore in speaking of treason the old warriors of to-day allude more or less to rebellious actions against the chief, which are attributable to members of his own family. It appears that some of the factions which exist amongst the natives of Sekukuniland at the present time are the outcome of disloyal ambitions of members of Sekoati's household. It would be dealing with historical events and a departure from the object of this short study if the details of these plots were entered upon. They are therefore left for others to compile.

Whenever it happened that a member of a chief's own family, who invariably was either his or his father's—the late chief's—own brother, appeared to be conducting himself in a manner which detracted from the supreme authority of the chief, his actions were carefully noted by the chief and his counsellors, and if their suspicions of his disloyalty were confirmed, the distribution of food and refreshments in his *kgoro*—court—was prohibited by the chief during the presence of the disloyal relative therein. The counsellors then took the matter in hand and approached the man in question with a view to inducing him to discontinue his evil actions against the chief. He was thereafter watched at the direction of the chief by a trusty counsellor, and should he have disregarded the exhortations of the indunas, and committed any further treasonable acts, the chief then considered it his duty to uphold his own authority by ridding himself of this insubmissive relative; but as it would have been disparaging the dignity of the chief's household for one of its members to be brought up for public trial, it therefore behoved the chief, if it were secretly decided by him, with the advice of his counsellors, to inflict the penalty of death upon such a one, to carry out the punishment himself, and in such a manner as to avert the spilling of blood, for if the victim's blood were shed the chief regarded it as a bad omen. The sentence of death was usually carried out under cover of darkness, and the tribe led to understand that death had come about accidentally.

There is a very old chief living at the present time whose uncle was alleged to have had aspirations to the chieftainship himself. These aspirations led him into committing certain treasonable acts against his nephew, the chief. He was exhorted by the counsellors to mend his ways, but the old man was

stubborn, and openly defied his nephew, who had warned him personally that it would not be well for him if he went too far. One day this old man did something which was considered a direct violation of the chief's authority. As soon as this matter came to the knowledge of the latter, he sent word to his uncle advising him to flee as he was on his way to kill him. This warning was disregarded, and the old man still continued to defy him. The chief, without much commotion, marched calmly up to the old man's house, where he found him surrounded by his friends, who were endeavouring to persuade him to escape from the wrath of his nephew. These friends were quietly told to stand aside, and with an old muzzle-loader the chief took steady aim and shot his uncle dead whilst the latter sat unconcernedly facing the weapon. As soon as this had happened the chief raised the cry, *Ke bolaele samme*—I have killed that which is of my own blood—and he and the following mourned for the old man as if death had been due to natural causes.

Theft.—Cattle theft was a very grave crime. Any one who was found guilty of the same was deprived of all his property, such as stock, etc., *ho hula di ruoa*—confiscation of possessions. All other thefts were considered petty. It appears that any one found guilty of having stolen grain was thrashed and fined as well. The fines inflicted in cases of petty thefts were handed over to the owner of the articles stolen after a deduction of a portion thereof, which was regarded as a court fee.

Assault.—This offence was treated more as a civil than a criminal one, and the penalty of a fine, which went to the injured party, was invariably imposed.

Malicious Damage to Property.—This was treated in the same manner as an assault. It has not been ascertainable as to whether the crime of arson was classified under this heading or not. In fact, no information with regard to this crime can be given.

Sundry.—There were various other minor crimes which were dealt with according to their merits. Perjury, as has already been stated, was considered no crime, provided it did not amount to maliciously accusing another of a crime or of defaming his character. In such a case, the injured party would have recourse to a claim for damages against the perjurer.

For a woman to have given birth to a child in the fields was also considered an offence, for which her parents were held responsible, and fined by the chief for their negligence in not having taken proper care of their daughter, whom they must have known was *enceinte*. It will be shown in a succeeding chapter that a child born under these circumstances was marked by order of the chief, so that all might know of its unusual birthplace.

Under the heading of petty offences may also be included the following, which are still regarded as such:—

The cutting of reeds before the chief has proclaimed that they should be cut.

The gathering of grass for thatching purposes or for the making of grain baskets without the chief's authority.

The plaiting of these baskets before the chief has commenced to plait one for himself.

actually
car-matched

The gathering of bulrushes by the women for the purpose of making sleeping mats before the chief has given them authority to do so.

In fact everything which is done without authority or without first having permitted the chief to take the lead.

Corporal Punishment appears to have been administered as a matter of discipline, and did not usually take the form of a penalty imposed by the court, except apparently in the case of grain theft.

Severe corporal punishment - was inflicted in July 1926 on two Seventh Day Adventist evangelists who were alleged to have seduced a daughter (by a lesser wife) of Sekukuni. They were then chased out of the district.

CHAPTER VII.

GENERAL CUSTOMS.

THE BURIAL OF A NATIVE CHIEF.

THE ceremony in connection with the burial of a native chief is regarded by the tribe as a very sober and solemn one. The first duty observed by the indunas of the deceased chief is to announce the unfortunate tidings of his death to the tribe, whereupon all petty chiefs and headmen who owe allegiance to the deceased will assemble and take charge of the burial ceremonies, which are briefly as follows:—

In the first place, a black ox is taken from the chief's kraal, and carefully slaughtered in such a manner as to avoid the cutting of the skin, i.e. it is drawn off the body of the beast in the same way in which snakes, etc., are skinned, so as to form a sort of bag. The corpse is then placed inside of this bag, which serves the purpose of a coffin. A well-tanned ox hide is then rolled up and put under the head of the corpse, beside which will be placed the beads or other charms or ornaments, etc., which were usually worn by the deceased. A jackal skin then envelops the skin bag with its contents; blankets are then wound round this extraordinary coffin and sewn up.

The headmen then proceed to the chief's cattle kraal, around which are built the different *lapas* of the deceased's household. A grave is dug inside this kraal. The heir to the chieftainship is called upon to turn the first sod, and it is here that a dispute, if there be more than one claimant to such chieftainship, first springs into existence. Any one of the chief's household who lays claim to the right to succeed the chief will come forward and demand the privilege of turning the first sod of the grave. The claimants will struggle for the kaffir-hoe—an implement used by the Bapedi on such occasions—and a faction fight between the members of the tribe supporting the different claimants is bound to result.

