

P. v. België

1882

EVIDENCE

20254

TAKEN BEFORE THE

NATAL NATIVE COMMISSION,

1881.

20254

PRINTED BY ORDER OF THE COMMISSION.

PIETERMARITZBURG:

ATTER & CO., GOVERNMENT PRINTERS, CHURCH STREET.

MDCCCLXXXII.

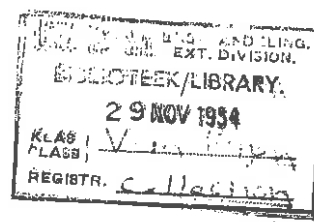
NATAL NATIVE COMMISSION, 1881.

APPOINTED 5th DECEMBER, 1881.

INDEX TO WITNESSES.

EUROPEAN.

NAME.	PAGE.	NAME.	PAGE.
Adams, A. ...	378	Nicholson, W. ...	75
Addison, F. ...	262	Oosthuys, M. J. ...	359
Adendorff, F. B. ...	296	Paterson, P. ...	344
Adendorff, J. C. ...	297	Pieters, C. L. ...	326
Adendorff, M. ...	305	Pretorius, A. W. J. ...	346
Allsopp, Rev. J. ...	20	Proudfoot, W. ...	128
Arbutnot, McD. ...	273	Ralfe, J. ...	351
Beaumont, W. H. ...	308	Rood, Rev. D. ...	267
Boshoff, J. S. ...	339	Shepstone, Hon. J. W. ...	90, 259
Buy, J. P. ...	320	Shepstone, Sir T., K.C.M.G. ...	277
Donovan, J. C. ...	298	Shepstone, T., C.M.G. ...	53
Field, J. J. ...	316	Spies, A. G. ...	319
Hill, S. ...	379	Stalker, Rev. J. ...	34
Ireland, Rev. W. ...	363	Symons, J. P. ...	40
Keyter, A. P. C. ...	111	Trotter, J. ...	82
Krogman, A. A. ...	321	Walker, R. W. J. ...	62
Leslie, W. ...	342	Wessels, J. J. ...	301
MacFarlane, Walter ...	1	Westhuys, P. J. van der ...	309
McKenzie, D. ...	119	Zietsman, P. ...	307
Meyer, L. J. C. ...	299		



INDEX TO WITNESSES (continued).

NATIVE.

NAME.	PAGE.	NAME.	PAGE.
Aplin ...	375	Palane ...	375
Bakweni ...	375	Pasiwe ...	373
Capie ...	383	Pateyana ...	368
Class ...	333	Sibankwa ...	329
Domba ...	335	Siblanga, J. ...	386
Faku ...	366	Silwane ...	354
Fulela ...	365	Sinene ...	367
Godide ...	237	Sitsepulale ...	356
Hlogaza ...	318	Sofoca ...	366
Honoi ...	197	Somile ...	373
Inkabeni ...	310	Sontyikase ...	372
Jevaza ...	372	Stoffel ...	353
Joko ...	354	Teteleku ...	176, 178
Knkulela ...	232	Tinta ...	293
Kumalo, J. ...	151, 323, 348	Tobi ...	365
Lohu ...	151	Takiwe ...	372
Madama ...	246	Talasizwe ...	302
Madude ...	237	Tyutyela ...	361
Mafogonyana ...	213, 219	Uhlakote ...	370
Magadini ...	368	Uhlulwie ...	384
Magema Magwaza ...	157	Umangwana ...	373
Mahobe ...	375	Umaziligazi ...	331
Maken ...	370	Umbelelelo ...	373
Makosini ...	328	Umbozane ...	380
Makubala ...	169, 364	Umgakama ...	207
Makwalina ...	372	Ungamule ...	387
Mamampale ...	357	Ungana ...	349
Mankangana ...	313	Ungomonde ...	329
Martibis ...	144	Umkossase ...	341
Matiwane, C. ...	141, 144, 386	Umkunana ...	364
Matiwane, J. ...	197	Umkubana ...	367
Mawele ...	367	Umlaba ...	151
Meseni ...	183	Umlamula ...	327
Mini, S. ...	330	Umlueli ...	315
Mkwabana ...	144	Umnini ...	191
M'Simang, L. ...	169	Umpisana ...	375
Nambula ...	329	Umpisana ...	220
Ngakalwa ...	157	Ungawe ...	367
Ngidi, W. ...	338	Umsuta ...	309
Nowadi ...	312	Umyembe ...	367
Noyinyoni ...	304	Umozakaza ...	387
Ntabeni ...	329	Uncanguzana ...	373
Nyoty ...	329	Ungalokulu ...	253
		Ungangezwe ...	366
		Umsini ...	380
		Usonubi ...	387
		Unthebenzu ...	372
		Unthipisa ...	387
		Untubana ...	387
		Uzanzana ...	370
		Xabathe ...	197
		Zipuku ...	151
		Zwacalapi ...	151

NATAL NATIVE COMMISSION,
1881.

MEMBERS OF THE COMMISSION:

THE HONOURABLE SIR HENRY CONNOR, KNIGHT, CHIEF JUSTICE OF THE COLONY OF NATAL, PRESIDENT.

THE HONOURABLE MICHAEL HENRY GALLWEY, HER MAJESTY'S ATTORNEY GENERAL FOR THE COLONY OF NATAL, VICE-PRESIDENT.

THE RIGHT REVEREND JOHN WILLIAM COLENSO, DOCTOR OF DIVINITY, LORD BISHOP OF NATAL.

THE HONOURABLE JOHN WILLIAM AKERMAN, SPEAKER OF THE LEGISLATIVE COUNCIL OF NATAL.

THE VERY REVEREND JAMES GREEN, MASTER OF ARTS, DEAN AND COLONIAL CHAPLAIN.

JOHN CLARKE WALTON, ESQUIRE, MEMBER OF THE LEGISLATIVE COUNCIL OF NATAL.

THOMAS REYNOLDS, ESQUIRE, MEMBER OF THE LEGISLATIVE COUNCIL OF NATAL.

RICHARD ALLAN GREEN, ESQUIRE, MEMBER OF THE LEGISLATIVE COUNCIL OF NATAL.

GERHARDUS MARTINUS RUDOLPH, ESQUIRE, RESIDENT MAGISTRATE FOR THE DIVISION OF KLIP RIVER.

THE REVEREND FREDERICK MASON, WESLEYAN MINISTER, DURBAN.

GEORGE CHRISTOPHER CATO, ESQUIRE, J.P.

PETRUS ALBERTUS RYNO OTTO, SENIOR, ESQUIRE, J.P.

PHILIP RUDOLPH BOTHA, ESQUIRE, J.P.

WILLIAM CAMPBELL, ESQUIRE, ADMINISTRATOR OF NATIVE LAW, LOWER TUGELA DIVISION.

JOHN EUSTACE FANNIN, ESQUIRE, J.P.

GEORGE TURNER, ESQUIRE, J.P.

DERING LEE WARNER STAINBANK, ESQUIRE.

JAMES WILLIAM WINTER, ESQUIRE, M.R.C.V.S.

Q. 50. If the Natives were made acquainted with the fact that a father can come before a Magistrate and renounce his right to *ukulobola*, would they approve of it?

A. I think so, as all the Christian Natives are in favour of it.

By Mr. Cato :

Q. 51. Do you think if the Government were to double the hut-tax it would prevent the Natives becoming Bushmen?

A. The first thing to prevent men becoming Bushmen is to teach them industry.

Q. 52. If Government were to provide Industrial Schools for the locations they would have to support the children who came to school?

A. That is a matter for the Government. They are the children of the Government.

By the Rev. F. Mason :

Q. 53. Have you not heard that there are Native Christians in the Zwaartkop Location.

A. Yes ; we know such is the case. Two of them are exempt from Native Law. Outside Natives are not satisfied, because they have to pay for their land and also the Government tax.

Q. 54. Do the Christians think Government ought to establish schools?

A. Yes.

By Mr. Botha :

Q. 55. Why do not more Natives come out to learn trades?

A. I think it is the fault of the Government. Our cry is, as Christians, for higher education. The father is the Government ; and he should teach them not to go about making love to girls, but selecting one girl only. We Christian people try to do with one wife only.

(The Commission Adjourned.)

SATURDAY, FEBRUARY 11, 1882.

