

SOME NOTES ON THE WAHEHE OF MAHENGE DISTRICT,
TANGANYIKA TERRITORY.

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I.—HISTORY.

THE tradition is that, some time during the eighteenth century, Muwangi came from Usagara to Ikombangulu, where he begat three sons—Mbangule, Ngulujawangi, and Ng'eng'ele. On the death of Muwangi, Mbangule remained at Ikombangulu, and his two brothers set out on their travels together. When they came to the Ruaha river they killed a bushbuck and cooked and ate it. Then Ng'eng'ele went to the river to drink, and Ngulujawangi sent his son to draw water. At the river they had a dispute, and Ng'eng'ele struck his nephew, accidentally killing him. In consequence of this the brothers quarrelled and parted company, Ngulujawangi going to Utemakwira and Ng'eng'ele to Iringa, where he married into the reigning family. His descendant, Muyugumba, who was Sultan from about 1855 to 1880, conquered Luhota and the Wasangu and annexed their territory. Mkwawa, son of Muyugumba and father of the present Sultan, Sapi, fought against the Wanyamwezi and Wagogo, and strenuously resisted the Germans until he was finally overthrown in 1899.

When Ngulujawangi came with his followers to Utemakwira he was entertained by the Chief Mkwangile, whose daughter had been divorced by her husband Kiangala on account of her having contracted yaws. The chief confined her to her hut and Ngulujawangi used to visit her secretly at night. She became pregnant, and, fearing discovery and death, Ngulujawangi fled, accompanied only by his dog, and took refuge in a cave (in Kihehe, *manga*). During the night a fall of rock blocked the mouth of the cave, and when his pursuers followed the spoor to the entrance and found that he could not escape, they left him there to die, and Mkwangile made a sacrifice of a bull and a ram. Akinamanga (the people of the cave), the clan name of the Sultan's family, is said to be derived from this incident. Ngulujawangi's posthumous son, Nyingu, turned out a man of exceptional bravery,

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IV.—LAW.

Procedure.

All serious cases, such as murder, adultery, and theft, were heard by the Sultan, but petty offences and claims might be settled by *wanyarutanana*, assisted by old men or any intelligent persons. Complaint was made in the first place to any *mzagira*, who passed the plaintiff on to a higher official, who then summoned the defendant and witnesses. When making a complaint it was customary to bring a fee (*mbehu*), usually consisting of a fowl in small and a goat in important cases. If the plaintiff had no means his case would be heard and he could pay the fee at his leisure. The case was tried in the Court House by the Sultan sitting on a chair and supported by the *mnyamgunda* and any old men he chose to call in as jurors or assessors. First the plaintiff stated his case, then the defendant, then each witness was called separately. Witnesses were not sworn unless the Sultan thought they were lying, or contradictory evidence was given. First they were warned, but if they persisted in their story they were called upon to swear in the following terms:—"I say this before God, or before the spirits of the late Sultan and other deceased persons . . . and if I lie, may I die by snake or lion . . ." Torture was never employed, and ordeal rarely. Ordeals, which might not be undergone by proxy, were of two kinds only, viz., plucking a stone from boiling water, and licking a red-hot hoe after a doctor had put medicine on it. Mwavi drinking was never in vogue among the Wahehe, and was only lately introduced among the Wabena by the Angoni.

Crimes.

Murder was punishable with death or payment of a cow or 20 hoes to the relatives and a fine of a bull or 15 hoes to the Sultan, or by enslavement of the murderer and his children. The wife of the murderer was free to return to her relations without any restitution of dowry. It was not permissible for the friends of the murdered man to exact summary vengeance; they had to take the case before the Sultan in the usual way. If a man was killed in a fight without spears, gun, or arrows, in which both parties were equally to blame, and died the same day, the slayer only paid a fine of a bull to the Sultan. If anyone accidentally killed another man while hunting, he merely provided a funeral offering of a bull as an acknowledgment of his part in the unfortunate occurrence. To kill a housebreaker by night or a man caught in the act of adultery with one's wife, was viewed in exactly the same light as the killing of a wild pig in a garden; but if, in the course of a struggle, the adulterer killed the husband, he must suffer the death penalty, and half his wealth was forfeit to the Sultan and half to the dead man's relations. It was no offence if a wife or child were unintentionally killed by an ordinary chastisement for disobedience. If a messenger were killed by a lion or leopard in the course of his journey, it was an act of God and no compensation was payable. Death was invariably

suffered by anyone who failed to bring to the Sultan any elephant or hippo ivory or rhino horn that he might acquire, in addition to the other articles mentioned above which were considered royal property. A wizard was always executed, and all his property and children appropriated by the Sultan; but anyone making a false accusation of witchcraft had to pay a hoe and a goat of each sex as compensation. Adultery was formerly punished by tying the guilty parties together, naked and facing each other, and burning them to death; but latterly this was only done in the case of Sultans' wives, and even then, if the Sultan felt inclined, he could spare their lives and order their ears to be lopped instead. In other cases the adulterer and the father of the erring wife each paid a cow as compensation to the husband. The penalty for incest with a sister or daughter was death, but latterly this was often reduced to a fine of one bull and one cow. If the girl acted willingly, and was old enough to understand the heinousness of her offence, her relations were fined the same amount. A full-grown woman who seduced a boy of tender years was fined one bull. A man who deflowered a virgin was compelled to marry her or to pay two cows to her father. Theft was punished by tying the thief up by neck and arms and burning his arms with fire. In cases of arson, the owner of the house received a cow in addition to full compensation, and a fine of one bull was paid to the Sultan; but if a man let his house to someone else while away from home and it was burnt accidentally, he had no claim whatsoever against the tenant. Where an assault resulted in the loss of an eye, tooth, arm or leg, a cow was paid in compensation as well as a fine of one male goat; compensation for a head wound varied according to the magnitude of the injury. It was considered a great insult to micturate, either by accident or design, upon an old man, and the compensation payable was a goat of each sex.

The death penalty was usually carried out by spearing. There was no special executioner, but several *wazagira* told off for the job would bind the prisoner, take him off to a gully and spear him and leave him there. Although it was generally the custom to despatch the condemned man as quickly and mercifully as possible, the Sultan might in exceptional cases direct that his hands should be cut off, the sinews of his legs cut, and that he should be left to be finished off by hyænas. Lesser offences were usually punished by fine, but an alternative was to tie a log round the convict's neck and order him to carry loads for a certain period.

Property.

All land belonged to the Sultan, but anyone could hoe his own garden wherever he pleased so long as he did not infringe upon anyone else's rights, and the Sultan received a bag of grain annually from each garden. Anyone who collected rubber paid an annual tribute of one ball. No restriction was placed upon the hunting of game, except that certain trophies already mentioned had to be handed over to the Sultan; in the case of elephant, he used to return the smaller tusk to the hunter.