When Sekoati died, his two sons, Sekukuni and Mampuru, opposed each other over the spot where their late sire had to be buried. Each claimed the hoe, and the right to turn the first sod of the grave. A struggle ensued, which ended in Mampuru having to flee for his life from the wrath of his brother, whose supporters were the stronger in number. This quarrel, as is known, created a lasting split in the house of Sekoati, and proved fatal to Sekukuni, who was subsequently murdered by his brother Mampuru, whilst the latter paid the full penalty for his deed on the gallows.

After the first sod has been turned in the manner just described, the grave is dug by the men present, and in due course the body of the deceased is lowered into it. The heir, i.e. the person who turned the sod, will then take up a few handfuls of earth and throw them into the grave, whereupon it is

filled in without any noteworthy formalities. As soon as this has been accomplished a woman will be seen approaching with a large native clay pot of clean water upon her head. This she places at the foot of the grave. The headmen and men who conducted the burial will then proceed to wash their hands therein, after which the woman will again approach, take the pot of water, extend it at arm's length above her head, and bash it to pieces on the grave, whereupon the men all shout, *Yo, kgori, yo!*—Oh, the chief, oh! The women then take up the shout, and a general and mournful wailing continues for hours throughout the kraal. After this the headmen proceed to the *kgoro*—courtyard—where they receive the cattle which have been presented by the different members of the tribe as tokens of sorrow. A number of cattle from the chief's kraal are then slaughtered, and quite a feast is indulged in. The skins of the slaughtered cattle are immediately prepared and converted into mourning robes for the deceased chief's wives, who are assembled, placed in a hut, where they await the ceremony of having their heads shaven. They then go into deep mourning in the manner already described.

The flesh of the black ox, which was slaughtered in order to provide a coffin for the chief, is consumed as quickly as possible, and not allowed to be kept over a night.

THE INSTALLATION OF A CHIEF.

The Bapedi do not observe any particular ceremony with regard to the installation of a new chief. This appears to take place simultaneously with the burial of the late chief. The turning of the first sod, which has just been described, is part of this ceremony. It would appear that the actual installation takes place just as the body of the late chief is about to be conveyed to the place of burial. As it leaves the hut in which it has been lying, the succeeding chief will meet it at the door, and enter the same hut almost at the same time as the body leaves it. This is called *ho fapana le tatagoe*—to pass his father. He does not remain very long inside this hut, but will proceed by a circuitous route to the grave to be there just in time to throw in a few handfuls of earth. It may happen that the heir to a chieftainship be absent from home at the time of his sire's demise; in such a case he will be represented by his official skins and kaross robes. These are taken by an induna, carried past the corpse, and placed in the hut from which it has just been brought out. The same articles also represent the absent heir with regard to the functions he should have performed at the graveside.

The first duty of a newly installed chief is to take stock of his heritage. He will call in all the cattle which belong to his household, and take possession of the beads which appertain to the chieftainship. After this his government is continued and conducted in the same manner as before by his late father's indunas, who still retain their respective ranks and offices. It may be mentioned that the office of induna to a prominent chief is invariably an hereditary one.

NATIVE SYMBOLS—"DIKA."

Similar to all other native tribes, the Bapedi have numerous signs or symbols, each with its distinctive meaning. It is strange to note that the use of these symbols is never abused. A practical joke does not as a rule appeal to a native, and for any one to use a symbol for such a purpose would certainly not be regarded as at all humorous by the very superstitious Mopedi. Therefore, it may be asserted that whenever any symbol has been used its true and full meaning should be applied to it.

If all the signs used by the Bapedi were to be given it would take up a great deal too much space, especially as many of them are rather insignificant. The following are, however, a few of the more important of these symbols:—

Seotlo.—A heap of stones and debris at the roadside. This is a very old symbol, and the inauguration of those extant at the present day date back to before the autocratic powers of the chiefs were curtailed. The particular functions of this symbol are unique. It is supposed to possess the power of preventing the use by any enemy of the road beside which it is erected, i.e. if a kraal were expecting an attack from an opposing tribe or faction it would be inclined to rest assured that the expected attack would not be directed from the quarter in which the *seotlo* is situated, and, furthermore, it would evince perfect confidence that the attacking party could not possibly approach by the road which this symbol is supposed to be guarding. What the particular harm was which the natives calculated would befall an enemy that disregarded the supposed power of the heap of stones has not been ascertainable, and neither is it certain that any tribe has ever been so incautious—from a native point of view—as to make use for a hostile purpose of any road so protected. It is the duty of every male native who passes a *seotlo* for the first time to pick up a small stone, or, if not procurable, a twig, and after having spat upon it to place it upon the symbol. This is supposed to be evidence of his bona fides, and to break the powerful spell which the *seotlo* is supposed to otherwise possess over him. These heaps of stones constantly grow, and as those to be found at the present time are very old indeed, they have assumed large proportions.

This symbol is spoken of as having been inaugurated, and this is hardly a misuse of the term, for the ceremony and barbarous formalities, which were observed at its erection or commencement, are literally called by the natives the inaugural functions.

In olden times, whenever the protection these symbols are supposed to afford was considered to be necessary by a tribe, the matter was made known to the chief, and with a view to complying with the request put forward by his following, he ordered that all roads leading to his kraal be constantly watched, and the first alien adult male native—that is, not one who is a member of any of the Basuto sub-tribes—found on any of these roads be arrested, bound, and brought to him. With this unfortunate individual's blood, whether he be an innocent traveller or not, the *seotlo* was inaugurated. He was taken charge of by the chief's doctors,

who were supposed to have the power of enabling the *seotlo* to fulfil its functions, and on a day appointed they proceeded with their prisoner, accompanied by the men of the tribe, to the spot where the symbol was to be established. A narrow hole was dug, about eight feet deep, and just wide enough to allow a man to stand upright in it. The unfortunate victim was then killed, his body anointed by these doctors, who, after having invoked the forefathers of their chief to cast their protecting influence upon the spot, and guard the road against the use by enemies, let it down into the hole, and supported it in such a manner as to cause it to remain perfectly erect. The hole was then covered in, and a few stones gathered and placed on the top to start the *seotlo's* growth. After this, cattle and sheep were slaughtered, the blood of which was poured over the stones just mentioned, and as soon as the meat had all been consumed, the ceremony was considered over. The dead man who was buried in this peculiar manner was then supposed to be a permanent guard on the road.

It has not been ascertained why *seotlos* were not erected on all roads if the natives considered them capable of affording such wonderful powers of protection. The only explanation to this is that by so doing a tribe would be shirking its responsibility entirely, and thus cause their forefathers to withhold their power of supporting the *seotlos*, which would naturally be rendered useless under such circumstances. This gives one who is not acquainted with natives in their barbarous state some idea of the amount of superstition in which they indulge, and which plays such an important part in their daily lives.

