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NGABIYANA

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NGABIYANA

A. 73/41-4

~~Inkosi. She had tried to win ~~her~~ Hlupeka's husband but he was obstinate. She took upon herself full responsibility for Hlupeka's leaving her husband and children so as to come to the service. She tried to influence other women in the neighbourhood in the same way. She herself came from the Tugela. ^{She did not see assault but heard of it.} Masana said this trouble with his wives, he has two, Hlupeka and Mazi, began 4 or 5 months ago. Before that there was no trouble with either of the women. On or about Aug. 4 he had had to bring his daughter Nomdeni (Nomteni) before Mr. Dhuter, the Magte, because she persisted in going to the Mission Station, wearing clothes etc. Mrs. S. sent her back to her home under escort & warned her not to repeat offence. Mazi is not as bad as Hlupeka. He says he strongly objects to either of his wives going to the Mission Station for any purpose and leaving him at home from early morning till the evening. He married them when in a certain state and it is his wish that such state shall continue. He pays a very high hut tax, I think he said £3 per hut. He did not assault his wife as stated by her. The case was dismissed. No warning of any kind was given. I prefer to look further into this matter. Immediately after the case several natives said they had complaints to make against the way in which their wives were induced to become Christians. ^{I told 2 of them to come to me in Stanger's next day (tomorrow) where I had more leisure.} It seems that many people have complaints in regard to this particular Mission Station. All that was required in the above case was that the husband be warned. Miss Sanne wrote about it. 73/41-4~~

14.10.99. Stanger, Mhlali. per Ngabiyana ka Biji, an Induna of the Chief Meseni, in charge of people near Mhlali - aged about 40 more or less, and Masana ka Siggulela, ch. Meseni, a man about 43, more or less, also at Mhlali & under Ngabiyana, neither have headrings; latter referred to in my note of yesterday, above. ^{one of} Ngabiyana is the man who complained yesterday, as above stated. He, today, said that he was born and had lived all his life at Mhlali. There is a woman named Miss Martha Sanne, a Norwegian, ^(probably) who is engaged in Mission work and living half-a-mile or more from the Police Station. She is in the habit of visiting native kraals in the neighbourhood to hold services. She makes frequent visits. Native women ^{go} from the kraals to 'sonta' in obedience to her summons. They then leave ^{their} children at home in no one's charge & whilst the mothers are away these children cry & and husbands wonder what to do with them. Women go every day (Sunday) to service. Miss Sanne comes to hold service of a Friday as a rule, but sometimes will come on a Thursday. Women will pay no heed to their husbands' counsels ^{in regard to this matter}. The latter say "You are our cattle and ought to obey us; the women reply that they have taken this path and will not leave it ^{now}. As the women pay no heed great trouble is caused the men. The land does not belong to Miss S's mission whatever that may be, it is Pepetwayoo's land (Mr. Essery, agent for Natal Land & Colonization Company Ltd) and belongs also to the Govt. Ngabiyana said he wished to ^{re-examine or} talk over this affair with me as it is a genuine grievance. Women will not stay at their homes ^(+ do proper tip duties).

Men feel that under these circumstances they must speak to their Inkosi or Magistrate. - If because of a woman disobeying her husband and a little scratching (*shwebana*, takes place, the woman goes to the Inkosi who punishes the man, but does not know that the real person at fault (o tohingapo) is the woman. - Miss Sanne has never asked ^{any kraal heads} permission to visit any kraal or to educate women + children. Eliza, a native woman, usually accompanies her. Eliza comes from Lidumo's. She has separated from her husband. Comes from near Dumabemazi (kraal of Lidumo), across Nonoti river near Tugela. She came with Miss S. This was rather over 2 years ago. Miss S. lives in an old house which belongs to another person. There are no kolwas living immediately about the place, no boys or girls appear to work for Miss S. only Eliza, but on some days children from the neighbouring kraals come to be taught. When Miss S. originally came first to Ngabiyana's kraal she asked those present why they did not go to church. The Master calls you ^{she added} - Many women and children are now following Miss S. The natives asked "Where is the king or master that comes today?" The king ^{or Inkosi} we know of is an old one existing from time immemorial, the one who dabula'd uhlanga, we know of him. But what king is that who comes today? Ngabiyana says, "I said nothing at first to these visits, but now I feel I must speak as women go from their homes and dress. Some of the women are already real kolwas. - Women go off to service at about 9 am, some about 8 am, and do not return till about 5 P.M. - Ngabiyana and Masana belong to the Qwabe people. Ka si sezwani nabafazi betu. (Perfect accord no longer exists between our wives and ourselves) They will not, some of them, allow us to speak of them across wives, and some will no longer permit sexual intercourse. Ngabiyana says, "My ~~chief~~ chief wife (I have two ^{living} wives) will not allow me now to have sexual intercourse with her. She says she does not want me to come to her for she is too old, as a matter of fact she is still quite young. She has had 9 children 2 of whom died, but she is still young enough to have more children. She was a child at the time of "Mbidihli ka Somsewu". I cannot understand the attitude she has assumed. Eliza is always preaching that women must not drink beer nor eat the meat killed for the amadhlozi. ~~So~~ Our regret in connection with this matter is beyond our powers of expression. We men, of course, will not leave off eating cattle and if we neitsha or stint our wives, they will come and complain and so cause us to be imprisoned. - The majority of the kraals in the neighbourhood are of Meseni's tribe. There are five kraals visited by Miss S. + Eliza so far viz mine (Ngabiyana) Manxiweni, Sameu, Mhukulu and Nkongeni. A kolwa Mnukwa (wa kwabo uManxiweni) lives at Manxiweni with his kolwa wife (such a marriage is alright). At Sameu's several of the girls have ngum'izinhloko (cut off their top-knots), the same has happened at Mhukulu's where all the girls have become kolwas and have become so since Miss S's arrival. The service is

