

FS4/1687/2 T 67-71

DEATH OF CHIEF MALISELA MOGBOYA,
ENQUIRY INTO QUESTION OF HEIRSHIP,
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THE COMMITTEE, appointed by the Minister of Native Affairs to enquire into the question of the heirship to the late Chief Malisela Mogoboya of Mogoboya's Location, Letaba District, proceeded to Mogoboya's Location on the 8th August, 1930, and held a meeting with the Councillors, Headmen, and Tribesmen of Mogoboya's Location.

The Committee had previously been placed in possession of relative statements made to the Assistant Native Commissioner, Tzansen, that officer's report and other papers.

PRESENT:

- Mr. T. Kilpin, Chairman of Committee.
- Mr. D. W. Hook, Member of Committee.
- Dr. R. J. van Wernelo, Member of Committee.
- Mr. C. H. Nicholson, Assistant Native Commissioner.
- Interpreter M. D. S. Mhlongo.
- Chief Phakadi Phahlala.
- " Shilukana Mohlaba.
- " William Tanka.
- Councillors, Headmen and several Hundreds of Tribesmen.

1. The Assistant Native Commissioner, introduced the Committee and explained the objects of its visit.
2. The Chairman of the Committee explained to the gathering that the Committee was in possession of statements and other papers relating to the question of the heirship to the late Chief Malisela Mogoboya and asked:
 - a. Whether it was agreed that the late Chief Mogoboya left no direct heir.....Agreed.
 - b. Whether it was agreed that Matsane Phahlane was the Tribal Wife of the late Chief Malisela Mogoboya.....Agreed.
 - c. Whether it was agreed that Matsane Phahlane was the woman who should bring a son who would be the successor to the late Chief.....Agreed.
 - d. Whether it was agreed that the people of

of Mogoboya's Location were a section of
Bapedi People.....Agreed.

3. The Chairman then stated that the Committee understood that there were two claimants to:-
- The right to be regent of the tribe pending the birth and the attainment of majority of a direct heir to the Chieftainship, and
 - The right to raise up an heir to the Chieftainship through the tribal wife Matsape Phalane.

The two claimants were:-

- William Motato Mogoboya (own younger brother of the late Chief)
- Charles Solomon Mogoboya (Elders Surviving Son of the late Chief by his first wife Mosalatebeng)

The Claimants appeared before the Committee in person

The Chairman of the Committee then asked that the Claims of the Claimants should be ~~settled~~ *stated*

4. Mashila Mogoboya, speaking on behalf of the Claimant William Motato Mogoboya stated:-

William Motato Mogoboya as the own surviving brother of the late Chief was the person who should raise up an heir to the Chieftainship through the woman Matsape Phalane and that in the meantime he was the one entitled to be the regent of the tribe and manage the affairs of the tribe. This is in accordance with the customs of the people of Mogoboya's Location.

It would not be in accordance with their customs for any other man to raise up seed to the Chieftainship. Charles Solomon Mogoboya could not raise up seed through Matsape Phalane as he is her "son" and she is his "mother". Charles Solomon Mogoboya is a younger half-brother of William Motato Mogoboya. They are sons of the late Chief Ramoba Mogoboya (father of Chief Malisela Mogoboya)

Ramoba Mogoboya was the Chief before Chief Malisela Mogoboya. He had a number of wives including a Tribal Wife.

The sons of Ramoba Mogoboya by his tribal wife were:

- Chief Malisela Mogoboya (deceased)
- Mutle (deceased)
- Mokguke (deceased)
- William Motato Mogoboya.

The Tribal Wife (Matsape Phalane) of the late Chief Malisela Mogoboya is still at her parents' kraal.

The woman Masalatebeng, mother of Charles Solomon Mogoboya, was married to Chief Ramoba Mogoboya but had no children by him. Chief Malisela Mogoboya took her to wife after Ramoba Mogoboya's death and had children by her. Her children are the children ~~are the children~~ of Ramoba Mogoboya. They are:-

- Matsane, a male child (deceased)
- Maimoane, a female child (alive)
- Charles Solomon Mogoboya, A male child, (alive)
- Masitane, a female child (alive).

5. Manko Mogoboya, Speaking on behalf of the Claimant Charles Solomon Mogoboya stated:-

Charles Solomon Mogoboya claims the right to be regent because he is the eldest surviving son of the late Chief Malisela Mogoboya. His eldest brother is dead. He can marry (raise up seed through) Matsape Phalane because she is his father's wife and because she has never been taken from her parents' kraal. That is why he can take her to wife. There was no cohabitation between the late Chief and Matsape Phalane. She is not Charles Solomon Mogoboya's "mother". Although Masalatebeng was not the Tribal Wife her son Charles Solomon Mogoboya can become Chief (regent). The late Chief pointed him out as Chief (regent). He can be the Chief (regent) notwithstanding the fact that he has an uncle (William Motato Mogoboya) by a Tribal Wife. The mother of the late Chief Malisela Mogoboya was a Tribal Wife. Her name was Boroko. Even if William Motato Mogoboya is the child of a Tribal Wife and Charles Solomon Mogoboya is not the Child of a Tribal Wife he (Charles Solomon Mogoboya) should be regent because he was pointed out by the late Chief as his Successor. Had he not been pointed out, William Motato Mogoboya would be the one to be regent (See further on where he corrects himself on this point).