Phoko.—This symbol consists of a stick about three and a half feet in length, which is placed across a road under a stone at either end. It is placed on the road by order of the chief by the native doctors, who anoint the stick with a mixture of grease and herbs. This symbol is supposed to possess the power of preventing the village nearest it from being infected by any disease or epidemic, whether with regard to human beings or stock. During the recent and severe epidemic of malarial fever, nearly every road was obstructed by means of this symbol.

Kgahlana Shono.—Should two natives decide upon a journey, and the one precede the other, the latter, not being well acquainted with the road, will be guided by the one ahead as to the road to be taken by the former placing a twig under a stone in the middle of all paths leading off the one to be taken. This makes it impossible for his friend to go astray. This custom is freely resorted to nowadays, and also becomes a nuisance to vehicular traffic.

Feta u Tshoe.—A branch of a tree placed against the door of a woman's hut by her husband. This sign is taken as an indication that he is driving her away from him. The woman is then entitled to return to her parents. It has never been known that any one has placed a branch in this manner as a practical joke; the native who is foolish enough to indulge in humour of this nature would not have a very comfortable interview with the members of his tribe if he were found out.

Peoa.—A small grass ring placed at the entrance to a beehive to show that it has already been discovered. The native who first discovers it after a *peoa* has been placed there in this manner is entitled to a portion of the honey from the hive when the original discoverer takes it out.

Tsebe.—A child who has been born in the fields is marked on the ear by order of the chief, to show that its mother erred in giving birth to a child in the open air. A boy is marked on the right ear and a girl on the left ear. A mark of this nature is called *tsebe*, which means an ear. For this reason, it is a grievous disfigurement for a man to have a slit in his ear, and it therefore rarely happens that one will attempt to bite or disfigure his adversary's ear in single-handed fights or quarrels.

Yoang.—Should grass be found growing upon the trunk of a tree it is carefully gathered and handed to the chief, who personally gives it to one of his cattle to eat.

Mohlari.—Great value is attached to a tree whose branches cross and grate against one another, thereby causing a noise something similar to that caused when well-polished boots are rubbed together. The parts grating are cut out and converted into a rough charm, which is worn only by the chief.

Phalafala is a Bapedi bugle made out of a horn, and is blown only when a tribe is summoned to arms or at the marriage functions of the chief's heir.

Moropa.—The large pot drum beaten where a native girls' school is being established to warn the men not to approach that spot.

Morakela.—A tree which is planted in a garden to prevent any other than the owner thereof from making use of or cultivating the same. It is alleged that this tree will possess an evil spell over any one who interferes without authority with the garden placed under its protection.

Kgoro.—The five poles planted on either side of the entrance to a chief's courtyard. They are placed there by the chief himself, and the woman who first passes through this gate on her way to fetch water has a prior right to fill her pot at the fountain, even although there are others who have reached the spring before her.

Sefuka.—The Bapedi flag, made of black ostrich feathers, which is used in times of war. Great importance is attached to these flags, and they are handed down from one chief to the other. The flag which was used by Tulare is at present in possession of the young chief Sekoati. Whenever a chief is taking part in a function at home, this flag is constantly waved over his head in order to indicate the locality of the chief amongst his followers.

Pitsi.—The skin of a zebra, which is the official mat of a chief in his court. Great value is attached to such a skin, and there is only one chief in Sekukuniland who claims the honour of being the possessor of one.

Lediga.—Branches of thorn trees placed across the road by order of the chief to close it against traffic.

Phiri.—A wolf; a monument erected where a native *bodikane* school has been held. (See Native Schools, Chapter IV.)

Sable
horn

Mota.—The land or garden set aside by the chief as his own, and not belonging to any of his wives. This garden is the first to be ploughed and sown in order to show that the ploughing season has been declared open. (See page 34.)

Mathuba.—When all the young lads, *mashuburu*, of the kraal go out to work for their chief, the gang is called by the above name. This is hardly a symbol, but the natives regard it as one. The fact that all the young boys are seen together signifies that they are on the chief's duty.

Lehuite.—Beacons erected on grazing ground to show that the grass has been reserved for the exclusive benefit of the chief's own stock.

Sika sa Masimo.—Long poles, with the bark pared off them, placed against a tree or planted in the ground. They are beacons to show that the ground in their vicinity has already been allotted and taken up for the purpose of making gardens or building a kraal.

HABITS AND DRESS.

The foregoing chapters have more or less dealt with Bapedi habits and dress, therefore very little of note remains to be added.

The chief on state occasions will discard European attire, which he may have adopted for daily and ordinary use, and dress himself up in a profusion of skins, preferably those of the leopard, including a small kaross, which is worn over his shoulders. On his head he wears either a bunch of ostrich feathers or a badge made of the hair of some wild animals. On special occasions, such as the opening ceremonies of their schools and marriage feasts, the men will appear dressed in the most weird-looking garments and skins. They consider it fashionable to disfigure themselves as much as possible.

A native doctor even at the present time considers it due to his profession to dress differently from his fellow-tribesmen. He wears his hair longer, and the general rule is for him to ignore European attire of any sort, with the exception of a blanket.

Bapedi women are rarely seen dressed in anything else but skins, with a short, shirt-like garment, which is the only protection for the upper parts of their bodies against the burning sun. In cold weather they wear blankets.

Their habits are not very cleanly, and not much care is taken in the preparation of their food. Tainted meat, and sometimes very much so, is at all times quite palatable to them. The men in good seasons subsist chiefly on beer made of kaffir corn, and also of prickly pears and another wild fruit called marola.

It is customary for the young uncircumcised lads of the tribe to establish a sort of government of their own. They select one as the chief of the *mashuburu*, who is called *seporane*. Such a position is always held by a youth of the chief's household, and is fully recognised by all as having control over his contemporaries. A similar custom is also applicable to the young girls of the kraal. The chief's daughter will be placed in charge of them, and when they proceed on reed or fruit gathering expeditions they are obliged to follow the directions of this daughter.

Physically, the Bapedi are an insignificant tribe, and by no means equal to the Zulus in stature. Malarial fever appears to have been the primary cause of their physical degeneration. Neither can they be regarded as equal to most South African native tribes in the matter of handiwork. They do not indulge in bead-work ornaments to any great extent, and the wooden vessels which they carve out of marula wood are in most cases very primitive.