WILLIAM NGIDI, Umsinga (spokesman), and MAGEMA MAGWAZA, Bishopstowe.

By the President :

Q. 1. What have you to say regarding the administration of justice?

A. There are certain things which are a great grief to us. I might have a case brought against me, or I might bring one against someone, involving the necessity of my going to Court. When I get there, I find a man dressing his hair and looking very sleek. I say "Take my case before the Magistrate ;" and I get rebuked or sat upon. I am told "Sit away there, the Magistrate is too busy," and there I have to sit, because I have no power of getting to the ears of the Magistrate. It would be satisfactory if there were a law compelling the Induna to bring our case before the Magistrate, or let us have a chance ourselves. It is unsatisfactory to have to sit on one side. The only remedy is that the Induna should be compelled to tell the Magistrate of our cases, and the latter should then tell us the day of hearing. It is necessary to have an Induna, otherwise the Magistrate would not know there were any cases. An ordinary policeman would not do. The only way of getting a case heard now is when the Induna sees fit to interest himself ; it is at his will as to when the case will come on. The Clerk is just about the same in this respect. We have also a grievance in the interpretation not being good. I have pleasure in going to my Magistrate, Mr. Fynn, because he can hear what I say, and I can hear what he says. The way in which we could get satisfaction is for the Magistrate to understand our language. It is impossible for a Magistrate who does not understand our language to know our customs, as we have been brought up.

Q. 2. But we can understand you now?

A. Yes ; but if Mr. Fynney were not here, how many could do that? We want such men all over the country. The interpretation is not satisfactory to us, because we are a people that like to speak straight, and have not been accustomed to interpretation. To give an illustration : when the Missionaries first came they spoke the word through Interpreters, and when they had finished we asked for explanations. The result was a muddle and all the words of the Missionary fell to the ground. Many people have been sacrificed through misunderstanding another party, and so it is with Interpreters. We had become pleased with Sir T. Shepstone because we knew we could speak to him, and if we got no answer we knew that our words had gone into his chest or heart. I have only been to the Native High Court twice, but since Mr. Windham was judge I have not heard of any dissatisfaction with it, or any complaint about delays. I have no reason to suppose the interpretation is not good in that Court.

Q. 3. Respecting education?

A. It would be a good thing throughout the whole land if the people were educated. It would be pleasing to all Christian Natives. I do not mean the preaching of the law as coming with cannon to blow up the world. I do not like teaching by fear. What we want is to learn how to make chairs, tables, and similar things—in fact, industrial teaching.

Q. 4. Should this kind of teaching come before reading and writing?

A. I consider the child should be first taught to read, and then following upon this he should have a useful implement put into his hand, and be told "Learn that business."

Q. 5. Do they not do this to some extent by coming out to work as servants?

A. Yes; but I think there should be something like that established by the Bishop of Natal. The children were taught to work, and the institution was giving great satisfaction when His Lordship had to go to England.

Q. 6. Do you know of any apprentices in towns who make wagons and similar things?

A. Yes; I know of such, they get on well. One boy learnt shoemaking; he stitched my boots very quickly at night once. I have not seen him recently. I think those boys really went to service for another purpose, but picked up their knowledge with their masters. I think children should be taught for a certain time at a trade and tied to it. I came as a boy to the Bishop of Natal. Magema learnt a trade at Bishopstowe, that of a compositor.

Q. 7. How far are you acquainted with the Locations?

A. I am acquainted with them. Education is desired amongst the Natives in the locations, but they do not care to make their desires known because they do not know how they would be received.

Q. 8. Do the Chiefs desire it?

A. Greatly; they would be very pleased. Pagadi made a request for teachers in his location. Langelibalele also. It would be a difficult thing to get the Natives to send their children away to school; they want the schools amongst themselves. They might at first try to evade paying anything for the teachers, saying they are poor and are taxed enough. Native schoolmasters could not be got. Missionaries should not teach them industrial education, but Government should send white men to teach.

Q. 9. How far have you any observations to make respecting the sale or purchase of land?

A. I think land ought to be available for purchase by poor people. I do not mean little squatting plots, but pieces of a farm.

Q. 10. If Natives joined together, would it not be the same sort of thing?

A. Yes, but that kind of purchase has eaten us up. Ngoza tried this, but the scheme fell through. The tribe formed itself into a company, and my father paid £10, but he never got any land. It reverted to Government again. A large sum was paid.

Q. 11. Can you suggest any plan to improve the system of land purchase?

A. The Chief Ngoza has got land through the Bishop of Natal. I think there should be some one to look after the interests of the Natives in regard to purchase of land. I suggest that the locations should be thrown open for sale, and that Natives might become possessors of land there. I do not mean to drive others away.

Q. 12. If they have money, why not buy land out of the locations?

A. Because private individuals would swamp us.

Q. 13. How far is there a desire to secure exemption from Native Law?

A. I do not think there is any great desire for exemption. I do not know of any difficulty in making the application.

Q. 14. Do the Natives desire to vote for members of the Legislative Council?

A. Yes; the Native should have a voice the same as a white man. That would be very good. What I consider should be the voice of the people would be to have a representative of our own race in the Council.

Q. 15. Do you consider that the five gentlemen of the Government represent the Natives?

A. I know nothing about them.

Q. 16. How long do the Indunas sometimes keep men waiting?

A. One, two, and three months.

Q. 17. Do you mean that the Interpreters are inefficient, or that they are bribed?

A. Many of them understand the language, but it is too much trouble for them to take every word to the ear of the Magistrate.

Q. 18. Is the delay in getting cases heard owing to so many people being about?

A. Yes; I think so by engaging the Induna's attention.

Q. 19. Do you live in a location?

A. Yes, at Umsinga, in Matyana's old location. I have land there which I paid for, but I have got no title deed. I paid for it to Sir T. Shepstone. There is a township being laid off in the location.

Q. 20. What do you think about the road parties being called out by the Government?

A. I consider it a hardship. The men only get 10s. per month, while a little boy can get £1 per month.

By the Bishop of Natal (to MAGEMA):

Q. 21. Are you trying to buy land?

A. Yes; along with others.

Q. 22. Did you write a petition to Sir Garnet Walseley?

A. Yes.

Q. 23. Will you relate how you came to write this petition?

A. At that time there was a messenger sent to Bishopstowe by John Kumalo. I was at my work printing. They wanted me to go into the town; some of the people at Bishopstowe came to hear what John had to say. When they returned they called me and told me John Kumalo said "We must get a petition to the new Governor." John said that every trade of men must write their names and words and send them in to a Missionary in town. Jonathan afterwards wrote to the different mission stations, saying that the men there must send their words and their names. When we had sent in all our words and our names, the Missionary would not do as we wished. That was Mr. Stalker. Then Isaac came to Jonathan's house, and they sent to call me. I went there, and they told me that the Missionary had not made plain their words, and asked me to do it. I refused at first, because I was not well able to speak English, but they promised to give me sixpence for each person who signed it. Then I agreed. There was an old petition drawn up by Mr. Advocate Buchanan with some names attached. I asked about these names, and they said "They have spoke the same words we are going to speak. This petition you must raise up again—you must put down all the names on the old petition." At first I knew nothing at all about this petition.

Q. 24. Did they make any complaints to Sir Garnet Walseley?

A. Yes; one was that they would prefer to have their cases tried by Native Law. They meant that the delays they met with were so great that they were not placed in the same position as Englishmen. They wanted to have their cases tried so as to get back to their own business.

Q. 25. It has been said some of the names on the petition were those of dead men—do you know how many?

A. I think there were five.

By the Hon. the Speaker (to NGIDI):

Q. 26. You said that Pagudi and Langalabalele had applied for education—to whom was it made?

A. To the Bishop of Natal before the Langalabalele tribe was scattered. I cannot say it reached the Government.

Q. 27. When was this money paid to Sir T. Shepstone for the land for which they got no title?

A. The money was paid before the big Court House was built.

Q. 28. Have you never applied for the money back?

A. We could not take our troubles to any one, as we do not see Sir T. Shepstone at the door now.

Q. 29. But there is Mr. John Shepstone?

A. We had a fear, from what we heard, that we might be put in prison.

Q. 30. What was the sum paid?

A. I cannot say the amount. Practically we have possession of the land, but it belongs to the Government.

Q. 31. Do you understand Native Law?

A. Yes.

Q. 32. Is what is administered in Natal Native Law or not?

A. It is not.

Q. 33. It is a law made for the Natives and not Native Law?

A. It is.

Q. 34. Who changed it?

A. The white people, I think.

Q. 35. The law from which you do not wish to be exempted is what has been made for you by the white people?

A. The law I meant was the law we are ruled by.

Q. 36. Would you like to revert to the real Native Law?

A. Yes; rather than be governed by the law called Native Law which we do not know.

Q. 37. The Government having changed the law, what would be the objection to this further change that all marriages must be monogamous?

