

Hammis

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NATIVE LAW OF SUCCESSION.

*as observed  
of the Anantabala of Palgetown.*

- (1) If a man dies leaving several wives, the eldest son of the last lapa succeeds his father as head of the kraal, and inherits his father's estate. The property of the deceased is distributed among his different lapas as follows:-
  - (A) Each lapa gets the cattle which were marked by the deceased for the said lapa during deceased's life time and the lobola paid for the daughters of the said lapa.
  - (B) If the 1st lapa has no male issue, the son of the second lapa succeeds his father as head of the kraal, and control the affairs of the kraal in consultation with the widow of the 1st lapa. And if all the 1st lapas have no male issues, the son of the last lapa succeeds the deceased.
- (2) If a man dies unmarried, his father inherits his estate or his mother if she survives her husband.
- (3) If a man dies leaving his wife and no son, the widow inherits the property and if he has got brothers one of them inherits the widow and raises seed for deceased and this brother cannot use any of the deceased's property without consulting the widow.
- (4) If a man dies unmarried and has no parents and no brothers but sisters the eldest of the sisters inherits his property.
- (5) If a man dies and has no relatives the chief of his tribe takes his property.
- (6) If a man dies and has no parents, no brothers or sisters but paternal and maternal uncles, his paternal uncle inherits his property.
- (7) And if his only surviving relatives are his paternal and maternal grandfathers, his paternal grandfather inherits his property.
- (8) If nearest relatives are paternal and maternal cousins, his paternal cousin inherits his property.
- (9) If deceased had more than one lapa, the property goes to the other lapa. And if deceased had only one lapa, the nearest relative to the deceased man takes the property.
- (10) If one lapa owes cattle to another lapa, and the head of the family dies, the heir to that lapa takes this debt and the lapa owing these cattle pays them over to him. And if this lapa has no cattle of its own, the other lapa has to wait until one of the daughters of this lapa is lobolwad and cattle owed to the other lapa are taken out of this lobola and the debt is paid.
- (11) If there is no heir to inherit the wives of deceased, the widow of the 1st lapa takes charge of them, and if there is no nearest or any male relative to deceased each of these wives pick out a private lover who raises up seed for her lapa, but all must remain in their deceased husband's kraal under the charge of the widow of the 1st lapa who exercises the power of their deceased husband over the other widows, until their children if any become of age then the son of the widow of the 1st lapa takes the place of the deceased father's place.
- (12) The head of a family renders to the heir of a lapa what belongs to that lapa as soon as the heir becomes of age, generally after the heir marries a wife of his own. Or if the head of the family is the father, the property of the lapa is only pointed out to the heir, but the property remains under the control of the father until his death.
- (13) The native law of succession is based on the male issues in each family and if there are no male issues in the different establishments of a family, investigation is made amongst the relatives of the deceased man, until a male relative to a head of a family is found whether a near or a distant relative. A substitute thus installed must follow the general native custom by raising up seed for the family. According to native custom a family is never left to die out, once lobola cattle are paid so long as there are male or female relatives of that family they see that that family is raised up. It does not matter whether the individual raising up seed for that lapa is related to it. Even if this individual is not lucky as to begot a son in that family, every means will be tried to raise up a son who will represent that family.
- (14) A woman is allowed to inherit where there are no male issue in her family and where there are no near male relatives of the deceased head of the family.



(15) A woman excersises marital control over other woman wneze there are no male issues between her and the other women.

(16) An orphen who has no relatives living, is adopted by the chief of his or her tribe.

(A) If the orphan ~~is~~ be a male child, from the day of his adoption by the chief, is looked at as one of the Chief's sons, and the chief will see to his getting a wife.

(B) If the orphan be a female child, she also becomes one of the Chief's daughters, and her lobola cattle are paid to the chief.



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