Their dwellings, which consist of small round huts, are made of wood, mud, and grass, and badly ventilated. These huts, and the reed enclosures which surround them, are always kept clean.

The assegai and battle-axe were their chief weapons. It is said that the first guns introduced into Sekukuniland were brought in by Arab traders, who, having discovered copper to the east of the Lulu Mountains, evidently remained there many years until they were annihilated by the natives. The guns which were taken from them were hidden in a cave, and there discovered by Sekukuni I. many years later.

Although it has been stated that the men are hardly ever really idle in their kraals, except when they are attending beer-drinking orgies or tribal functions of some sort, they cannot claim to be industrious, and certainly do not possess any inventive propensities. Their wants are few and easily obtained; therefore necessity, which is said to be the mother of invention, has not been felt by them to any great extent. They also lack initiative, and are entirely resigned to the despotic government of their chiefs and indunas.

The time has hardly arrived for the abolition of tribal government, and if this were done the means of controlling the heathen native would be removed, and he himself would feel something like a sheep without its shepherd.

inbreeding

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CHAPTER VIII.

NATIVE DOCTORS AND MISCELLANEOUS.

SIMILAR to the Zulus, the Bapedi have several kinds of doctors, the chief of which are the medicine doctor, *ngaka*; diviner, *molaudi*; the rain doctor, *moneshapula*; the latter also fills the calling of a lightning doctor.

Generally speaking, the profession, if it may be so termed, is a very lucrative one, and all native doctors, especially one professing to have a knowledge of medicine, are usually in flourishing circumstances, for reasons that their fees are exorbitant, and also that they have no difficulty in collecting the same. Superstition, which is so largely indulged in by all heathen tribes, acts as an incentive to patients to fulfil all obligations to a native doctor whom they may have found it necessary to consult. In most cases it is imagined that the doctor, if he wished to do so, is able to undo the good which he is supposed to have done his patient. Therefore, in order to avoid the likelihood of this being done, his fees are promptly paid.

Of the three above mentioned, the medicine doctor may be regarded as the most important. It is difficult to say what training they receive in connection with the art of healing. It can, however, be affirmed that they do receive a certain amount of instruction in this direction, for a native who has not served his apprenticeship with a so-called fully qualified medicine doctor will find it impossible to establish a reputation or practice amongst his tribesmen. It appears that the knowledge they are supposed to have of being able to diagnose complaints, as well as the knowledge of the different herbs which they use as medicines, is handed down from father to son, the latter inheriting his father's reputation on succeeding him. It would be erroneous to state that these medicine doctors have never been able to effect a cure in cases of a serious nature; whether it be that the herbs they administer to their patients possess curative properties or not is a matter which would require scientific investigation. The writer knows of an instance where a native doctor's herbs were purchased and submitted for analysis, the result being they were discovered to contain nothing of any medicinal value whatever. It has therefore been assumed by many that in successfully treating cases they are aided chiefly by the implicit faith their patients have in them rather than by the knowledge they profess to exercise.

There are certain mixtures the component parts of which are never divulged by these doctors to any man not of the same calling. These mixtures certainly do possess the properties with which the doctors accredit them. The mixture which is used for the purpose of procuring an abortion is one which has already attracted the attention of European medical men, and many futile

efforts have been made to obtain a sample of it. The old warriors were decided in affirming that this mixture is infallible in procuring an abortion, providing it is administered within two months after the woman has conceived. If administered after the lapse of two months it would prove fatal to the woman. As far as can be ascertained, this mixture consists entirely of roots.

Another mixture which is quite worthy of record herein is one which is prepared solely by native doctors also, and which is used by Europeans as well as by the natives themselves. It consists of a sort of powder, which is used as a means of curing cases of snake poisoning, and if administered within reasonable time it is certainly the best treatment for a snake bite which any one could apply. The writer personally knows of a great many cases where natives and animals have been cured by means of this powder. Very recently a farmer's son was bitten in the leg by a puff-adder—*clotho arietans*. Before he was able to reach his home the poison took effect, so that when the unfortunate lad was discovered he was unconscious and apparently blind. Fortunately for him, a noted native doctor was on the adjoining farm. He was summoned, and an hour after he had administered his powder the boy regained consciousness and his eyesight. A European doctor had been sent for in the meanwhile, who, it is stated, admitted that the native doctor had saved the boy's life.

This powder is known also in Zululand by the name *sibiba*, and is supposed to be made from certain parts of the most venomous snakes, and also contains a percentage of snake poison itself. To any one visiting the low and bush velds, where venomous snakes abound in large numbers, and where it is difficult to get medical treatment in the event of snake poisoning, it is recommended that he equip himself with a small supply of this powder. The natives freely use it, not only in cases of snake bites, but they also cause themselves to be vaccinated with this powder as a means of rendering themselves immune to the danger of snake poisoning.

There are many ailments and diseases which the natives, not alone heathen, but also Christian natives, authoritatively assert are better treated by their own doctors than by fully qualified European physicians. It is averred that a medicine doctor, by means of his herbs and mixtures, is able to cure most cases of barrenness in a woman. It is noteworthy that although the native law of inheritance entitles an elder son to succeed to his father's personal property, he cannot, should his father have been a doctor, claim the collection of herbs and medicines if the knowledge of the art of doctoring has been imparted to a younger son. They are the property of whichever son has received instruction as to their proper use.

The art of divining by means of bones seems to be part of the curriculum of a medicine doctor, but it does not always follow that a mere diviner, *molaudi*, has any knowledge of medicines. The reason why a medicine doctor finds it necessary to carry his bones with him is that he diagnoses, or pretends to diagnose, the complaints of his patients through the medium of these divining bones. A native doctor of repute is always kept busy, and frequently consulted by natives who have travelled long distances for this purpose. He is also frequently employed to invest the

ceremony of *ho orela sehlari* in connection with widows. (*Vide Ho Tsenela Custom*, page 30.)

In the course of conversation recently with a well-known missionary, the writer was informed by this gentleman that there was not the slightest doubt that some of these native doctors are very clever men indeed. He said that his own son developed decided symptoms of consumption; the boy became very delicate, thin, and almost entirely bedridden. Every remedy was applied, but without effect. One day he was induced to call in a well-known native medicine doctor. This he did as a last resource. The native doctor treated the boy for about two weeks, after which a decided improvement was noticeable with regard to his health, and within six weeks the boy was quite well again and as strong as ever. The missionary was so pleased with the result of the native doctor's treatment that he gave him an ox.