A. In that respect the present law is right as it is, but there is one thing we do not like, and I do not know why the Government did it. The thing is this: a marriage has to be reported by the official witness, who asks "Do you like this man?" and "Do you have this woman for your wife?" He tells them he asks them once only. The woman runs away and gets a divorce, and the husband has no redress.

Q. 38. What do you think about limiting future marriages to one wife?

A. I do not approve of it, because the second wife has always a position allotted to her by her husband.

Q. 39. In what light do you view *ukulobola*—as a purchase or not?

A. I do not buy the woman; I *lobola* her. It is not a purchase.

Q. 40. Why should it vary in amount?

A. That is ruled by the status of the person giving his daughter away.

Q. 41. Does the payment of *ukulobola* benefit the woman?

A. I should think more of a woman that had been *lobolaled*. She would be more of a wife. One not *lobolaled* would not have the same status in the kraal; neither would her children have the same share of property in the kraal. The marriage ceremony of one would not be as strong as the other.

Q. 42. If a man pays large *ukulobola* he is so much the poorer in regard to the future maintenance of his wife?

A. That is nothing. If you had twenty-three cattle, and paid twenty for the wife and left three in the kraal it would not be considered.

Q. 43. Is it not in the expectation that profit will be derived from the wife that *ukulobola* is given?

A. Yes; that is the way a kraal is founded. If she might not have children, the husband would not cry about the cattle he had paid.

Q. 44. If she had no children would not the husband expect the cattle back?

A. No. A husband in this case would get another wife, and place her in the hut of the other, and she would bear children for her.

Q. 45. Was not this the original Kafir Law: That if a woman had no children, the husband could get the cattle back?

A. He would beg another daughter to bear children, and pay *ukulobola* the same as for the first. The father would have to decide as to whether the *ukulobola* should be less or not.

Q. 46. Would the abolition of *ukulobola* have any effect upon the morality of young Kafir girls?

A. They would all become prostitutes or wanderers.

Q. 47. Are they chaste now?

A. No; not as they used to be. They do as they like now. They say the Government say they are to elect for themselves.

Q. 48. Then *ukulobola*, though still prevalent, has not kept them chaste?

A. No.

Q. 49. Do you, as a father, think you should take cattle for your daughter?

A. Yes; because she will have a name with her husband, and be a pet to me.

Q. 50. Why would you not settle it on your daughter instead of yourself?

A. That could be done, and is being done where the father says, "Take these, my child, to keep you."

Q. 51. If Government ordered this to be carried out, would it act?

A. No; it is a thing to be decided by the father.

Q. 52. Are you in favour of Natives who are polygamists having titles to land?

A. Yes.

Q. 53. Would that land be bought with the money of all the houses, or only from those where the heirs were?

A. The property of each house, according to a man's position, would go to pay; but it would descend only to the great house.

Q. 54. Is there anything under Native Law by which land can be bought, sold, inherited, or possessed?

A. No.

Q. 55. If the white men give them the privilege of purchasing it is a new right?

A. Yes.

Q. 56. Respecting representation in the Legislative Council: how should this representative be elected?

A. It would be right for the Government or the Governor to select a man in whom he had confidence. We people do not know the different white men.

By Mr. Reynolds, M.L.C.:

Q. 57. Would money obtain admission to the Magistrate through the Induna?

A. I think the case would run then.

Q. 58. Do you know of any instance in which it has been tried?

A. I know of one case where the case was heard quickly and won.

Q. 59. Would the Natives desire more Magistrates, especially in locations?

A. Yes; with a school attached for learning, and one for industrial pursuits but no gospel.

Q. 60. Would more frequent visits from the Secretary for Native Affairs to tell them the laws be appreciated?

A. Yes, that would be very good.

Q. 61. Would they mind paying extra for these privileges?

A. They would not object to pay.

Q. 62. What is the difference between *ukulobola* and purchase—the difference between buying a wife and buying a wagon?

A. Should I be a relative of you if I bought a wagon of you?

By Mr. Rudolph:

Q. 63. How long have you resided in this Colony?

A. I arrived here in 1840 at the time of the fight between the Dutch and English at Durban. I have lived with white people ever since. I used to tend cattle as a herd until I took a wife.

Q. 64. Do you know any trade?

A. I have not learnt a trade?

Q. 65. Has the Native population greatly increased?

A. Yes: because there are no wars now. They do not kill each other in ways now like they used to do.

Q. 66. Is there any other killing business here such as in foreign Native countries?

A. No. The increase has also been consequent upon the influx of refugees. There are not so many refugees coming in now since the capture of Cetywayo.

Q. 67. Do you think the refugees should have the same claims upon the Government for land as the aborigines?

A. Those people who have been accepted as subjects should come under the same rule as the others who only came as refugees.

Q. 68. This is a country where you enjoy protection for life and property?

A. Yes: because the young men are not stopped from marrying, nor enrolled as warriors.

Q. 69. What caused the refugees to come from their own countries?

A. Heads of tribes came across on account of their lives being in danger; the younger men usually ran away with girls to get married. In Panda's time big men had to run away for their lives. In Cetywayo's time it was chiefly young men who came with girls. It was the law of their country that they should not marry. Such things as witchcraft are not law, but only a custom.

Q. 70. Is it a binding custom?

A. It is a custom similar to an Englishman being put into tronk.

Q. 71. Who threatened to put you in the black house if you applied for your money back you had given for the land?

A. The word came that whosoever said that land was bought should be put in prison.

Q. 72. It was then the wind that said it?

A. It did not come by messenger, but came in the air.

Q. 73. Do you know of your own knowledge that any money was given for any land, and if the money was not returned?

A. I know that money was paid to Sir T. Shepstone for the location known as Matyana's. It is known as Government land. The land was given to Ngoza, and he was to pay for it in instalments. This was before the year 1865.

Q. 74. You have lived with Mr. Fynn?

A. Yes.

Q. 75. In reference to the defects of Indunas, did you allude to all of them in the Colony, or only a few?

A. It is the same in all the Courts of the Colony.

Q. 76. Seeing that you are not taken as soldiars, or eaten up and killed by power of the Chief, should you not pay taxes cheerfully?

A. For that protection and privilege we are prepared to pay.

Q. 77. At Mr. Fynn's is Native Law only carried out under our own code, or as it originally was?

A. Under the Native code. This is partially Kafir Law and partly new law.

Q. 78. What portion of the present code is not Kafir Law?

A. A woman may go to the Magistrate three times and be refused a divorce, and may get one on the fourth application. If she marries another man the husband has to go and claim *ukulobola* from the second husband and not from her father.

Q. 79. When the code came in force had not the law already been modified?

A. I saw the alterations in the law when the Umsinga division was established.

WAR +
NATIALS
BLACK
POPULATION

Q. 80. Did you ever see the Native Code of 1877?

A. No.

Q. 81. You prefer Native Law to its full extent in this country?

A. Yes; I prefer Native Law.

Q. 82. That means to be ruled by your own Chief, and by tribal and collective responsibility?

A. I think that is best, but it cannot be done because all the land belongs to the Government. I approve of tribal responsibility.

Q. 83. Do you prefer that a girl should be forced to marry against her will, which is Native Law?

A. The present rule with girls is not a satisfactory one. It used to be under Native Law that a girl could make her own choice. Under our law the girl was not compelled, but the father lectured her, and usually she left.

Q. 84. When a woman comes to puberty, there is under Native Law an obscene process, would you like that?

A. Not as Christians: that ceremony does not take place now. It is confined to the girl remaining in her hut for seven days; then she can come and mix with her companions. The obscene songs are not sung now.

Q. 85. Is the process of "smelling out" Native Law; and would you like to see it continued?

A. "Smelling out" is of two kinds. In one, only individuals are affected; in others, a whole district is eaten up. I would not like to see these continued.

