

A979 V Dd 2

belittle a person who, most probably has forgotten more than 'I Buckup' is ever likely to know.

A friend of mine, equally amazed at this extraordinary display of ignorance, has suggested that "I Buckup" might be better employed in pruning a little dead wood from his own brain.

A NATIVE LECTURER

From EX-PROFESSOR, U.C.T.:

After reading your report in your issue of Saturday of a question in the House about the lecture given by a native out of school hours to those girls who wished to attend, I made inquiries about the identity of the lecturer and discovered him to be my old friend, and your occasional contributor, Mr. Sol. Plaatje, known throughout the world to those interested in African development as the author of many valuable books of use to the anthropologist, the historian and the student of the native peoples and of social science.

As a parent of one of the scholars, it seems to me that their distinguished principal is to be thanked for her idea of giving those pupils who, like our modern University students, wished to hear the native view at first hand (reasonably and moderately put) so good an opportunity of doing so.

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POP - DANCE

FAREWELL APPEARANCE OF

RUTH
LINCOLN

King William's Town, proceeded there to get him recommended as a Native Commissioner or Native Director. While arrangements were being made for witness to go to King William's Town, there was the introduction of the poll tax in the Transvaal, and the Native Affairs Commissioners left King William's Town for Johannesburg, and so his journey was postponed for the time being. Witness then asked defendant to settle with him for the services rendered since April. Defendant said that he would see to it. On or about September 5 defendant said that it was no good him giving witness a lump of money as he (witness) would not benefit by it, but he would see Mr. Bull, the secretary of the Y.M.C.A., who would give witness a permanent job at £5 a month for spare time as secretary of the Mendi Memorial Club. Witness declined to go to Mr. Bull, and said that the Mendi Memorial Club had nothing to do with his personal services. The arrangements between defendant and witness was verbal. No one was present and witness considered that for the work he had done for defendant £80 was a very low figure.

In reply to Mr. MacIntyre, witness said that he was now employed by the National Congress to collect money for the defence of the "Israelites" and for their orphans. The person who approached witness with defendant's card on the first occasion was the Rev. Mr. Matshikwe. In April, May, June and July he was secretary of the Mendi Memorial Club and still held the same position in spite of what happened at Ndabeni on September 9. That night the chairman was present, but defendant appointed another chairman and witness lodged a protest and did not take up his post as secretary. Witness first interviewed defendant some time in April. The petition submitted by the deputation referred to other matters and not to defendant alone, but it was a camouflage. The £5 he received from defendant in the first instance was for his personal expenses. Before he received the £5, it was definitely agreed that he should receive £30 for the first deputation. The £5 was merely expenses for the first day. He had to go to the congresses at Aliwal North and Bloemfontein as a delegate of the South African Native National Congress (Ndabeni branch). He did not tell the Ndabeni branch that the defendant was going to pay his expenses. He could not remember telling the defendant what his expenses were going to be.

Continuing, witness said that he received altogether £42 as expenses from defendant. Witness denied going to the house of Simon Jordaan after the meeting on September 9, and also denied that he said he was going to blackmail defendant. Jordaan came to witness and said that he had been sent by defendant to offer him £50 to settle the case. Before witness went to the congress he went to Simon Jordaan in order to induce him to send him to the congress. The acting Prime Minister took great exception to certain remarks made by witness.

EVIDENCE FOR DEFENCE

Colonel Heuer Bronier Cuning stated that he was born in the Native Territories, and that he had always been interested in the native peoples of this country.

He went to France at the beginning of 1917 in the capacity of commander of a company, and while there was approached by a number of chiefs, indunas, etc., who were members of the Native Labour Contingent, that they would like him to represent them in Parliament. He replied that he did not aspire to be a politician, but that they could approach him at the end of the war. When he returned from France in 1920 he was approached by leading natives in the Territories to allow his name to be submitted as a member of the Native Affairs Commission, and in April, 1921, he decided to come to Cape Town, where he interviewed the Prime Minister. That interview took place on April 29, 1921, and a few days after his arrival the plaintiff called on him stating that he had received a letter from one Tom Zini, of Bedford, asking him to call on defendant.

