

(Client –Grahamstown LRC office)

Int This is Tuesday the 17th of February 2009 and this is an interview for the Legal Resources Centre Oral History Project, and today I'm interviewing Snowy Kambule, in Queenstown, South Africa by telephone from New York. Snowy, thank you so much for agreeing to be part of the Legal Resources Oral History Project.

SK Pleasure.

Int Snowy, I wonder if you could tell me a little bit about yourself, your background, where you grew up, and how you came to reside in Queenstown?

SK I was born in Queenstown actually in 1946. Then I got married to Thabo Kambule in **inaudible**, that was in 1967, and then we had three boys, children, and then Thabo (Kambule) died in 1984. So later, in 1985, I got to know Burton...in fact we already knew each other, but I think we became close friends, because he helped me...I had a problem with the property where we were staying, in my in-laws wanted to, behind my back, to take it, so Burton, because he was working for the Xhosa Development Corporation in Umtata got to know about this, so he assisted me to recover that. That was when we really became friends, and then in May I think he proposed, and then we...he came to my father and my mother and asked for my hand in marriage and I agreed. Because in the Transkei you...we were still in the Transkei then, you could get married even if, though he already had two wives, the first one he had divorced, and then he had Norah as the second wife, so I became the third wife.

Int And at this point, did Norah know that he was getting married and that he had a married ceremony?

SK Yes. He called me to his place when he proposed, and Norah was there. And then he...we already knew each other so we told him how he had decided that he insisted in getting married to me and I had agreed. And she didn't really say anything, she didn't seem happy but she didn't say anything, she just was silent. And then she said afterwards to Burton that it was not sad because we were...**inaudible** is a very small town. So I decided with him that it would be better if that to make her happy that I move to Queenstown, then he could visit me because the agreement I had with him was, I wasn't prepared to change my name, Kambule, because, you know, having sons in our custom is something very important, and I couldn't just change my surname just because I had decided to remarry. So my sons, I also agreed on those conditions. So it was ok because he would come and I told him basically that I didn't want somebody who is a resident stepfather. So it was ok for him to stay with Norah and just visit me as it is usually done in our custom. And then, when he died in...was it 2002...

Int How did he die? Was it an accident? Was he ill?

SK He was diabetic. And then prior to his death, the previous week, he came to Queenstown, he would come to Queenstown every week, so he came there saying we needed to take a short vacation, that was two weeks before his death, because he was feeling very tired. So we went to Durban. We spent...my son, Lunga drove us, so we spent about four days in Durban. He was just resting basically. And then we came back; I think it was on a Saturday. So he was staying on the farm at Zastron, already then, not Queenstown anymore. So he said, no, he wouldn't be coming the following week because on the farm there was a lot of work that needed to be done, since he was away for quite a few days. So I wasn't really expecting him when he came on that Thursday, the following Thursday. Then he was ok when he arrived, but I could see that he was not himself, you know, he looked very tired and I prepared some supper and we went to bed. And he was becoming weak; I could see it wasn't easy for him even to get up so I had to assist him. Eventually, the following morning, I decided to call a doctor, his doctor, so I called him, and he didn't understand that he could have driven all the way to by himself because he said he should have been in a coma, in a diabetic coma already. So we went to hospital, he was admitted immediately at a private hospital in Queenstown, on a Friday. Then we went through everything, admissions and all those things. And I had to fetch one of my grandchildren from school. At about twelve I left him saying I'm coming back in the afternoon at visiting hour is usually three. So I went back by three, they called me into a private room and they told me that he had a massive heart attack and he couldn't make it.

Int I'm sorry to hear that, Snowy.

SK Ya, it was very sad. So I contacted the family, in fact I contacted his first wife, because we were more friendly than Norah, to pass on the news to the rest of the family. So she did and then some of his belongings were with me, this is a custom that the belongings you give them to the person that is going, because he had already told me that he wanted to be buried on his farm in Zastron. So, you know, the son and the daughter came and they wanted to know what happened, I told them the story, how he came and he was tired and the following day I called a doctor, and all those things.

Int The son and daughter, was that from the first marriage?

SK From the second.

Int From Norah?

SK Ya. Norah's children. So I gave them his ID and some of the things, the chequebooks and the documents that were in my...and the clothing. Because when one dies the clothing has to be in one place. I already understood that, so I gave them everything and the key to the car. It was just amicable; I really never expected that when the time came they would become so hostile. Because the children were not funny at the

beginning. So that's how everything started. So in a few days after the funeral, I was told that I needed to vacate the house.