no longer held at Ngabiyana's. People congregate at the other kraals on any fixed days. The men in the neighbourhood come to me (Ngabiyana) and complain about their children becoming amakolwa against their (the men's) inclination. I reply, indaba yabelungu, I hlupaka too. (That is the white people's affair, I suffer too). I have not reported this affair to Meseni yet. Services are frequently held and people are summoned to them by the blowing of a horn (tshay'upondo). Upon hearing the horn all the children, boys + girls, also the women leave their work and go to service. I have a daughter called Memezile who gave me some trouble by putting on kolwa clothes. I directed her to leave these off and keep to the old customs, she complied with my wishes and pindela'd to her ukaka (sidwaba) and has not given me any trouble since. I cannot tell why Miss S. no longer comes to my kraal, it is long since service was held there.

Masana says, "At the very outset I warned the white woman Miss S. not to come to my kraal. ~~One day~~ The occasion was this: One day my wife was away from home all day; when she came back in the evening I took her straight to Miss S. and said to the latter, I did not wish this sort of thing to continue. ^{But Miss S. has paid no heed to my wish.} My girl Nomdeni (Konteni) v.p. 141 disappeared suddenly from my kraal one day. I had ngaba's izingubo; she was away a month. I at last found her at a gathering at Sikota's kraal. I caught + took her home. I tore her frock's re to pieces. She disappeared again, which I consider was due to Miss S's influence. I found her later on at Samu's. I brought her to Ngabiyana (induna), said I would take her before the Magistrate and did so. Ngabiyana said he could do nothing and ~~quite~~ approved my taking her before the Magte (Mr. Shuter). Mr. S. asked her where she had got the clothes from, she said the abafundisi had given them to her. Abapi labo na? (Where do those teachers come from?). He, Mr. S., said I had done quite right in tearing up the clothes and ordered her to return to my kraal at once + remain with me which she has since done. - Per Ngabiyana. When we question our wives they tell us that they are going where there is immortality. Here with you, they say, is death and mortality, and you must not think you will bambela ukufa (keep us ^{or bound} chained ^{or hooked with} to destruction). If we do not go Inkosini (to the Lord) we will die and be burnt. We (Ngabiyana) cannot tell how they know there is an Inkosi. We ^(husbands) do ask how it is that they have a knowledge of the Inkosi whilst we are quite unable to acquire a similar knowledge. We ask them (our wives) to instruct us as they of all people, being our very wives, ought to be able to enlighten us. But we do not hear and understand. Per Masana. They (wives) say they will not be buried where others are buried but ^{taken} up to heaven (ezulwini). We (Masana) say all people will be buried here, no one will be rola'd, even the white people are committed to the earth. - Ngabiyana has 2 wives, one (third) died last
 x see a note on this in N.B. under date 14.10.99 re Conversion.

years; the second wife has had 6 children, one of these children is dead. The 2nd wife attends service like the chief one, but she does not have altercations with me, ^{about this matter} Nor does she refuse to allow me to have sexual intercourse with her like my other wife. - For further information about Masana see pp. 40 + 41. -

R. 10.99. Taken from Natal Law Reports - Supreme Court. New Series. Vol XIX, 1898.

by W. S. Bigby, B.A. - Natal, pub. by Munro Bros., Longmarket St, P. M. Burg. 1898. pp. 168. 169.

M. W. Wanger v. Masele. (tried heard 21st Sept 1898)

Guardian. Harboursing Minors. Sec. 45, Act. 22 of 1896. Native Law.

Where there is no detention and access is allowed, & a Magistrate has no jurisdiction to order the delivery up of a minor, under Section 45 of Act 22 of 1896.

Per Galloway, C.J. : Where a question vitally affecting natives is being heard and the natives are unrepresented by Counsel, notice should be given to the Secretary for Native Affairs.

(Before Galloway, C.J., Mason, J. and Finnemore, J.)

A native with four children lost his wife in 1891, and placed the four children with Masele, their maternal uncle. About a year afterwards the father died. There was another maternal uncle, but he was resident in East Griqualand. Early in 1898, one of the girls went to the Trappist Institution at Marienthal, Isopo, wishing to become a Christian, and was soon followed by another. Their ages were about 16 and 14 respectively. While they were in the Trappist Institution, Masele commanded them to return but they refused to accompany him. On a second occasion they again refused to leave, when Masele came with a letter by the Magistrate of Isopo to the father in charge. Father Wanger on this occasion summoned the girls and allowed Masele to speak to them but would not allow him to use force.

Masele then ~~appeared~~ applied to the Magistrate, Isopo, under Section 45 of Act 22 of 1896, and after trial obtained judgment in his favour, the appellants being ordered to give up the girls. Against this decision Father Wanger now appealed.

Morecom, Q.C., (G. & Francis with him) for the appellant. Masele was not the right guardian. The uncle in Griqualand had a perfect right under Section 184 of the Code of Native Law, to be guardian. No offence was committed by the appellant under Section 45 of Act 22 of 1896, nor had the Magistrate jurisdiction where the girls had reached the age of discretion and chose of their own free will to remain. The age of discretion is the age at which the parties are