Continuing, defendant stated that the natives in the Eastern Districts complained to him that although a Mendi Club had been formed in Cape Town, they could not get their grievances attended to, and that the widows and orphans of those who were drowned were in dire straits, and further, that they wanted to know where the memorial had been erected, to which they had subscribed in France. He stated that his reasons for discussing matters with the plaintiff were to find out exactly how matters stood in regard to the Mendi Memorial Club. He found that the Club had no constitution, and that plaintiff and others were working practically in the dark, and suggested that a depu-

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SUPREME COURT.

CAPE PROVINCIAL DIVISION

SECOND DIVISION.

WEDNESDAY, APRIL 18.

(Before the Judge-President.)

APPEALS.

Silas Tawaas Molema and Joshua Molema v. Sundel Gordon.

This was an appeal from a decision in the Magistrate's Court at Mafeking.

Mr. Howes appeared for the appellant; Mr. Mars for the respondent.

Respondent sued the appellants, the one paying the other to be absolved, for the sum of £72, with interest at 8 per cent., being the balance of a certain overdue promissory note for £75, less £3 paid on account. Appellants pleaded that the promissory note was paid by first appellant, and second appellant signed the promissory note as an accommodation, and received no consideration. The Magistrate gave judgment for respondent as prayed, with costs.

Mr. Howes: Judgment for 8 per cent. interest should not have been given. The note does not mention interest. As to the plea of the second appellant that the note was an accommodation note, see section 28 of the Bills of Exchange Act further on the facts.

Mr. Mars: As to interest, see section 55 of the Bills of Exchange Act. Respondent is entitled to interest from the date of the maturity of the bill. The Bills of Exchange Act allows interest to be given by way of damages, and if the Magistrate gives a fair amount, this Court will not interfere. The amount was a fair amount, as the bank charged at least 8 per cent. for discounting. No point was taken in the Court below as to the rate of interest. Second appellant signed the note as a surety. As to costs, see Kloppe v. Van Straaten (11 S.C., 84) further on the facts.

Mr. Howes was not called on to reply. The Judge-President, in giving judgment, said that, in ordinary cases, where a plaintiff produces a promissory note in his possession, it would require a very strong case to induce the Court to hold that defendant paid the note. This particular case was more complicated by the fact that the Magistrate believed the evidence of plaintiff and his bookkeeper. This Court, gathered that, in weighing the evidence, the Magistrate preferred to believe the evidence given by plaintiff. But the circumstances in this case were so unsatisfactorily explained that question is not now whether the defendants ought to be believed, but whether the evidence of the plaintiff was not such that the Magistrate ought to have given absolution from the instance. The first thing that appeared was that the statements given by the plaintiff and his bookkeeper were not straightforward and credible statements. The memory of the bookkeeper was not to be relied on. It appeared that, in March, 1912, the defendant Silas gave a bond to the plaintiff in security for a debt of £75 which bond specially hypothecated certain cattle, which were taken charge of by the second defendant, and that bond provided that interest should be payable at 12 per cent. Plaintiff stated clearly in his examination-in-chief that he lent Silas £75. Later on he said that he did not want to be bothered with the cattle, and would give up the bond. Defendants signed the promissory note. On cross-examination he said that he had received the respondents' £75. Both statements cannot be true. It is quite clear that the evidence was contradictory. The defendant Silas. On September 1912, the promissory note given was signed

CLAIM BY NATIVE SECRETARY.

ACTION AGAINST COL. CUMING.

Judgment for Defendant.