Int Who told you this, Snowy?

SK Mr Wormald, who was their executor.

Int Norah's executor?

SK Their executor, the family executor. In fact, I think I'm forgetting something very important because on this day, when Burton came, he already had an appointment with a certain Mr Coetzee, who was a lawyer. He had already made that appointment with Coetzee because he told him that he wanted to make a new will. But Coetzee said, because his estate was too big he needed to come so that they could discuss some things. So this Friday, he was supposed to have had an appointment with him. He asked me while he was being admitted to go and tell Coetzee that he needed to come and see him in hospital. Then I got to Coetzee's office, the secretary told me that one of his daughters had injured her arm, so they had rushed her to East London, so Coetzee could not go and see him. That was the end of things, by the time Coetzee came on Monday, there was nothing that he could do, so I told him everything and he said, what we needed to do was to find out if he had made a will and then we heard from Wormald that there was a will, but they had one with Norah that did not include me. So they wanted me, Norah and the children they wanted me to move out of the house where I used to stay then. And I refused. In fact I said, I had a right to be there because my husband left me in that place. So that is when the whole thing started. So they sent me an order and I said, I'm prepared to go to court to contest that order to evict me from the house. Then I got a lawyer in Grahamstown, because Coetzee said when he couldn't...he excused himself because he said Wormald was their accountant, he was their auditor. So he was his client so he couldn't go against Wormald, a case that involved Wormald. So I ended up going...I first went to King Williams Town, we got this guy...I can't remember what his name is, who's a lawyer with a company...

Int Was it Ivan Schaefer?

SK No, it wasn't Ivan (Schaefer), that was before Ivan (Schaefer). So this lawyer took my statement and the following day he said I must come back in three days. Three days, when I went back to him, he also excused himself that he couldn't carry on with my case because Mr Wormald and Company were their auditors. So I had to get somebody else. That was when I got Ivan (Schaefer) in Grahamstown. And then Ivan (Schaefer) carried on with my case, we went to court, that was the first appearance in the Grahamstown High Court.

Int And that was in 2002?

- SK Ya...I think that was in 2002, I'm very bad at remembering dates but I know this was in 2002. And then the court was in my favour. But they made an appeal. And then Ivan (Schaefer), I think, he was ill, so he referred me to...and I told him my situation because my husband was solely my supporter. So he got me the people at the LRC. that's when I met Sarah Sephton. And he said, he assured me that it was a woman lawyer and she will be very good for me. But how everything started with LRC and it was a long fight. I just know...do you want me to go into the details?
- Int Absolutely, absolutely, the more detail you can give because this is your history, so in your own words tell me what happened?
- SK Ok, and then they took over then from when this Baduza and Company with all my appeal. Those people are...Roxsana, I don't know what I would have done without them. They were...you know, there was always in this...in South Africa you know, there was apartheid and all those things, but for the first time I had such a good relationship with people who were white people. The lawyers at that place...hey...I think from there, we went through a lot. Was it the Bloemfontein Appeal?
- Int Yes, the Supreme Court of Appeals in Bloemfontein.
- SK Ya. And then the judgment was partly not in my favour because I was given a year to vacate the house.
- Int Right. And this was on the basis that, whether or not you were a customary law wife, it didn't matter, is that right?
- SK Ya. Though they did not touch on that, they said that...they referred that back to the Grahamstown court, but on the basis that the house was still in debt, they gave the eviction order in their favour. But they gave me a year. And even though I had a year, I really didn't know where to start, where I would go. Fortunately, because one of my sons is here, the other one is in England, I ended up having to move with them.
- Int Where did you move to, Snowy?
- SK I moved to a township Ezibeleni, and imagine, I was staying in a township, one of the inaudible, so I even had to move to Ezibeleni. But I didn't mind, because of the love that I received and the support that I received from the people at LRC. I had to go up and down to Grahamstown, sometimes I didn't even have the money, they would assist me. I even met Mr Breytenbach and Karissa, who were the advocates, that took over when the case had to go to Bloemfontein. I really don't know how to describe the affirmation I had with them, you know, they were so supportive. Sometimes I wanted to give up. But they urged me that no, you cannot give up, you have to be strong and we are with you, we are right behind you, you are going to win this case. You know, after Bloemfontein I didn't have the strength to fight. I wanted to give up. But they wouldn't let me give up. So...hey, I'm not a good narrator of stories...