Q. 86. Can a man in the Zulu country possess land individually, or is it not all vested in tribe?

A. No private individual can possess land; it belongs to the nation.

Q. 87. If you still prefer Native Law why do you ask for land from the Government, and for schools?

A. Because a man may be living in comfort and ease, and a white man comes and turns him away. Last year some of our people were comfortably settled at Umsinga, but the word of the Government came and moved them away, and there was great sorrow there. These people had done nothing wrong, and paid their taxes, and were living in peace. I could not count the number of cases where white people have turned Natives off.

Q. 88. Seeing the Natives have all these privileges, do the Natives not think the law is intended for their good?

A. Yes; on that account let the Government still continue to give us more benefits.

Q. 89. What hinders those people dissatisfied with the laws going away from the country?

A. In Panda's time they did not care about returning to Zululand for fear of being killed; but it became common during Cetewayo's time. Not many have returned to Zululand since Cetewayo was deposed, because the land is not at peace.

Q. 90. Supposing a white man was sent with them to watch over them, would it suit them?

A. If a white man was sent to govern us he would govern us under the law we are now living under.

By Mr. Otto:

Q. 91. Was the payment for this land in money or in cattle?

A. In money. I am certain of this.

By the Rev. F. Mason:

Q. 92. To what tribe do you belong?

A. I belong to the Inteti tribe; the other witness belongs to the Ingogo. These are Zulu tribes.

Q. 93. Do you think Native Law better than English Law, whether for Christians or not?

A. Yes.

Q. 94. Would you like to see English Law extended over any class of Natives?

A. No. I consider they should be governed by our own Laws.

Q. 95. In the memorial asking to come under English Law there is the name of Magema—has he changed his mind?

MAGEMA:—A. In that memorial we expressed that our cases were delayed, and that we could not get a hearing like white people, and our prayer was for the same privileges as the white people. It had nothing to do with the exemption paper we see to-day.

Q. 96. They complain of having their cases dealt with according to Native Law?

A. Yes.

Q. 97. Have you changed your mind since this was written?

A. What was meant was that we had not the privileges of white men in getting our cases heard. We were treated like dogs.

Q. 98. Does this 7th Clause refer to trying cases by Native Law and not by English Law?

A. We referred to Native Law.

Q. 99. The words of this memorial do not then represent the feelings of all the witnesses to it?

A. We referred to the procedure in the Courts. We wanted to have the same facility for having our cases tried as English people. We could not have meant English Law, because English people have no cases of *ukulobola*. We meant that we should not suffer delay, but have the same facility for getting our cases heard as English people.

Q. 100. Will you please read the clause at the top of page 2?

[Clause read.]

A. We do not mean that we wanted to take the English rule. If they said this I did not know what they meant. All I know is that we said we must be treated as white children, and not according to the old customs in Zululand.

Q. 101. Is there no delay when cases are tried under Native Law?

A. Yes, there is delay; but you are with your Chief and you get food. Here, even if we bring £10, it is spent in food before we get our cases heard. The delay is greater here, and we have difficulty in living. Our chief complaint is of the expense caused by the delay.

Q. 102. You said Mr. Stalker refused to carry out the men's wishes in the memorial—why was this?

A. I was not there myself, but I heard he refused on account of the polygamy mentioned. He only wanted to have one wife mentioned. Isaac said he had got the letter away by stealth. Mr. Stalker disapproved of other things in the petition.

Q. 103. Respecting the old memorial prepared by Mr. Buchanan—did you prepare this from it?

A. Some of the clauses were taken out.

Q. 104. Did any white man see it before it was sent to Sir Garnet Wolsley?

A. No.

Q. 105. How many of these people actually signed their names to it?

A. Some were signed, and I signed the others.

Q. 106. You were to receive sixpence each for signing these names?

A. Yes. The answer from the Government was unfavourable, and some objected to pay.

Q. 107. Were all those people willing to have their names inserted?

A. Yes; a great proportion sent up their names in letters. We got names from five Stations.

Q. 108. Did all the people see the memorial before being sent?

A. Jonathan wrote to the Stations saying they could come up and see it. It was not sent round to the Stations.

Q. 109. Do you think *ukulobola* a good thing in itself?

A. Yes.

Q. 110. Should Christian Natives have it?

A. Yes.

Q. 111. Is polygamy a good thing?

A. It is a good thing, because a man with one wife only is a poor fellow. I consider a man has a right to take as many wives as he wishes. Our forefathers Abraham, Isaac, and Jacob had more wives than one.

Q. 112. Do you take the sacrament?

A. So far as any wrong in it goes we would partake of it with all our wives. But it belongs to our minister.

By Mr. Campbell:

Q. 113. What took place when this money was paid for the land?

A. The whole of the headmen of the tribe followed Ngoza to pay the money. I saw people passing to pay.

Q. 114. Regarding the petition, were the letters from the different Stations all of the same tenour?

A. No; not exactly.

Q. 115. That petition was signed without being sent round?

A. Yes.

Q. 116. What do you think about the immorality amongst Native women?

A. We have never seen this before in Zululand—the wives coming to a town and becoming prostitutes. We never heard of a divorce for £1.

Q. 117. What would they have done with a woman who persisted in running away?

A. Just allow her to run away if the husband did not take some action. I think it the proper thing for a woman to go back to her father and not the barracks. If she marries again let the first husband get his *ukulobola* back from the second husband. I should suggest that the husband have redress in this manner; that the father return the *ukulobola*, while he would get more when she was married again. There are some unprincipled people who, when a wife gets old, wish her to run away so that they may get the *ukulobola* back, and with it get a girl he is fond of. There are also unprincipled fathers who, knowing a man has cattle, sends his daughter to persuade him to marry, on the understanding that as soon as he has got the cattle she shall be free to leave her husband.

By Mr. Turner:

Q. 118. How long have you lived at the Umsinga?

A. Since 1869; previous to that I lived at Bishopstowe. Magema has been there since 1855. The reason I left Bishopstowe was because I intimated to the Bishop that I wanted to take more than one wife, and he told me I must leave the Station if I did. Ngoza also used to live there.

Q. 119. Do not Native Chiefs turn people out of their kraals sometimes?

A. Yes, if he is an evil doer.

Q. 120. Has Magema more than one wife?

MAGEMA:—A. I have four. I was sent to the Bishop to learn a trade; and that did not separate me from the customs of my people.

Q. 121. Then you are not there as a Christian, but as a mechanic?

A. I am there to work; but still I do not say I am not a Christian. I do not see that my four wives interfere with my belief or turn me into the ways of darkness.

Q. 122. How is it that you live in this country?

A. I did not like to go back to Zululand. I came here young, and I like to cover myself with a white man's blanket.

By Mr. Stainbank:

Q. 123. Are you not aware that in Zululand you might be killed without any law?

A. Not except I am an evil-doer. I do not think any innocent men are killed; and those who are put to death for witchcraft are generally evil-doers. Sometimes if a man dislikes another man he will complain to the Chief that he is an evil doer, and the man may be killed or removed.

Q. 124. Would you like to live in Zululand?

A. I would live there.

ON
POLYGAMY

NB
BIO
DETAILS

ON
POLYGAMY

ON
NATAL
VS
ZULULAND

By the Hon. the Attorney-General :

Q. 125. Does the delay in the Magistrates entering upon the hearing of their case proceed from too many cases coming before their case, or from neglect on the part of the Indunas to report to the Magistrate that the parties wish to have their cases tried?

A. I do not know what the Magistrate has to do. It is generally the Induna who comes and says "the Magistrate is busy." We get no word from the Magistrate himself. If the Magistrate had too much to do I should not complain at the delay.

By the Hon. the Speaker :

Q. 126. If I marry four wives I shall get punished—why should not you be punished?

A. Because English Law only allows one wife. Government has not yet given us such a law.

By the Bishop of Natal :

Q. 127. You are the chief printer at Bishopstowe, and you have lost a great deal of time by delays at the Magistrate's Court?

A. Last week I had a case, and had to go three or four times about it.

(The Commission adjourned.)

MONDAY, FEBRUARY 13TH, 1882.

NAMBULA, Dronk Vley (Spokesman), and MAKUBULA, Amanzimtote Mission Station.