An interesting case came before Mr. A. C. Versfeld, A.M., in the First Civil Court yesterday, in which a native named Impy Ben Nyombolo sued Colonel H. B. Cuming for £80, being (a) for services rendered in April, 1921, by the plaintiff at the defendant's request in organising a deputation of "The Mendi Memorial Club" and attending meetings of same, leading and reading statements written by defendant, to have him appointed a member of the Commission on Native Affairs, to the Acting Prime Minister, £30; and (b) for services rendered in May, June and July, 1921, in attending the native congresses at Aliwal North, Bloemfontein and Bedford, and organising a second deputation to the Acting Prime Minister to recommend the defendant as a member of the Native Commission or as a native director, £50.

The defendant's plea was to the following effect:

(1) He denied that plaintiff performed the services referred to, and specially denied having written the statement with regard to his appointment as a member of the Native Affairs Commission. (b) He pleaded that there was no "consensus ad idem" nor privity of contract between plaintiff and himself. (c) He had no knowledge of the allegations in the second claim, and denied that he ever requested plaintiff to perform the services referred to therein, and denied that plaintiff attended the congresses mentioned or organised any deputation for the purpose of recommending him as a member of the Native Commission or as a Native Director.

Mr. Brittain appeared for the plaintiff, and Mr. MacIntyre for the defendant.

The plaintiff, in giving evidence, stated that in April last he was approached by a certain party with one of the defendant's cards and given a message. He thereupon called upon the defendant at the Civil Service Club, Cape Town. The defendant told him he had just arrived from Port Elizabeth for a certain purpose and that the natives in those parts were anxious that he (the defendant) should go on to the Native Affairs Commission, and that the natives had suggested that he should approach the plaintiff.

Continuing, plaintiff stated that he was secretary of a non-political association called the Mendi Memorial Club, and also that he was secretary of the Native Workers' Union of the four Provinces. At the Civil Service Club defendant asked witness to use his influence and to form a deputation to put up in matters before the Prime Minister. He told defendant that it was a big job, and that as he was a working man, he could not do it for nothing. Defendant said that it was all right—he would settle it. Witness then started to form a deputation to interview the Prime Minister for the purpose of recommending defendant as a member of the Native Affairs Commission. The deputation went to see the Acting Prime Minister (Mr. F. S. Malan) in Cape Town in April, and afterwards defendant gave witness £5 and some odd shillings. The Acting Prime Minister said that he would see to their recommendations. The following month a Native Congress was held at Aliwal North and Bloemfontein. Defendant said it would expedite matters if witness would go to the Congress and see that a certain resolution to interview the Prime Minister was passed. Witness told defendant that if he gave him the support he would be willing to assist him in his work. Defendant gave him money to pay for his train fares. Defendant then said that he would wire more money to Aliwal North after he had seen Mr. Hennessey, of the S.A. Party. Witness went to various places in the country at defendant's request, in order to get the defendant appointed a member of the Native Affairs Commission. On his return to Cape Town, witness was asked to form a second deputation, which he did, and produced a document which he received from defendant, and which he took to the Prime Minister. After the second deputation a Commission was sitting at

ation from the club to the Minister of Native Affairs might result in some good. He gave the plaintiff hints on the lines he should follow, and suggested, firstly, that the club should bring forward their grievances as returned labourers from France; secondly, that the £50 compensation that the Government had paid the widows and orphans was not sufficient; and, thirdly, that the Government should assist in the erection of a memorial to those who had been drowned.

After going into details as to the amounts paid to the plaintiff, the defendant stated that all the payments made by him were made out of his own pocket, and in the interest of the Mendi Club, which had no funds.

Defendant absolutely denied having made any arrangement with the plaintiff that he should work in his (the defendant's) interest in order to get him appointed a member of the Native Commission.

The defendant's attorney informed the Court that he had five more witnesses, but did not propose to call them.

JUDGMENT.