- Int Well, you're doing pretty well!
- SK I wish then it will be better.
- Int You're doing pretty well. But let me ask you this, when you went to the Supreme Court of Appeals, after that, what did you do, what did the LRC do for you after that?
- SK I think when the time...they tried everything, you know they would come to my house, I was still there at the house where I lived after my husband died...
- Int This was in Longview Crescent in Queenstown?
- SK Ya, and we would sit on the floor, they would go through documents, you know, trying to find anything that could be favourable to my case. You know we would fight everything together. You know I've never...I didn't know that lawyers could do that. they would come, they would order lunch, we would sit on the floor doing the work, even the following day we would continue, then we would write those long affidavits...it was tough, but because of the support I got from those people.
- Int And then after that, I think from what I can understand from your case, after that they took it to the Grahamstown court where Jeremy Pickering was the judge...
- SK Yes.
- Int And this was in 2007.
- SK Ya. Usually I didn't go to court. But that day they wanted me to go and they said it was important that the judge met me. So we all went to court that day. So the proceedings went on, and then I think the case was postponed for December.
- Int Right in 2007.
- SK Ya. Which would finalise everything. I think it was during that time when Norah died. I think after she realised that...I think, the court was in my favour that day. Ya. I think after two weeks she died. And then they decided, the family, the children, decided to settle. So we discussed that settlement and...
- Int And that resulted in you getting a maintenance from the estate?
- SK Ya, eventually we came to an agreement where I would get maintenance starting from December ...was it 2007....ya, December 2007, maintenance of XXXXX (amount of

settlement - private). And then they...because they maintained that they didn't have liquid assets, they didn't have enough money to give me the settlement that my lawyers had asked on my behalf, so eventually it was three months, March, then they gave me a settlement of, I think about XXXX (amount of eventual settlement - private), counting from the first day that we went to court.

Int So XXXX (amount of eventual settlement -private)?

SK Ya. And some odd...I can't remember exactly the...

Int Sure. And Snowy...was that the point at which you stopped with the LRC or...your association with the LRC, because it seems to me, when I spoke to Sarah Sephton, that you're still in touch?

SK You know, Roxsana, you don't lose touch with people like that. You know, they became like my family, the way they gave me support, even when I realised, you know, something like...you know, as the wife I wanted to stay on, I wanted to be stubborn and stay in the house, I said, they must come and see this place. You know, Sarah (Sephton) was so worried, she called me several times and said, please, I don't want those people to manhandle you, please, by that day she must plead. You know, I was so angry because the people, the lawyers like Mr Shaw, who was the lawyer, from Queenstown, he knew about me, his mother-in-law was a friend of mine, and I went there before I left the house, I confronted him. He said, but you should have come to us, you should have taken us as lawyers. It's then that I realised that lawyers can be so mean, really. Because they knew the truth but it was like they had never heard about **inaudible**...this is now all about **inaudible**. I remember the day that Mr Shaw...his son went to pre-school with one of my granddaughters, that is how the friendship started between me and his mother-in-law, because we would attend together the parties arranged for the grandchildren, as grandmothers. So I really couldn't understand how lawyers operated and I was really disappointed when you realise that lawyers when they are in court, outside court they can be anything...**inaudible** with those who supported me. Roxsana, I don't know what to say really. I've never met people like that.

Int So you worked with Sarah Sephton and Breytenbach and Karissa??

SK Karissa Naidoo, I think that was her name.

Int And can I just ask you, after your settlement, how has your life been up to now?

SK At least things became a little bit better, you know, a little bit better, because at least I could get a car. You know, they even took my car. Because just after my husband died, my sisters had come to be with me, and then when they went back to **inaudible** they wanted me to come with them but I said, no they can go, so I gave them my car and sent my grandchildren to go with, so they unfortunately had an accident and you

know, with us African women the husbands take care of everything, my husband bought me a brand new car. That was one of the things that made Norah very bitter, because she complained that she was never given a brand new car. And yet the car that she was riding was better than me because it was a Mercedes, though she got it second hand. So all those things, those little petty things, they fanned her hatred because she hated me with all her heart.

Int I was also asking you that now you said things are a little bit better, so you had a final settlement, during the time that you were actually going to court with the LRC, did you ever feel afraid of what might happen, were you ever afraid that you might lose everything?