Medicine doctors are not slow in imposing upon the superstitions of a tribe, and should they be unsuccessful in the treatment of a patient they invariably ascribe the cause of their failure to the fact that the patient has incurred the displeasure of his or her forefathers.

The Bapedi do not confine themselves to their own doctors, but frequently prefer those of quite a different tribe, such as Zulus or Swazis. All chiefs of some importance have several doctors attached to their courts, *kgoro*, and they are consulted daily in connection with most matters affecting the tribe and its government.

Next to the medicine doctor comes the diviner or wizard. Such a one is greatly feared by all the tribe, for he is supposed to be endowed with the occult power of solving any mystery, detecting evil-doers, and of predicting. It is remarkable that even at the present time the natives have not lost the slightest faith in these practices. Up to and during the time of Sekukuni I. these diviners were the cause of many an innocent human creature being done to death. It has been shown how they were supposed to be able to discover a murderer, and in much the same way in all cases, aided by their bones, they are believed to be able to give authentic information, if paid, on any subject put to them. Within the past few months a case came to light in which a father, his eldest son, and another male member of the household died within a very short period. The men of the kraal immediately made up their minds that these men died from the effects of witchcraft, and in order to ascertain who the witch, *moloi*, was, they proceeded a great distance, three days' journey, to a well-known diviner. They stated their case, the diviner threw his bones, and after having studied them, as they lay distributed over a skin, he announced that the deceased men had been bewitched by a certain woman of the household. The men then returned home, fully prepared to cause this woman to stand trial for the murder of the three men. There was not the remotest foundation to their accusation, and it was a surprise to all that the authorities deemed it advisable to investigate the practices of this diviner rather than to take proceedings against the woman. The bones which are used by these men, who, it might be stated, boast of the power of clairvoyance, consist of small bones of

nearly every wild animal of these parts. They are greatly valued, and some are marked with peculiar designs. Nearly all day long diviners will be seen at work in a chief's courtyard, and it is strange that the advice which they give the chief is invariably acted upon.

The diviner is feared for his supposed power of detecting evil-doers, and this, no doubt, acts as a deterrent to many natives who otherwise would be inclined to indulge in evil intentions. It has been stated in a small pamphlet published on Zulu customs that these diviners are feared by the natives as much as a civilised community fears a detective police officer, and this is not an exaggeration.

A well-known farmer tells of an occasion on which he was greatly distressed through having lost a span of oxen. Diligent search had been made for them, but without avail. One evening, the third day after they had been lost, he was returning to his wagon when he met a diviner with his bones. More out of curiosity than anything else he threw down a few shillings, and asked the *molaudi* to say where the oxen had gone to. The old native set to work, and, after throwing the bones three times, he pointed to a mountain some distance off, and said, "Up there you will find your oxen, but there will still be two missing." He then directed the farmer to a spot in the opposite direction, and told him that under a thorn bush he would find one of the missing two nearly dead, and with regard to the remaining one, he stated that it would be found in the kraal of a certain native amongst his cattle. The farmer did not believe anything of what had been told him, but as he had not been to the top of the mountain pointed out to him, he went there, and was astounded to find the cattle exactly where they had been indicated to be. There were two missing, and these were also found just as the old diviner had said. Numerous other instances could be given, but even they would not break down one's scepticism with regard to the bona-fides of these diviners.

Mr. Wessman, in his "Bavenda of Spelonken," also cites striking instances of the powers of these doctors.

RAIN DOCTORS.

The method adopted by a Mopedi rain doctor, who is also supposed to have power over lightning, is repulsive and barbarous, and, from what one is able to gather, practised by him at the present time. In the event of drought, the natives will appeal to their chief to call upon his rain doctor to make rain, and the manner in which this is supposed to be done is as follows: A woman who has become pregnant within two months is sought, and to her is secretly administered the mixture which procures an abortion. When the mixture takes effect, the foetus is taken and given to the rain doctor. This, together with a black goat, parts of some wild animal or bird, preferably a guinea-fowl, are boiled together with various herbs for some time. When the rain doctor has completed making this repulsive mixture it is taken by him, and with some ceremony distributed over or in the vicinity of the gardens belonging to the tribe. In some cases it is handed to young girls for distribution on their way to the

↓ *Klipfringe for choice*

gardens. As an abortion procured for this purpose has to be done without the consent of the woman or her husband, and the foetus removed secretly, instead of it being buried in the hut in which the woman is lying, the opportunity does not always arise for it to be accomplished. In such a case a child is likely to disappear, and the natives are always pretty certain as to its unfortunate fate.

An ex-Native Commissioner under the late South African Republic regime informed the writer that during his term of office several cases of the disappearance of young children during a dry season had been brought to his notice, and in spite of his knowledge that they had undoubtedly been murdered at the direction of a rain doctor, all attempts to bring the crime home to such doctor and his accessories were futile. In matters of this nature the principle of never divulging the confidence of his chief, which is so impressively enforced upon a native while attending school, is vividly demonstrated. It is even doubtful whether the child's own father could be induced to give evidence against the murderers of his child.

As a lightning doctor, he also attaches great value to the supposed assistance of a bird, commonly known as the "hammerkop," *scopus umbretta*, which is of the heron species. The Basutos of Basutoland entertain the same superstition with regard to the powers of this bird. The manner in which a lightning doctor is supposed to prevent kraals from being struck by lightning is not ascertainable, apart from the fact that they are supposed to possess the power over lightning by means of the use of medicine and incantations. Should a tree have been struck by lightning, it is immediately cut down and burned by order of the chief on the advice of his rain doctor.

WITCHCRAFT.

The Bapedi are also firm believers in witchcraft, and their superstition in this direction is at times extremely ludicrous. Many of their ailments are attributed to the evil influences of this craft. Insanity is always set down as the result of the unnatural practices of a witch or wizard. An abnormal mortality resulting from the outbreak of an epidemic is at all times ascribed to a *moloi*. It does not appear that the natives accredit the *moloi* with any supernatural powers, but they fear the powerful poisons and roots of which such a one is supposed to be the master. These medicines are calculated to be able to cause either a permanent disease or an injury according to the will and wishes of the person who dispenses them.

A *moloi* is considered a menace to the community, in that nobody who has incurred the displeasure of one is safe, for reason that the *moloi* carries out his malpractices under cover of darkness. This is the reason why in most sleeping huts of the Bapedi will be found a small stick placed across the doorway on the inside, about twelve inches from the ground. It is supposed to be the means of preventing any one from entering the hut stealthily, and thus lead to the discovery of a *moloi* who may have evil intentions towards the sleeping occupants inside.