The Magistrate said that it was not necessary for him to go into the merits of the case at all. The plaintiff's evidence stood unsupported, and the correspondence and newspaper reports handed in in the case, which the plaintiff had acknowledged as correct, went to show that the plaintiff had toured the country in the interests of the Coloured Workers' Union and the Mendi Memorial Club. There was, in fact, nothing to show that the plaintiff had gone about to further the interests of the defendant, except the plaintiff's own testimony. Plaintiff had given as a reason why no mention was made of this in letters, etc., that it was mere camouflage, but he (the Magistrate) could not accept that. The plaintiff had failed to prove his case, and judgment would be entered of absolute from the instance, with costs.

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dia

Ngo 1906 wasinga e Green Point, Beaconsfield, ukuya kutabata is kundi sobubonda ngexesha lokufuduka komfi u Mr. Jones Notyede. Apohlil konkwada kwangu 1922 waza waroxa emsebenzini ngejongo yakugod kele e Herschel. Pambi kekuba asinge ukuya okokugqibela wenza umjikelo wabuya kiyale lskintsapo, izalama e nezihlobo e Mafeking, Pretoria, Johannesburg, Kroonstad, Bleemfontein, nase Betesdolopu. Nxa selase Budlwana's Kraal, e Herschel, ukufa kwamkulela waza wahanjelwa ngu molokozana wate omkulu u Rosa nodad' wake omncinane, u Ellis-beth Platje. Bakuba bendunkile kwafika unyana wake omkulu u Richard wase Mafeking. Umfi waba nokuteta amazwi okuyolela kuye, kwi nkosikazi yate, u Fralo na (Mashoya) nakubelek: zana abancinane o Angelina no S r.h. Ebayaleza ukuba bagcine ubugqoboke benene. Uzfi ube ngumshumayeli ozeleyo wase Wesile imvaba awakulela kuyo, evana etandwa ngabo bonke ababamasi.

Izalmane nosapilwake sibulela imigudu ka Dr. Milard noncedo olwenziwa ngo Nkosi. Silas Miamleli, Ellen Kenke, Maria Matayi, Martha Kumalo, Abanumz, Silas Miamleli, Edwin Mei, Read Mebi makulu, Philomon Sanyiyo, Job Sthange, John Kumalo, John Oldi, Ngon Charles Methole, Ephriam Nipane, Joseph S. Moleko, J. S. Mphuthing, Jacob Mei, J. S. Sikiti, J. Gwabini, Joel Mabusela, Headman Ntopena, Chief Muki, Hlemandlini; no Mfund. Isaac

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Umjikelo wo Mn Clements kadalala u Nobala we Sizwe kolu manyanlwaba Sebenzi lungentla uqale e Mouton e 8 Oktoba kwada kwange 9 Oktoba intlanganiso zake ezinkulu nomantsundu zikolise ukuba kwi bala Malike e b'onti emva kwemini, aphebeteta kwintlanganiso ekubantu abaswakweni (1.000). Lonto ibangele imvuselelo enkulu kona, kwangena ngokutsha amalungu akuma 300. Nge 10 Oktoba (Gqibelo) uze kummandla wQonce, intlanganiso yokuqala yaba Kei Road abantu befikile kuma 80 kuko namafama amhlope ne sajini yairipolisa. Ubehlwe n u Nobala wTili (Provincial Secretary) u M. Tiyo B. Lu iza namadoda ekomiti yaQonce amahlanu Lamanene atapha ngempato enzima yabaqeshwa e fama malunga nemivuzo epantsi. Utya okuncinane okwenza abaqeshwa buye bankinge kwakubelungu bukwaneza, uzoto olubi, nangemf yabaqeshwa abangafumani nzuzo ayoy ngapand e komlungu.