By the President :

Q. 1. Do you say anything about the Administration of Justice?

A. The Indunas at the Magistracies we consider hindrances. We have no fault to find with the interpretation.

Q. 2. In what way?

A. I can only speak for the Ixopo Magistracy; where you cannot get a case to the ear of the Magistrate until the Induna has heard it: and he takes it in his own words, which may not be ours.

Q. 3. Can you get access to the Magistrate's Clerk?

A. There is no access to the Clerk but through the Induna. I think Indunas should be chosen from a knowledge of their rectitude.

Q. 4. Why should they want an Induna at the Courts?

A. That is a matter for the white Chiefs; we did not appoint them.

Q. 5. But it is distinctly stated in law that Indunas shall not in any way act as intermediaries; and if that rule is followed, would it be satisfactory?

A. Yes.

Q. 6. It is also stated that parties shall state their cases directly to the Magistrate or the Clerk?

A. It does not seem to go like that in the Courts. If that law were carried out, it would not matter whether there was an Induna.

Q. 7. Have you any other complaint about the Courts?

A. In my own Magistracy, I have no other complaints. I can also speak the same for the Durban Magistracy, and for Mr. Jackson, the Administrator.

Q. 8. Do you know that claims many years old, about *ukulobola*, are brought forward?

A. These old claims for *ukulobola* is English Law; we never had such cases in Zululand. It was a matter of arrangement between themselves.

Q. 9. Was the *ukulobola* paid before the marriage?

A. No; under our own Law one beast or two was only given, and if the father was in difficulties he used to go and get a beast from his son-in-law. If the latter was in poor circumstances the father would take one of the children. This was all done in a friendly way. A marriage portion was never looked upon as finished. There were never any actions respecting *ukulobola*. This was commenced by the English, and we now ask, "Is there any relationship now that we see people dragging each other into Court?" I think it would be right to have it as it used to be, and let them settle it themselves in a friendly way, and not bring it into the Courts.

Q. 66. What is the real reason Natives do not seek exemption from Native Law?

A. It is want of knowledge of the law. We were under the impression we had left Native Law in adopting Christian practices.

Q. 67. Have the Christian Natives any complaints to make of the Government as to its treatment of them?

A. Yes; in courts of justice the heathen seem to get more favour.

By Mr. Campbell:

Q. 68. Do you know that you can marry your daughter without receiving cattle?

A. I heard there is such a law and that I can go to the Magistrate and renounce claim to cattle.

Q. 69. Do the other Natives on the station know this?

A. They have heard of it, but they do not know it. If a man takes a second wife and pays *ukulobola* for her, she is in a better position than the first for whom no *ukulobola* has been paid. There was a case where a man died who had married a wife without paying *ukulobola*, and on the case coming before Magistrate he said there was no law by which he could give the property over to the children. The woman had been married under Christian rites. The property was handed over to the man's brother. The woman had no guardian—she had been brought up by the Boers.

Q. 70. Do you not know that by Native Law relatives of the deceased husband are bound to take care of the children?

A. Yes; but the mother was a Christian.

By Mr. Turner:

Q. 71. Does not the missionary tell you what the laws are?

A. Some of them. We cannot be expected to understand them unless they are explained to us.

Q. 72. Do you find more order amongst the raw Natives than amongst the Makolwas?

A. Our authority over our children is less than that of the raw Natives. If they get away from their homes they become disobedient. The younger branches of our families think they know more than we do.

By Mr. Steinbank [to LUKE M'SIMANG]:

Q. 73. Did you find any difficulty in getting exemption from Native Law?

A. No; I saw that Native Law was not a right one for me to be under. I had heard there was such a law, and I took a whole year to consider what it was. I then went to Mr. Mason, and asked if there was any reason why I should not come out of Native Law.

Q. 74. Do the Christianised Natives go to European doctors when sick?

A. When they are within reach of a doctor they do. When they are too far away they use their own medicine.

Q. 75. Would placing doctors in the locations diminish witchcraft?

A. Yes; it would do away with the witch doctors.

Q. 76. Have you seen anything of leprosy?

A. Yes; that is an old disease which affects one of the tribes on the coast. The skin comes off as if the man had been bitten by a snake. I have seen one man walking about the country that had it. We are not afraid of it because we have been told only this tribe can have it.

By Mr. Winter:

Q. 77. If doctors and schoolmasters were placed in the locations, would the Natives be willing to pay a tax to Government?

A. Yes. If the Hut Tax were increased it would be necessary to explain it to them.

Q. 78. Did you ever know of a people disappearing from the use of liquor?

A. Yes. Both *shimanya* and rum are fatal.

CORNELIUS MATIWANE:—I wish to say that I hear of grog called *tyuala*. This is not a proper word for it. As we understand *tyuala* it is what we could drink to our fill and never feel the worse. What is called *tyuala* now is something that a single glass will intoxicate, and is like drinking death.

JOHN KUMALO (Spokesman), ZWACALAPI, LOHU, and JONAS UMLABA,
St. Mark's Mission Station.

By the President:

Q. 1. What do you complain of regarding the administration of justice?

A. There are people who for years have been trying to have their cases tried. I do not know the cause of the obstruction. There are two Chiefs outside the Magistrate—there is the Induna and also the Interpreter. Very often a month is consumed by the case being heard outside. The delay is so great that often people join in cases in which they have no interest, but give their opinion upon it.

Q. 2. Is it on account of press of business that you are kept out of the Magistrate's Court?

A. Yes; because there are arrears of business.

Q. 3. Whom do they blame?

A. The Induna is reluctant to take the case on to the Clerk; he wants to hear the case himself first.

Q. 4. Does the Induna like any greasing of the palm?

A. I do not know.

Q. 5. Have you any fault with the Interpreters?

A. In some cases the Interpreters are good, but in others they are not good. There is the complaint that the Interpreters tell us to *tula* before they have heard the case. Very often the Interpreter loses patience with us; the Interpreter is also the Clerk.

Q. 6. Why do you not complain to the Magistrate?

A. The result of that is seen in the appeals. There are a great number of appeals to the Native High Court. We feel that we have not access to the Magistrate—we cannot approach him. He is unapproachable to any case we have. We are not free to see the Magistrate as we would like. The Induna and the Clerk we can go to, but we are told “go outside,” and we hear nothing more of it.

ZWACALAPI :—We are men engaged in business upon which profit and loss depends, and we cannot come to the Magistrate's Court, and stay eight or 9 days without loss to the ourselves. We want our cases hearing so that we can go back to work.

JOHN KUMALO :—There is delay also in the Native High Court, as in other Courts. Sometimes a month is consumed in being told to go and come again.

Q. 7. How far could the interpretation be improved?

A. A Native Interpreter would soon fall into sin or into bad practices. I think this would be the opinion of all the Natives of the country.

Q. 8. In regard to education?

A. Other people are being brought into the light, but we are kept in the dark. We look to the Government to deal with the matter of Education. The Natives have had intercourse with the white people in Natal for a long time now, yet they are the most backward of any Natives I have heard of, and it is right there should be education for them.

Q. 9. Does not the great part of the Native population get education by going out as servants?

A. Not to any great extent, the Government has neglected this matter too long. The time of the young men is employed in going about in seeking girls and making love. If the wills of our hearts were consulted there would be schools—educational and industrial—attached to every Magistracy throughout the land. There are lots of Natives who have now got industrial knowledge, and could be employed as assistants.

Q. 10. Would there be any difficulty in getting boys apprenticed in this town?

A. We bring our children here to be taught in shops, but we feel that there is a great want of some Industrial School. The black people may have sense, but they are still in great darkness and do not know what is for their good.

Q. 11. What are the ideas of the Natives regarding land?

A. We do not know anything about that law yet. If a person had a sufficient amount of money I suppose he could buy land. We have leased land, and after getting it in good order another person came and we had to leave. The difficulty is that when we have had land for three or four years someone else comes and says he wants it and we have to go.

JONAS UMLABA :—I have leased land for three or four years, and then I have been turned off.

Q. 12. But if you had a proper lease for a certain time, they could not turn you off?

A. We have only verbal agreements, and we are liable to be turned off before the end of the period.

Q. 13. But if there are witnesses there, a verbal agreement is as good as a written one. Do you know of contracts to supply labour?