It is stated that these medicines are administered chiefly through the food of the victim. When one comes to make careful enquiries into the lives of the natives before civilising influences were brought to bear on them, and before they were placed under the protection of a civilised government, it is not surprising to find that a *moloi* was held in such awe by them. In those days poison was the means of wreaking vengeance against an adversary, and not only was it resorted to by a woman who was inclined to rebel against the harsh treatment of her husband, but also utilised by chiefs as well as ordinary natives as a means of removing some person whose presence was obnoxious to them. It is stated that the Bakoenas sing praises to the crocodile, as their tribal emblem, because its brains, mixed with some roots, constitute a very powerful poison.

Witchcraft is considered to have been practised more frequently by the women than by the opposite sex. Should a woman at any time threaten a man, however lightly, she will invariably be regarded as the possessor of poisons indulged in by a *moloi*, for if this were not so, how could she possibly expect to carry out her threat, being of the weaker sex and lacking physical strength to enable her to do so openly?

Cases of poisoning are supposed to occur even at the present time, and it is said that some of the poison is so powerful that a slight application to the mouthpiece of a man's pipe is sufficient to cause death.

LOVE-PHILTRES.

A man who is supposed to indulge in love-philtres is also called a *moloi*. Such a one is greatly feared by the young unmarried women of the kraal, and will be frequently consulted by his fellow-tribesmen who have been unsuccessful in their so-called love affairs.

The natives authoritatively state that it is possible to enchant women by means of these philtres. A case was recently brought to the notice of the writer, in which a young girl was supposed to have become violently enamoured of a man whom she had previously rejected and hated. This girl at the time had already been given in marriage to another man whom she professed to care for. The rejected man was said to have threatened her with a philtre, which he was supposed to have possessed. This evidently preyed upon her mind, and led to her superstition overcoming her to such an extent that she declared one day on returning from the fields whilst walking through some long grass that a butterfly, which was probably trying to get out of her way, had succeeded in entering her mouth. She became terrified, and having in mind the alleged threat of her rejected lover, believed that the butterfly was the medium through which this man had succeeded in administering his love-philtre. She was in a very hysterical condition when she reached home, and her parents were astounded at her request to be allowed to follow the man whom she had so recently rejected. She told them the incident regarding the butterfly, and declared that since it had entered her mouth her feelings towards this man had undergone such a change that she was then unable to live apart from him.

Her parents, having already received the *lenyalo* cattle from the man to whom their daughter had been given in marriage, strenuously opposed her request, and it was through this that the matter came before the writer. He was puzzled with the behaviour of the girl, who rushed forward, and, in a terrified manner, embraced the man who was alleged to have employed the butterfly in its ridiculous mission. It was, however, not difficult to discover that the girl's superstition had caused her to become hysterical, and, fearing more fatal results, she imagined that she cared for this man. It was clearly shown that the accusation of witchcraft was unfounded, as he had returned to his home after his rejection by the girl and had remained there until he was interviewed by certain other natives with a view to relinquishing his supposed spell over the girl, and administering an antidote against the supposed evil effects of the butterfly.

There was no means of appealing to the common sense of the parties concerned, who persistently clung to the butterfly theory, and even went as far as citing precedents in support of their argument that a butterfly is one of the mediums through which love-philtres are administered, so the writer, in order to satisfy them, was obliged to pretend that he had a far greater knowledge of love-philtres than the man in question, and that he possessed the right of being able to break the spell which had been cast upon the girl, and declared that it had been broken as soon as she had entered his office. This was merely an experiment, but it was a successful one, for the natives clapped their hands in the Sepedi manner, and on leaving the office appeared to be quite satisfied that they had got out of the difficulty, especially as the girl declared that she had regained her affections for the man to whom she had been given in marriage, and entirely lost those for the rejected one.

This is, of course, a very ridiculous episode, and hardly worthy of record, but it serves to show how far superstition is likely to influence a native in matters of this nature, and also is a striking instance of the curious cases to which a native administrator is at times called upon to give his attention.

A love-philtre is called *legabea*, and is supposed to be made from certain parts of very rare wild animals. There is a legend that in some of the mountain ranges along the Portuguese border is to be found a small one-horned buck, slightly larger than a hare, whose hair is bifurcated. This hair is considered to be an invaluable love-philtre, and although all natives speak of it, none can be found who have ever heard of its having been administered.

Any native doctor who has come from beyond the limits of Sekukuniland is immediately asked whether he has any of this extraordinary animal's hair for sale. It never seems to appeal to the native mind that as neither the animal nor the hair appears to be procurable the existence of such a philtre must be a fallacy. This also demonstrates the lack of reasoning powers which is ascribed to most tribes living under their own organisation.

A prominent chief, who died of consumption since the Anglo-Boer war, is supposed to have been the victim of a *moloji*. It is stated that the disease had been conveyed to him by means of

small pills, supposed to have been made of the sputum of a native dying from consumption. This again was merely native superstition, for the chief in question had been a consumptive for a great many years.

MISCELLANEOUS.

In conclusion, it may be well to record a few matters which have not been actually dealt with in the preceding chapters.

Twins (Mafahla).—Even at the present time one of twins is killed. If the twins be a boy and a girl, the girl is killed; if two boys or two girls, the younger is killed. The killing takes place as soon after birth as possible, and as the matter is never spoken of, it is hardly likely that such a murderous custom will be superseded by any means other than evolution.

Should a cow give birth to twin calves, she is appropriated by the chief, who gives in return for it another cow with only one calf. It cannot be ascertained what the objection is to both human twins living, but it is assumed that the killing of one is resorted to as a means of avoiding disputes with regard to seniority, although this suggestion hardly supports the killing of a girl in cases where the twins are boy and girl, in which case no question of seniority could arise.

Monstrosities.—Monstrosities are killed as soon as born.

Grain Tax (Leselo).—Most chiefs levy a sort of grain-tax on the members of their following. It takes place after the harvesting is over, and consists of a native basketful of grain, which must be delivered to the chief by each household. This is over and above the usual tax imposed upon the men on their return from employment in labour centres or elsewhere. It is estimated that where a chief may have derived £1,000 from taxes paid by these men, to-day he will hardly get £250, because there is a growing tendency on the part of all natives to object to the imposition of this tax, which, in a sense, is voluntary, in that its payment cannot be enforced.