The late Chief was sick and not mentally sound.

The late Chief told me personally that Charles Solomon Mogoboya should be his successor. He told me this before he was sick and also while he was sick.

(Here the witness corrects his previous statements and says) If the late Chief had not pointed out Charles Solomon Mogoboya as his successor, Makhapa son of the late Mutle (elder brother of William Motato Mogoboya) would be the one to act as Chief (regent) because he is the son of William Motato Mogoboya's elder brother, he is not Senior to Charles Solomon Mogoboya because the latter is a son of an elder brother.

It is custom that the Chief points out his successor at a public meeting of Councillors, headmen and people.

Chief Malisela did not do so because he was mentally diseased. When he was sick he told me to look after Charles Solomon Mogoboya as he was to be his successor. Before he got sick he told me, I was living on a farm, and not in the Location. He sent for me.

David Peu is one who ^{also} knows about the matters I stated.

I am a member of the ruling family. I am a son of Tau Mogoboya a brother of the late Chief Ramoba Mogoboya.

The late Chief told me at his kraal that Charles Solomon Mogoboya was to be his successor. The tribe as a whole was not informed. It is custom to point out the Successor to the whole tribe. Tau Mogoboya pointed out the late Chief Malisela Mogoboya as Chief.

The late Chief Malisela Mogoboya and William Motato Mogoboya were not on good terms. I do not know the reason. They (personally) had a fight. The late Chief said that William Motato Mogoboya was trying to usurp the Chieftainship. The late Chief was then in good health and capable of managing the tribe's affairs without assistance.

The quarrel was the reason why he pointed out Charles Solomon Mogoboya as his successor. If there had been no quarrel he would not have done so.

6. WITNESS, DAVID PEU called at request of Charles Solomon Mogoboya stated:-

Mogoboya

What Manko/has said is correct.

Mosalatebeng was lobolad by late Chief Ramoba Mogoboya

Mogoboya but she was still young and at her people's kraal when he died. She was then taken by Chief Malisela Mogoboya.

I disagree with Mashila Mogoboya when he says that Charles Solomon Mogoboya is the son of Ramoba Mogoboya. He is the eldest son of Malisela Mogoboya.

I disagree with Manko Mogoboya when he says that Charles Solomon Mogoboya is the rightful regent only because he was pointed out by the late Chief Malisela Mogoboya. He has the right as eldest son of the late Chief. His mother was not the Tribal Wife but she was the late Chief's first wife.

Matsame Phalane is the tribal wife of the late Chief but she had not been taken to the late Chief's kraal. Charles Solomon Mogoboya is the one who should raise up seed through her.

Matsame Phalane was here presented to the Committee. David P. continues:

Charles Solomon Mogoboya is the one to act a regent and to raise up seed. That is the Sesutho Custom.

7. Chief Buthusi MBSB Mphahlele.

It is not Sesutho (Bapedi) custom that, if my father dies and leaves a younger brother, I should enter into his wives' huts and raise up seed. It is the custom that the brother enters into the huts of his late brother's wives to raise up seed.

A similar case affects me. My father Matsubane died before my birth. He had other sons before his death just as in the case of Charles Solomon Mogoboya. My father had a brother. After my father's death the question of regency and seed raiser was dealt with. It was decided that my father's sons could not raise up seed to the Chieftainship. My uncle Matimeng (my father's younger brother) raised up seed and I am the result. He also was the regent. When my father died his sons were still boys.

8. Chief Maake.

I wish to corroborate Chief Mphahlele. The late Chief's younger brother is the one to raise up seed and act as regent. A son of the late Chief cannot enter into the Tribal Wife's hut to raise up seed to the Chieftainship. It makes no difference whether the Tribal Wife was already taken to the Chief's kraal or whether she was still with her people when the Chief died.

9. Chief Morlaba.

Our customs differ from those of the Bapedi. My people are Tshabane. With us a son raises up seed to his father.

As to Bapedi custom. The late Chief Sikeke Maake, shortly before his death, called me and said that if his daughter Mankhudu had been a male she would have been the one to raise up seed to the Chieftainship but as she was a female his brother Mabunya would be the one to do so.

It is correct what Chiefs Mphahlele and Maake have said as to Chieftainship.

10. Saka Mogoboya. The late Chief Ramoba Mogoboya and I were sons of the same man by different mothers. A chief's younger brother can raise up seed if there is agreement. If there is no agreement he cannot. I agree that the mother of Charles Solomon Mogoboya was not the Tribal Wife but she was one of the late Chief's wives. I can only report that Charles Solomon Mogoboya is the rightful regent and that

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that he is the one to raise up seed to the late Chief ~~of~~
through Matsape Phalane.
I disagree with what the Chiefs have said.

The Committee then adjourned to Tzaneen to consider
its recommendations.