A. Yes; but it is only done with kraal Natives?

Q. 14. Do you manure your land?

A. No; we do not know how long we may stay.

Q. 15. Are any of you exempt from Native Law?

A. Two of us.

Q. 16. Why not all of you?

A. There are some difficulties in the way. Some say that they do not wish to give up the practice of *ukulobola*, while others say that there is no advantage to be gained by exemption.

Q. 17. Do you think polygamy is increasing or diminishing?

A. It is increasing, because even Christian Natives return to their old ways.

Q. 18. Do you think ten head too much as *ukulobola*?

A. If it were reduced a man could get more wives. The *ukulobola* question is with the outsiders a point which had better be let alone for the present. But let the Government say that there shall be no more paid after a certain date.

Q. 19. If there were no action for *ukulobola*, would that do?

A. There ought to be a proclamation now that all Natives who have only one wife should remain as they are, but after the proclamation those who obtain more than one should have no redress.

By the Hon. the Speaker [to JOHN KUMALO]:

Q. 20. Do you regard *ukulobola* as a purchase?

A. Decidedly a purchase—the same as purchasing a wagon. Just as one would buy a wagon in the expectation that the proceeds from it would enable him to buy another.

Q. 21. Are you aware that a Native can marry without *ukulobola*, provided the father gives his consent?

A. I know such is the case.

Q. 22. In the case of a Native girl who embraces Christianity, must the father have *ukulobola*?

A. The father receives cattle because she is still in darkness. The girl, although she has embraced Christianity, must be *lobolaed*. This is one of the barriers in the way of girls becoming Christians.

Q. 23. What would be the position in regard to descent of freehold land held by polygamists?

A. The heir would get it all.

By Dean Green:

Q. 24. When a man becomes a Christian how does that affect his relation to his Chief?

A. He comes out of the tribe, and of course the Chief has no influence over him—Christian Natives are separated from the Chiefs.

Q. 25. Are Christian Natives becoming numerous?

A. Yes; especially the last two years.

Q. 26. Is there a kindly feeling between the outsiders and Christians?

A. Much more so than formerly.

Q. 27. Do Christians live in the locations?

A. No.

Q. 28. Where will the Christians live if they do not go into the locations?

A. On rented lands.

Q. 29. Supposing Government were to rent a farm like Edendale in the midst of a location, could the Christians get on with the heathen?

A. Yes; there would be no difficulty. The Chiefs would not be jealous of us so long as the English Government got on with them.

Q. 30. Do you consider the Chiefs have much power now?

A. No; not much. Private individuals have farms around and drive off Natives who are settling there. Formerly a Chief's power consisted in his ability to punish, but he has not got that power now.

Q. 31. Do Natives prefer going to a Chief or to a Magistrate to have their cases heard?

A. They used to wish to have their cases heard by the Chiefs, but now they are not satisfied with the decisions, and want to go to the Magistrate. It would be satisfactory to have Magistrates placed in the locations, because now the Natives are not satisfied with the decision of their Chiefs.

Q. 32. Do the Chiefs want schools in the locations?

A. Those who send their children here to learn find that they contract evil habits; and they would like schools nearer. Some Chiefs would be pleased at this, while others would not perhaps.

Q. 33. Some Natives live together and others apart. If they were together would they have so many wives?

A. That would make no difference.

Q. 34. Do not the Baralongs live together?

A. Yes, in towns. The great majority have but one wife.

Q. 35. If a school were established, and the kraals all scattered about, the children would neglect to come?

A. Yes, in wet weather. The idea would be to have a sort of boarding school.

Q. 36. Do the kraals being apart tend to polygamy?

A. Having more than one wife is considered the correct thing; and only having one makes a man laughed at. The women would like the abolition of polygamy, I think. Polygamy is breaking itself up. It would be better if they were near together if they had only one wife.

Q. 37. Do you think it desirable that Native Christians should be exempt from Native Law?

A. Yes; because if a woman under Native Law seeks redress from the Magistrate she cannot get it. The reason that prevents them coming under English Law is heathenism in its general phases.

Q. 38. Do you think the young men are more industrious or idle than formerly?

A. They are idle enough, because the cattle they give for girls are left by their fathers, and they just go about making love. When a man gets one wife, he sits down and knows he has a competence. So far as I can see, there is every probability of the Natives of this Colony becoming Bushmen, because they are too idle to improve.

Q. 39. Is it not a good thing when the white man charges rent for his land?

A. By putting on the thumb-screw a man can make his wife earn the rent. It is only a matter of whipping. There are only a few who use the plough; but the number is increasing. The proceeds of this go to buy more wives.

Q. 40. Do the Native Christians find difficulty in living?

A. We have anxiety frequently; but the fact of being a Christian prompts us on.

By Mr. Rudolph:

Q. 41. In cases where Natives have to leave before the lease expires, is there some condition in the lease?

A. That happens through our darkness. It happens because we have only verbal agreements.

Q. 42. Can you mention any case of a man being turned off land when it had been sold?

A. Yes; one of us was. The Land and Colonization Company owned it. He paid £20 per year, and it was sold, and he got a letter saying he must move. He had gathered his crops. This was on this side of the Umlaas. He had not leased it for any term.

Q. 43. Can you say whether the Chiefs and Headmen would like Magistrates in the locations?

A. Yes, in some cases. I cannot say all. I hear discontent amongst the Natives at the distance they have to go to a Magistrate.

Q. 44. Would they like Magistrates in the locations to see what is going on?

A. There are cases of faction fights and similar things, and the Chief has a long way to go to the Magistrate. The Natives are children in regard to darkness, and although they did not like it at first, they would learn to do so. If a Christian Kafir went there just to build he would not be well received, but he would if he went to teach them.

Q. 45. Do you know of a case of a Chief and a tribe expressing satisfaction at a Kolwa coming to a location?

A. Yes; a Chief asked for me to go up to his tribe.

Q. 46. Is not *ukulobola* something more than a purchase?

A. I have said that it is a purchase, because I expect that if a man marries my daughter he will want some profit from her.

Q. 47. How is it that the father is responsible for the conduct of the daughter?

A. Under the old Law, if cattle were given the husband was responsible for them for a whole year. In the event of any of them dying he had to make them good. If the wife had no progeny he could claim the cattle back, and if the wife died he could get another daughter from the father.

Q. 48. Were not cattle given as a consideration for the good conduct of the wife?

A. No, it is nothing but a purchase. If you bought a beast and it died before you got it home, you would want your money back.

Q. 49. Supposing Government were to say, "You can come under Colonial Law with your *ukulobola*," would they not all come?

A. No; some of the Christian Natives now will not take cattle for their wives. We consider it is like thieving to take *ukulobola*, because the husband will have to work for his wife all the days of his life.

Q. 50. If the Natives were made acquainted with the fact that a father can come before a Magistrate and renounce his right to *ukulobola*, would they approve of it?

A. I think so, as all the Christian Natives are in favour of it.

By Mr. Cato :

Q. 51. Do you think if the Government were to double the hut-tax it would prevent the Natives becoming Bushmen?

A. The first thing to prevent men becoming Bushmen is to teach them industry.

Q. 52. If Government were to provide Industrial Schools for the locations they would have to support the children who came to school?

A. That is a matter for the Government. They are the children of the Government.

By the Rev. F. Mason :

Q. 53. Have you not heard that there are Native Christians in the Zwaartkop Location.

A. Yes ; we know such is the case. Two of them are exempt from Native Law. Outside Natives are not satisfied, because they have to pay for their land and also the Government tax.

Q. 54. Do the Christians think Government ought to establish schools?

A. Yes.

By Mr. Botha :

Q. 55. Why do not more Natives come out to learn trades?

A. I think it is the fault of the Government. Our cry is, as Christians, for higher education. The father is the Government ; and he should teach them not to go about making love to girls, but selecting one girl only. We Christian people try to do with one wife only.

(The Commission Adjourned.)

SATURDAY, FEBRUARY 11, 1882.

WILLIAM NGIDI, Umsinga (spokesman), and MAGEMA MAGWAZA, Bishopstowe.