Lebelo.—Up till recently, it was customary for each chief to hold a competition for the purpose of determining who was the fleetest of foot amongst his followers. This competition was open to both sexes, and it frequently happened that it was won by a young girl. The distance that was usually run was from ten to twenty miles. Prizes were awarded by the chief to the winners.

Lekgeto la Kgosi (the choice of a chief).—This is the right exercised by a chief to choose any girl from amongst his following to be one of his lesser wives. Of course he is obliged to pay *lenyalo* cattle for her in the same way in which an ordinary native would.

Erection of the Chief's Court (Kgoro).—Every chief has what he calls his official residence, that is, the building in which he himself resides, and quite apart from any *lapa* or establishment occupied by a wife. The site for the erection of this residence is selected by the chief's indunas in consultation with his younger brother and the native doctors of the following.

Lesulu.—This is the name of the official hunt of the chief. At this hunt all summoned to it are obliged to attend. Formerly,

"A woman cannot have a litter like a bitch or a pig."

they used to be held very frequently, and were quite important functions in the existence of the Bapedi, but at the present time the Game Laws prohibit the holding of them.

Phetha.—Most native families of some status have one or two strings of very old beads, which are greatly valued and handed down from generation to generation as heirlooms. These beads are of a very peculiar kind, and it is stated that they were purchased from Arab traders, who visited Sekukuniland many years before the "voortrekkers" were even heard of by the Bapedi. The efforts of native traders to obtain beads of this kind for sale to the natives have long since been futile.

The heir to a household in possession of *phetha* claims them on the death of his father, and a great deal of domestic trouble ensues if they are given to any other but the head wife to wear.

Sale of a Cow.—Should a native sell a cow to another, and it die before it has had any increase to the benefit of the purchaser, the seller is obliged to give another cow in its place. The same applies to the sale of sheep and goats. In the event of the death of a cow under such circumstances, it is incumbent upon the purchaser to call upon the seller to use the flesh of the cow himself. Should the purchaser use the meat without giving the seller the opportunity of doing so, he cannot claim another in place of the dead cow from the latter.

Skin must be returned to seller.

Eland (Phuhu).—Great value is attached to the fat of an eland. It is used for the purpose of anointing babies just after birth. Formerly, the chiefs used to send to Portuguese territory every year for the supplies of the fat of this animal.

A bit of eland hide worn round the waist by a woman who has given birth to a still-born child is calculated to avoid her doing so again.

It is generally considered unwise to plant a tree though it is not so to cut one down - "No man lives to eat of the fruit of a tree he has planted"

GLOSSARY.

- BAKGOENYANA (plural).—The men who deliver the *lenyalo* cattle, pages 4, 8, 9.
Mokgoenyana (sing.), a nephew.
- BOHADI.—Marriage dowry, page 1.
- BODIKANE.—A native circumcision school, the first term, pages 38, 39.
- BOKGOERA.—A native circumcision school, the second term, pages 38, 44.
- BAHLOLOHADI (plural).—Widows; *mohlolohadi* (sing.), widow, page 32.
- DIKGAKA.—Guinea-fowls; possessions confiscated by a chief during hostilities, page 51.
- DIRAPA.—Small gardens cultivated near a village, page 34.
- DIPHOHO DI GODILE.—(The bulls are full grown). Formal manner in which permission for the establishment of a native school is asked for, page 39.
- DIKA.—Symbols; *sika* (sing.), page 65.
- FETA U TSHOE.—Pass and go out; a native symbol, page 66.
- GA DI FAGOLOE.—Let them be castrated; phrase used by a Maruteng chief when granting permission for the establishment of a native circumcision school, page 39.
- HO BOLAEA MOTLABU.—The killing of a paramour, page 58.
- HO HULA DIRUQA.—To confiscate all possessions of persons who have committed certain offences, pages 34, 61.
- HO FAPANA LE TATAGOE.—To pass his father on the way; ceremony in connection with the installation of a chief, page 64.
- HO HLATSOA DI NOKA.—To cleanse the womb: applied to women who give birth to daughters only; a substitute is provided to bear a son for her, page 27.
- HO TSHUSA LEINA LA MOFU.—To revive the name of the deceased; to raise seed to the deceased, page 28.
- HO TSENELA.—To enter; a marriage custom, pages 30, 31.
- HO LEBANYA.—To inherit; a marriage custom, pages 30, 32.
- HO LATA.—To fetch; a marriage formality, pages 4, 5, 22.
- HO BIKA.—A marriage formality, when the woman is fetched by her husband, pages 4, 23.
- HO Hlapetsha.—To look after; a marriage custom, pages 5, 25, 32.
- HLOHO.—Head; the beast given to a young wife's maternal uncle, page 10.
- HO HLALA.—To divorce, pages 11, 24.
- HO PHUTA MASIKA.—To compensate for sinews; compensation paid to a party for cattle which have died from natural causes, on recovery of *lenyalo* cattle, page 12.
- HO ORELA SEHLARI.—To invest the ceremony of purification upon widows immediately after the death of their husbands, page 30.
- HO HLAGISHA KOMA.—To establish a circumcision school, page 40.
- HO THENO.—The operation of circumcision, page 40.
- KE BOLAELE SAMME.—I have slain my mother's offspring, page 61.
- KGAHLANA SHONO.—A native symbol, page 66.
- KGORO.—Household, page 26; chief's courtyard, page 54; court, page 57; gateway, page 67.
- KGOMO TSA LENYALO.—The cattle of the marriage, marriage dowry, page 10.
- KGOSI EA LUMA.—The chief tastes, page 36. See also *Molomo*.
- KE DIKELETSHOE.—I am overtaken by darkness; a phrase used when a man desires lodging under his wife's parents' roof, page 4.
- KGOMO EA MOKOKOTLO.—A beast of the back, meaning the remuneration of a man who begets children on behalf of another, under the *ho hlapetsha* custom, pages 5, 25, 31, 32.
- KE BOTAGA.—All is well, page 35.
- KOMA EA TSHOA (BULO).—The school is being opened, page 39.
- KOMA GAE BOLELOE.—A school is not spoken of; a native maxim implying secrecy, page 44.
- KOMA.—Circumcision school, page 42; grass dress worn by students attending a *bokgoera* school, page 45.
- KOMA E ELOE PHIRI.—A wolf has demolished the school; phrase used by a chief when announcing the postponement of the establishment of a circumcision school, page 40.