Intshumayelo zinyanzele kwintokuba akuliwa nomlungu koko kutmasihlalisane kakuhle kwelilizwe, klibanzi ngokwaneleyo ukuba libabamhlope nabamnyama. Inka isekubeni abamhlope basebenzokuba ibe lelabo bodwa, ontsu makangakoti sapantsi. Iabayibonisa ngokungahlali amantsundu ngokwe mfanelo, ngemeyenziwa e Palamente ecinezela ontsundu yedwa, n enjongo zokumketa onnyama ahlulwe kwabamhlope ngokumiwa kwelilizwe, nangolaplo U Mn Kadalie ute inteto ka Hetsoro yokuba abamnyama mabaketwe bazandel ngohlobo lokuvula kwabo yefileyo kuba sebebume ngokohlobo lwabamhlope ngokwenziwa kwangabo bamhlope, into yokuba babuyel kwintlanganiso ababavela kuyo licebo lokubambezelelantsundu empucukweni. Ngapayoko into yokuba besiti abelungu batata 2,000 iminyaka ukufumana imipucuko ngoko nati sotata eloxesh mabancame ayisoze ibeko lonto. Abantlatala abungingweni ti

RDM Oct 1, 1922
NATIVE CONFERENCE

**SEGREGATION PROPOSAL TURNED
DOWN**

The conference on native affairs came to a close late on Saturday afternoon in the Central Wesleyan Hall, Johannesburg.

Considerable surprise was expressed when the Resolutions Committee put forward a resolution to the effect that the conference considered that as the case for complete segregation had not been placed before it, and, as the matter is not one of immediate urgency, the conference should not yet make any pronouncement upon segregation.

Professor Brookes strongly protested against his resolutions being shelved in this way and was supported by Mr. Howard Pim.

Members of the Resolutions Committee explained that the reason for submitting their resolution was that they understood there was a considerable body of public opinion in favour of complete segregation, but that the committee had been unable to get speakers representing that point of view to attend the congress, or, if present, to speak, and they therefore thought it better to defer it to a future date.

The motion of the Resolutions Committee was put to the meeting, and was defeated by an overwhelming majority.

POLITICAL RIGHTS

The final subject on the agenda was "The political aspirations of the Natives." This led to a long and animated debate, in which the native speakers contended that, by their numbers and contributions to the State, they were entitled to demand a voice, not only in the election of men who made the laws under which they had to live, but the right to vote for men of their own colour to represent them directly in Parliament. The following resolution was passed: "This conference believes that the time has come for the State to devise machinery aimed at granting to all the natives of the Union some method by which they may be enabled to have a voice in the management of their affairs. That, in response to the legitimate claims made by their representatives, a beginning should be made in training the native peoples on safe and wise lines in the forms of self-government by the establishment of native local councils as contemplated under Act 23 of 1920."



ALEXIS AND ISOLDE,
clever dancers, who appear at the
Empire Theatre to-night.

delightful bill of dramatic fare Leonard Bayne will place before playgoers during the coming week, but it is safe to predict that the fame of the play will quickly spread when once it is actually on the Standard stage. The company is headed by the dainty and gifted Freda Godfrey who is supported by a cast well suited to all demands.

EMPIRE THEATRE

Florence Yaymen, the London character comedienne who made a big hit at the Empire when here two years ago, with her clever and varied "impressions" of various styles of singers of popular ditties re-appears at the Empire to-day. An added note of interest in her act is the dressing-room at the background where she makes lightning changes for each of her songs. She winds up several excellent turns by another in which she is dressed as an old coloured "Mammy" singing a lullaby. It is as clever an act of its kind as the Empire has seen.

Another new turn this week is that of Alexis and Isolde, acrobatic and apache dancers. Despite his name Alexis is a true Scot, and Isolde, his wife, is also from the "land of cakes." They give a sensational turn. Dollie and Billie still remain a magnet that attracts "full houses." Other items in the bill this week are Estelle Rose, Wyn Gladwyn, the Jensions, Neal and Gordon, and Lilian and Girls.

THE ORPHEUM

Again the Orpheum is offering an exceptionally strong programme. For the vaudeville the services of Fiery Jackson, who is described as a "complete failure," have been retained. In his attempts at juggling he lives up to this description, but so funny are they that he "brings

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Silas T MOLEMA and Solomon T PLAATJE Papers

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