By the President :

Q. 1. What have you to say regarding the administration of justice?

A. There are certain things which are a great grief to us. I might have a case brought against me, or I might bring one against someone, involving the necessity of my going to Court. When I get there, I find a man dressing his hair and looking very sleek. I say "Take my case before the Magistrate ;" and I get rebuked or sat upon. I am told "Sit away there, the Magistrate is too busy," and there I have to sit, because I have no power of getting to the ears of the Magistrate. It would be satisfactory if there were a law compelling the Induna to bring our case before the Magistrate, or let us have a chance ourselves. It is unsatisfactory to have to sit on one side. The only remedy is that the Induna should be compelled to tell the Magistrate of our cases, and the latter should then tell us the day of hearing. It is necessary to have an Induna, otherwise the Magistrate would not know there were any cases. An ordinary policeman would not do. The only way of getting a case heard now is when the Induna sees fit to interest himself ; it is at his will as to when the case will come on. The Clerk is just about the same in this respect. We have also a grievance in the interpretation not being good. I have pleasure in going to my Magistrate, Mr. Fynn, because he can hear what I say, and I can hear what he says. The way in which we could get satisfaction is for the Magistrate to understand our language. It is impossible for a Magistrate who does not understand our language to know our customs, as we have been brought up.

Q. 2. But we can understand you now?

A. Yes ; but if Mr. Fynney were not here, how many could do that? We want such men all over the country. The interpretation is not satisfactory to us, because we are a people that like to speak straight, and have not been accustomed to interpretation. To give an illustration : when the Missionaries first came they spoke the word through Interpreters, and when they had finished we asked for explanations. The result was a muddle and all the words of the Missionary fell to the ground. Many people have been sacrificed through misunderstanding another party, and so it is with Interpreters. We had become pleased with Sir T. Shepstone because we knew we could speak to him, and if we got no answer we knew that our words had gone into his chest or heart. I have only been to the Native High Court twice, but since Mr. Windham was judge I have not heard of any dissatisfaction with it, or any complaint about delays. I have no reason to suppose the interpretation is not good in that Court.

Q. 3. Respecting education?

A. It would be a good thing throughout the whole land if the people were educated. It would be pleasing to all Christian Natives. I do not mean the preaching of the law as coming with cannon to blow up the world. I do not like teaching by fear. What we want is to learn how to make chairs, tables, and similar things—in fact, industrial teaching.

Q. 4. Should this kind of teaching come before reading and writing?

A. I consider the child should be first taught to read, and then following upon this he should have a useful implement put into his hand, and be told "Learn that business."

There is now less cultivation of crops than formerly; I have never known them manure their land for cultivation; rather than utilise the manure for cultivation they will remove their kraals so as to get away from the heap of manure that has accumulated. The reason of this decrease in the area cultivated is that the men have lost all control over the women. Formerly they used to beat them if they were not obeyed, but now if they do this the women leave them; but they still cultivate enough for their own wants, but not so much to sell; they cultivate the same class of products as formerly, but my people have learnt to cultivate tobacco successfully, and cultivate it largely for sale.

Ploughs are in more general use than they were formerly. The Natives only take off one crop per year; they could take off two crops by means of irrigation, but they are too lazy, and the women will not; irrigation cannot be carried on everywhere.

I think that squatting of Natives on Crown Lands should be stopped, it leads to quarrels and disagreements between the white settlers in the neighbourhood and themselves. I think they should be prohibited from living there at all, even although a rent were paid. These Native squatters being under no control become thieves and steal cattle of the white farmers in their neighbourhood; near my farm there are several of these squatters, and I lose cattle every year. The Natives steal from me and so do the white men.

I do not think Natives should be allowed to purchase land side by side with a white man, but if a tract of country could be set aside for their use alone, removed from white settlers, I see no objection to any class of Native acquiring land there, provided they were under the control of white officers. I have not observed that Natives who own land have improved their position more than the others.

I think it would be advisable to educate the Natives, provided it is done in the right way. I think Government ought to establish schools amongst them, especially industrial ones; some of them would like to learn. I do not think they would avail themselves of the opportunity to educate their children generally. I tried it once, built a school room, provided a master, found candles and all necessaries, and only one scholar attended. I afterwards tried to get them to send their children to school and pay 2s. 6d. a month, but they scouted the idea. However, if Government established schools, a few would send their children at first, and the quantity would improve year by year.

I have never heard the Natives complain of the change in the Administration of the Native Law. I do not think the Native should be placed under the same Law as the white man, as he is not yet fit for it; at present he is more easily and better governed under his own Law.

Since the alteration in the Native Marriage Law there are fewer marriages of young women to old men. Polygamy is on the decrease; one man does not take as many wives as he formerly did. Girls now marry the men of their choice; since the introduction of the new Law I have known of no forced marriages. I think the authority of the man over his wife has decreased within the last seven or eight years.

The use of imported liquors has increased amongst the Natives generally in the Colony, but especially in the towns. I have known instances where nothing but rum was used at a Native wedding; I believe the reason of this was that Kafir beer was not procurable owing to the scarcity of corn.

I find great difficulty in getting the Natives on my farm to labour for me. I have a verbal, and have had a written contract with the Natives on my farm to supply labour. They will not come out when called, but make all manner of excuses; they pay me no rent, but use my farm for the grazing of their stock, and the cultivation of their crops without restriction. I have not attempted to force the contract. Even should I change my contract to make the Natives pay a rent living on my farm, and pay them a higher rate of wages than I now do, it would not take away the difficulty of labour. The reason that we cannot get labour is that the Natives are so rich, that there is no necessity for them to work; I wish to say that I do get labour from some of the unmarried men living on my farm, and it is because of this advantage that I allow their families to remain there, but their cattle are increasing so rapidly that I do not know what will become of them and us in ten years' time. I cannot suggest any remedy for this evil I

think that in process of time all this will find its level; one reason for this will be as the country becomes more thickly populated by blacks, and especially by whites, the Natives will not be able to keep as many cattle, and will consequently become poorer; when this is the case a Native is more easily governed. The above remarks will also apply to the locations.

Native children are not so obedient to their parents as formerly, more especially since the Diamond Fields were opened.

I think that without the consent of the owner of land no Native living on an occupied farm should be called upon by the Government to labour on the roads, as it entirely upsets all the farming operations.

I should recommend the appointment of Magistrates in the locations to overlook and control the actions of the Chief, as these latter do not always treat their men fairly.

I do not think the Natives ought to have the right of franchise the same as whites, but I think they should be represented by men nominated by the Government. I would give a Native who could read and write, and was exempted from Native Law, and is of good character, the power of voting.

I think the Registration and Pass system is necessary in this Colony, and I think it is feasible; it would check crime, and make it easy to trace a criminal.

The present Hut Tax is not too much, and as long as they are in the same prosperous condition as at present it could be increased to 20s. per hut even before these prosperous times Natives living on private farms paid 20s. per hut as rent. I would not charge Natives living on lands occupied by white men as much as those living in locations and on Crown Lands.

Cattle-stealing in this district is increasing in the same ratio as the facilities for stealing have increased.

The Natives, although they have not the same fear and respect for the Government as they had formerly, know their own interest too well to rise against or resist its authority.

JOHANNES KUMALO (of Driefontein), Head of the Natives holding Driefontein and other farms in this Division.

I am a Zulu, and have lived in this Colony since the year 1848. I came in with the Rev. Mr. Allison. I am a Christian.

I and between seventy and eighty others own three farms in this Division, adjoining one another, containing in the aggregate 22,225 acres. Only three of these are exempted from Native Law.

I hear civil cases, but no criminal ones. The fees of my Court is 5s. from each suitor. I retain these for the general benefit of the tribe; messenger's fees are 1s. for each journey, which he retains. Judgements carry costs. Appeals are made to the Magistrate's Court if suitors are dissatisfied with my judgement; if any difficulty arise in

carrying out my judgements, I appeal to the Magistrate for assistance, and if he considers my judgment correct he sees that it is carried out. I do not report the cases which I try. I try all cases according to Native Law, but our own people's cases as near as I know to white man's Law.

We have living amongst us several Native tenants, from whom we draw a small amount of labour, but no rent. These men were living on the farm when we bought it.

The reason more of us do not seek exemption from Native Law is because we do not understand what is required of us.

We are not polygamists, but we *lobola* our wives; some of us tried to do away with this latter practice, but found it was not a legal marriage, as we were still under Native Law, hence we were obliged for self-protection to continue the practice, but we would prefer if it could be abolished. We should like an alteration in that part of Native Law which affects polygamy, *ukulobola*, and the devising of our property after death, also tribal responsibility, as regards the theft of stock, and the practice of *ukigena*, and such other customs; in all other respects we have no objection to Native Law.