- KGOMO EA SEBEGO.—The ox with which a report is made ; a presentation to the chief on the establishment of a circumcision school, page 39.
- KGARI.—The grass rings used by women with which to balance vessels on their heads, page 43.
- LESULU.—The chief's official hunt, page 77.
- LETHUMASHA.—A young girl who has not attended a girls' school, page 47.
- LEKGETO LA KGOSI.—The choice of the chief ; the right of a chief to choose his lesser wives, page 77.
- LEDIGA.—A native symbol, page 67.
- LETSHOHO.—Arm ; hut ranking next to the *serupe*, pages 20, 21.
- LEBONE.—Candle ; a term applied to the chief wife of a chief ; she is considered to be the light of the tribe, page 23.
- LAPA.—Hut, establishment, pages 2, 8, 10, etc.
- LENYALO.—Marriage, pages 1, 3, 4, etc.
- LOBOLO (Zulu).—*Lenyalo* cattle ; marriage dowry, pages 1, 8.
- LETSHEMA.—A gathering of people for the purpose of weeding gardens, etc. ; a native social function, page 35.
- LESHUBURU.—A youth who has not been circumcised, page 38.
- LEHAOLA.—A youth who has been circumcised, but who has not passed through the *bohgwera* school, page 38.
- LEKGESO.—A loin skin worn by men, page 43.
- LEKGOGOA.—A native mat, page 4.
- LEHUTE.—A native symbol, page 68.
- LEGABEA.—A love-philtre, page 76.
- LESELO.—The chief's grain tax, page 77.
- LEBELO.—Speed ; a competition in running held by the chief, page 77.
- MOTHEPA.—An unmarried girl who has been through the native girls' school, page 47.
- MOTLABU.—An adulterer, a paramour, page 47.
- MOSADI.—A married woman, page 47.
- MATHUPJOA.—Loot, page 51.
- MOAHLUDI.—An adjudicator, page 54.
- MOHLARI.—Tree ; a native symbol, page 67.
- MOROPA.—See *Mashupjoane* ; a native symbol, page 67.
- MORAKELA.—Drive him away ; a symbol, page 67.
- MOTA.—See *Tshimo ea moshate* ; a native symbol, page 68.
- MOPA.—A barren woman, pages 16, 18.
- MOLOKO.—Next-of-kin, relatives, household, page 28.
- MONYANYA.—A feast, page 4.
- MPE MPJANYANA.—Give me a little dog ; a native form of proposal of marriage, page 7.
- MOTSETA.—An agent, representative, page 8.
- MATHAKATHOKA.—The original number of cattle paid for a woman given in marriage, pages 11, 12.
- MAMALE.—Colour ; the original cattle paid as *lobolo*, pages 11, 12.
- MORIRING.—The ceremony of discarding mourning robes by women, and of allowing their hair to grow, page 30.
- MOSHATE.—A chief's headquarters, page 34.
- MOLOMO.—The name of the harvest feast, page 36. See *Kgosi ea luma*.
- MONNA.—A man ; one who has observed all native school ceremonies, page 38.
- MARUTENG.—The Mopedi household descended from Tulare, page 22.
- MASHUPJOANE.—The same as *Moropa* ; the drum used in connection with a girls' school, page 46.
- MATHUBA.—A gathering of young lads, page 68.
- MARULA.—A wild fruit, page 37.
- MOLAUDI.—A diviner, page 70.
- MONESHAPULA.—A rain-doctor, page 70.
- MOLOI.—A witch or wizard, page 74.
- MAFAHLA.—Twins, page 77.
- MASHUBURU.—Plural of *leshuburu*, page 68.
- NTLU E KGULU.—The chief or head hut, page 20.
- NTEPA.—The skin dress worn by unmarried women, page 47.
- NGAKA.—A doctor, page 70.
- NYADISA (Sesuto) ; TSHHEISA (Sepedi).—To marry, as a father marrying his son to a woman, page 6.
- PEOA.—A native symbol, page 67.
- PHALAFALA.—Bugle ; a native symbol, page 67.
- PHEKO.—A native symbol, page 66.
- PITSI.—Zebra ; a native symbol, page 67.

- PHIRI.—Wolf; the monument erected where a *bodikane* school has been held, pages 67.
- PHUHU.—An eland, page 78.
- PHETHA.—Beads, greatly valued by natives, page 78.
- SISHIGO.—Baskets in which natives store their grain, page 37.
- SEOTLO.—A native symbol, page 65.
- SEFUKA.—A flag, page 67.
- SEANTLO.—The substitute provided for a barren woman to bear children for her, pages 16, 17.
- SEANTLO SEA NYALOA.—A substitute is also married, meaning that cattle must also be paid for such a woman, page 17.
- SERUPE.—Leg; the hut which ranks next to the head hut, pages 20, 21.
- SEGO.—A kaffir drinking vessel, made of calabash, page 3.
- SEGO SA METSI.—A cup of water; also a form of proposal for marriage, pages 7, 9.
- SEBEGO.—A gift presented to a chief whenever anything is reported to him, page 35.
- SIBIBA (Zulu).—Cure for snake bites, page 71.
- SIKA SA MASHIMO.—Beacons, page 68.
- SEPORANE.—A monitor in charge of the youths of the kraal, page 68.
- TIFO EA MAUTO.—Payment of feet; fees chargeable for summoning persons to attend a native court, page 54.
- TSEBE.—Ear; a native symbol, page 67.
- THOLA NAGENG.—Picked up in the fields; a phrase used by a woman who does not wish to disclose the identity of the father of her child, page 16.
- THETO.—The skin worn by married women, page 15.
- TSHIMO EA MOSHATE.—The chief's official garden, page 35. See also *Mota*.
- TSHIMO E MEDILE.—The garden is overgrown; a report made to the chief when his official garden requires weeding, page 36.
- TSHIA NAMANE.—Take the calf; a phrase used in connection with the portion of beer which is appropriated by the head induna when a harvest feast is held, page 36.
- TULARE OITSE KE GO BOTSE FAGOLO DIPHOHO TSE.—Tulare requests me to instruct you to castrate the bulls of this kraal; a phrase used by a Maruteng representative when declaring the opening of a circumcision school, page 40.
- UKU GENA (Zulu).—To enter; a marriage formality, page 30.
- YO KGOSI YO!—Oh! the chief; Oh! A cry raised at the burial of a chief, p. 64.
- YOANG.—Grass; a native symbol, page 67.

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