SK Definitely, definitely. But you know, what has changed me was the support from them. And I think to expand even the faith, as I'm a Christian so I have this religion, whatever happens God is in control. Otherwise, even when I didn't have money they would say, you know, when you don't have anything, tell us, they would give you money to travel to Grahamstown and back.

Int Snowy, I was wondering is there anything you would like to add to your interview that I might not have asked, a question I might not have asked and that you feel you'd like to add?

SK What I can really say is, you know, it's good to know, you know, with the law, especially dealing with lawyers, you learn not to trust them, because here in Queenstown, Queenstown is not a very good city. What I learned was lawyers can be mean and they can even... sell out, because I couldn't understand...you know, with Mr Coetzee, the lawyer who we were using as our lawyer with my husband, he was the one who did the transfer for the house, even congratulated us when we got that house in Longview, the house I was living in. He was saying, you know, you've got the most beautiful house in Queenstown. But when things came to him, standing up in court, he wouldn't, because he was afraid of losing his...I suppose, because like I was saying, this guy, Wormald, was their accountant, their auditor.

Int So he didn't want to go against Wormald?

SK So you can see that there's no truth, the system is just very unjust.

Int Right. And it seems to me that you were really fortunate to have met the LRC when you met them, people from the LRC...

SK Definitely. You know, I was at my wits end, because I realise that I would have lost the case because I didn't have the money. That money, first that thousand with Ivan (Schaefer), and even the money that I got for my case to go to the court in Grahamstown to get an advocate, I had to borrow. So I was able to...when I got the

settlement I was able to settle all those things. But I definitely could never have made the case without the LRC.

Int One of the things Sarah Sephton...Sarah speaks very highly of you, Snowy, and one of the things Sarah told me about your case, and I'm not sure whether you know about this...I'm sure you do but I just want to reiterate it during the interview, was that your case was actually a victory for all customary law wives...who didn't register their marriages, because your case actually set a precedent whereby other women in your situation could also challenge the fact that if their marriage wasn't registered, it didn't mean that they couldn't actually benefit.

SK Exactly, exactly. Because sometimes you...when you have that kind of relationship and security, you don't think about tomorrow. You know, you just plan for...that is what happened to most of African women, you know, we are not streetwise like white people, you know, when it comes to those kind of situations. I really never in my past thought I would ever be challenged that Burton was not my husband. But I came face to face with that.

Int Well, I must say that you are very brave, Snowy, and I want to actually thank you for sharing your memories with us, with me today. I know some of that must have been very painful for you to share, but I'm happy for you that it was a happy ending in some ways.

SK Yes, it definitely was. At some stage I was ready to give up, I said to Sarah (Sephton): from here I don't even want...I think after I lost the house, especially, I didn't even want to go on. I said, it's ok, I'm just happy because I know where he is, Burton, he's also sorry that he died so suddenly. And I'm that satisfied because I know what we had was far precious than what I would benefit, even if I don't get it. But you know, Sarah (Sephton) encouraged me and said, Snowy, please, just be strong, this is the last lap, we need to win this one (laughs). And to my surprise, sometimes I really would give up, but we eventually won. Because even with the settlement, at some stage do you know they gave me...they were just giving me...was it two hundred...ya, just two hundred thousand, for settlement, with nothing else. And I was saying to Sarah (Sephton), let me just take that because I don't even have it. And Sarah (Sephton) insisted that no, you still have a life that you are going to live and that will not be enough, let us continue. So most of the way, especially towards the end, I'd really have given up, but for them.

Int Thank you, Snowy, (ensuing three pages 9 to 11 of discussion regarding legal release forms and access to interview in the archive truncated for the purposes of this transcript.)

Int Ok, I'll send that, it will take a couple of weeks to get to you, there'll be only five copies but they'll be the same, and I'll sign at the bottom and then you'll just sign on the right hand side, ok? And then if you could just post it to Sarah at Grahamstown and then she can send it to me to New York.

SK Alright.

Int Snowy, I want to thank you very, very much for your time, I really appreciate your willingness to talk about what happened to you, and I'm very pleased for you. As I say, you're a very brave person to have gone through what you went...a legal battle is not easy.

SK Yes, thank you Roxsana.

Int Alright no problem. Ok, Snowy, you take care of yourself and all the best.

SK Thank you, Roxsana, same to you.

Int Thank you, bye bye.

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