We try and wish to follow the path which the white men take, as much as possible. We have schools amongst us, but have difficulty in finding teachers; we would like Native teachers, educated if we could get them, because they would of course understand our language, and it is so difficult to get white people who do. We would prefer to have industrial schools established amongst us in connection with book learning, &c., as such an education would enable them to earn their own living. We are building a church sufficiently large for our congregation; there is no white missionary resident amongst us, but one lives in Ladysmith, who comes out to visit and officiate.

We have a number of wagons, ploughs, and other agricultural implements amongst us; the women only assist in weeding and harvesting.

We have two schools established amongst us, which are subsidised by the Government with £12 a year each. Parents pay a small fee for the education of each child. The teaching is carried on chiefly in the Zulu language, but English is also taught; at present more English than Zulu, by one of our own girls.

There is no prostitution known on our own Station; an accident may happen, as it may anywhere. There is a desire among the Natives to possess land, but they do not understand the value of possessing it. The example we are setting them is causing them to purchase wagons, ploughs, &c.; and this will lead them eventually to acquire land.

There has been no cattle stealing in my neighbourhood since I have been here. With the exception of a case I heard of amongst Cornelius Villiers' Natives, there has been no case at all amongst my own people.

Drinking of imported spirits is contrary to our rules.

We do not supply labour for Government road work, because we are owners of the land on which we live.

We appreciate greatly the advantage of living under the English Government, and look upon it as a paternal one, which affords us every protection and under which we live in peace and comfort.

My experience of the chief business done in the Administrator's Native Court is *lobola* cases and divorces, and this seems to me very unsatisfactory; there are greater facilities now for obtaining divorces than formerly; hence more cases are brought on. Now when a man is tired of his wife, he has only to beat her, and she applies for a divorce and obtains it; she is then married to somebody else, and the late husband receives no consideration from the new husband.

Formerly the practice was that the father of a woman was responsible for the good behaviour of his daughter, and did all in his power to make her go back to her husband before he would allow her to apply for a divorce to the Magistrate.

Many of our younger people both read and write.

We are acquainted with the Registration and Pass system as practised in the Cape Colony; it is not considered a hardship among the Natives there, and it would not be a hardship if introduced in this Colony, provided means were given to the Natives of obtaining these passes without having to go any great distance for them; it was established in the Cape Colony for the purpose of checking cattle stealing, which crime is now on the increase here.

We know that the Natives generally complain of the excessive charges of agents and attorneys for conducting their cases. This is caused in a great measure by the complicated nature of procedure in the Native High Court. Formerly a man was allowed to state his own case, assisted only by his witnesses; the Natives generally do prefer the old system. In the Courts of Maritzburg suitors are made to pay excessive fees by their attorneys, who even send to the peoples' kraals to take cattle from them for fees; in fact some of these attorneys actually turn right into wrong.

Our numbers (Makolwas) in our communities are increasing steadily, partly by natural increase, and partly by others from outside, joining our numbers.

The influence and authority of the Native Chiefs over their people has diminished; I think this is an advantage. I think that the authority of the Chief should be reduced as much as possible, but it should be done gradually; his influence is always adverse to civilisation.

Cattle and sheep stealing is on the increase and at present is very bad. The great cause of this is the want of a registration and pass system, which I am strongly in favour of. Beer drinkings cause a craving for meat and are a cause of many thefts. Sheep generally disappear in ones and twos, but latterly in large numbers, and no trace can be found of them.

One Native living on my farm, before I could trace to him a clear case of theft, had robbed me of more than 30 sheep and goats. There is great difficulty in getting conclusive proof against them. I think the remedy would be local responsibility, that is, that the kraals within a certain distance from the place where the theft took place should be held responsible until the thief was given up. I think that some alteration should be made in the law of evidence to facilitate the detection of thieves. Natives knowing that direct proof is required by the law as it at present stands, avoid leaving the slightest trace that will attach any suspicion to themselves.

If Natives were civilized I would not object to giving them the political franchise, but not in their present condition. As long as they remain as they are, I think they are represented sufficiently by the Department of Secretary of Native Affairs. I would let it be known by the Natives that if they advanced in civilization they would get more political advantages.

JOHN KUMALO, Christian Native, living on Rev. G. Smith's Farm, near Estcourt.

I have lived on the farm for five years. I am a catechist under Bishop Macrorie, and have a school with some pupils, but at present my scholars have dispersed. I had fourteen scholars, but have sent five to Maritzburg. I have usually twenty adults. Most of those attending are on Mr. Smith's farm, but some come from other farms. They are taught reading, writing, and religious instruction. I am not able to give them industrial training, especially girls, sewing, &c., but think it would be better if such were given. The scholars all come of their own free will, and they seem to like the teaching. The defective portion of the system is that the scholars don't learn any trade or other useful occupation other than book-learning. I only teach the Native language, but think that if English was taught it would be better.

I can't say which would answer best—Native or European Interpreters. It is a difficult matter to decide, and the temptation to do wrong would be great if a Native Interpreter were engaged.

Polygamy keeps the country back, and keeps it from rising. Polygamy has decreased amongst the old men, but the young men still marry many wives.

Men marry earlier than formerly. Adultery has increased amongst the Natives; they do not regard it as so sinful as formerly. *Ukungena* is still carried out amongst the Natives; in some few instances where the woman objects, she selects her own husband. In case of adultery, the fault lies equally between the men and the women. I have not known a case where money was paid as *lobola*.

A girl would feel disgraced if no *lobola* were paid for her. I and my family are laughed at by other Natives because we have discontinued the practice of *lobola*. Some Christian Kafirs still practice *lobola*. If it is ever abandoned by the Natives generally, these latter will have to give the lead.

At present a girl would not feel bound to her husband or be faithful to him had he not given *lobola* for her. Parents have not the same authority over the children as formerly, nor do children respect as formerly their parents. The reason of this is contact with the European population. When a boy runs off from home and engages himself to a white man, and the father objects, the European frequently takes the child's side against his father. Drunkenness has not increased, except in the villages. Drink is chiefly obtained through Hottentots.

The Resident Magistrate having enforced the law strictly prevents so much liquor being obtained. There are cases of prostitution in Maritzburg. Natives girls meeting with bad characters are led astray, when in service and at schools. There are a considerable number of Native brothels, and many girls are led astray, and the evil is increasing.

I am exempt from Native Law, and there are many others also exempt. There is no difficulty in obtaining this exemption, but there is no general desire to take advantage of it, because of the *lobola* system. Even the Amakolwa do not desire to take advantage and give up their old habits in this respect.

Government in this country allows Natives too much of their own way. They allow them to walk in darkness, idleness, and in the enjoyment of their own old habits and customs. Young men are allowed to wander at will over the country and make love to the girls, and have generally too much license. They are not under sufficient restraint.

I consider that the Natives should have some one as a representative, who would bring their grievances directly to the ear of the Government, but they are not yet fit to send representatives to the Council. I do not think that they are sufficiently represented by the Secretary for Native Affairs, because he is their ruler. I mean an officer who would consult with them, hear their grievances, and represent them to the Government. [A Protector].

I cannot speak about the Native High Court.

UMGANU, Chief of the Abatembu Tribe, with five Elders.

I am located at the junction of the Bushman and Tugela Rivers; portions of my tribe live in Klip River County.

I try petty civil cases among my people. A fee of 5s. is paid, and the same amount for messenger; judgment carries costs. I never try cases of inheritance unless they are sent to me by the Resident Magistrate. I also occasionally try minor criminal cases of a peculiar nature when these are sent to me by the Resident Magistrate, and sometimes then a get a beast.

I always report the result of these cases to the Resident Magistrate. Part of my tribe live on private lands; some of these pay rent to the owners, while others pay rent and furnish labour as well. Supposing there was room in my location for the whole of the tribe some of these would prefer living amongst the Europeans. Natives who are accustomed to live near Europeans seem to like it. When they quarrel with one owner of land they generally go to some other farmer. It is not from dislike to my rule that they do this.

If the Government were to issue an order to us to buy Crown Lands we should do so if we were able. We have recently learnt that the Crown Lands are open for sale, but our tribe are too poor to purchase any.

