

30/1/57.

HENDRIK JOHANNES WEYERS.

THE CROWN CALLS:

HENDRIK JOHANNES WEYERS, Sworn States:-

EXAMINED BY MR. VAN NIEKERK.

Are you a Detective Sergeant, South African Police, stationed at Langlaagte? -- That is correct.

And on the 5th of December, 1956, did you, under the authority of a Search Warrant, search the premises at No. 10, Johannes Street, Sophiatown? -- That is correct.

Who is the person who resides there? -- Piet Makgofe.

Can you identify him? -- I think I will be able to.

Was he present during the search? -- He was.

Will you step down and see if you can identify him?

BY MR. VAN NIEKERK: I notice, Your Worship, that some of the people when a person must be identified, they deliberately lower their heads. I wish Your Worship would just instruct them all to sit up.

BY THE COURT: I haven't noticed that. I want to request the Accused please, when a witness is asked to point out - identify - one of them, not to do anything that may make the identification difficult. They must please sit up. The witness finds it difficult enough here because there is a sea of faces in front of him.

BY WITNESS: Your Worship, I am unable to identify the Accused.

BY MR. VAN NIEKERK: Were you alone when you searched these premises? -- I was together with Det. Constable Cox.

Did this person give a name when you searched him?

-- He did.

What name? -- Piet Makgofe.

And did you there seize the following articles:-

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HENDRIK J. WEYERS.

PIM. 2, is that a publication "Liberation", No. 14, November, 1955? -- That's right.

PIM. 3, is that a pamphlet "Act Now for Safety", issued by the South African Peace Council, Johannesburg? -- That's right.

PIM. 4, is that a Membership Card of the African National Congress in the name of Pieter Makgofe, 69, Morris Street, Sophiatown, for 1954, and at the bottom "issued by F. Morris, General Secretary of the A.N.C."? -- That's right.

PIM. 5, is that a Membership Card of the African National Congress, in the name of Pieter Magkofe, 69, Morris Street, Sophiatown, Johannesburg, apparently for the year of 1955, Signed R. Resha for Treasurer General for the Sophiatown Branch"? -- That's right.

PIM. 6, is that a roneod document, Consultitive Committee's Supplement of the Transvaal Consultitive Committee? -- That's right.

PIM. 7, is that a roneod publication entitled "Seshaba", Bulletin of the Transvaal National Congress with the name of Mr. Magkofe written on the first page? -- That is correct.

PIM. 8, is that a leaflet "The Imperialists Must Quit Egypt", issued by A.N.C., T.I.C., S.A.C.P.O., C.O.D., S.A.C.T., Johannesburg? -- That is correct.

CROSS-EXAMINATION RESERVED:

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JOHANNES PETRUS CLOETE.

THE CROWN CALLS:

JOHANNES PETRUS CLOETE, Sworn States:

EXAMINED BY MR. VAN NIEKERK:

Are you a Detective Sergeant, South African Police, stationed at Johannesburg? -- Correct.

And on the 27th September, 1955, did you, under the authority of a Search Warrant, search the premises at No. 667B, Jabavu, Johannesburg? -- Correct.

Do you know who occupies those premises? -- The person who occupies the premises was not present at the time. The premises were searched in his absence.

Searched in his absence? -- Correct.

Was there anybody present when you searched the premises? -- Native women were present...

Yes, but any other Police Officers? -- Det. Head Constable v.d. Merwe was present.

And? -- Sergeant Scop of the South African Police, Wynberg.

Now, did you seize certain documents there? -- I did.

Did you give a receipt to anybody? -- I did.

In whose name was this receipt made out? -- No reply.

To whom did you give this receipt? -- To the Native Woman who was present.

In what name? -- Your Worship, I'm sorry, I can't remember the name.

Did you take the name of the woman to whom you gave the receipt? -- The name was taken down.

What is the name? -- I can't remember the name off-hand.

Did you make a note of the name? -- I did make a note soon after the search was conducted at Gray's Buildings - at the time, in the house, in her presence, I did make a

- note -

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note and thereafter I made a note....

BY THE COURT: Where did you make a note? -- Your Worship, on the statement I have made and the receipt I handed over to this person.

MR. VAN NIEKERK: Can you still find that note? -- A copy of that note is in front of the Court, on my statement.

BY THE COURT: I think the witness is entitled to refresh his memory - if he wants to, he may.

MR. VAN NIEKERK: We will connect this up later on, Your Worship.

Did you, at these premises, take the following documents :-

NS. 1, "a pamphlet "Educating for Ignorance"? -- Correct.

NS. 2, is that a leaflet "Congress of the People"? -- Correct.

NS. 3, is that a Poster "Have you Signed", World Appeal for the Preparation - Appeal against the Preparations for Atomic War"? -- Correct.

NS. 4, is that a Poster "Miners Trade Union International W.F.T.U. Prague, 37, December, 1954- International Conference of Miners"? -- Correct.

NS. 5, a pamphlet "Why Friendship with Russia? -- Correct.

NS. 6, is that a booklet "Where the Devil Drives"? -- issued by the South African Congress of Democrats? -- Correct.

NS. 7, is that a publication "Fighting Talk", August, 1954? -- Correct.

NS. 8, a publication "Fighting Talk", November, 1954? -- Correct.

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JOHANNES P. CLOETE.

note and thereafter I made a note....

BY THE COURT: Where did you make a note? -- Your Worship, on the statement I have made and the receipt I handed over to this person.

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NS. 3, is that a Poster "Have you Signed", World Appeal for the Preparation - Appeal against the Preparations for Atomic War"? -- Correct.

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NS. 7, is that a publication "Fighting Talk", August, 1954? -- Correct.

NS. 8, a publication "Fighting Talk", November, 1954? -- Correct.

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NS. 9, a publication "Fighting Talk", Special Issue,
June 25th and 26th? -- Correct.

NS. 10, a publication "Fighting Talk", July, 1955?
-- Correct.

NS. 11, portion of a newspaper "Advance" , Thursday
7th, October, 1954? -- Correct.

NS. 12, a number of copies of the newspaper "New
Age"? -- Correct.

CROSS-EXAMINATION RESERVED:

/SGT. CAREL COETZEE

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SGT. CAREL COETZEE.

THE CROWN CALLS:

CAREL COETZEE, Sworn States:

EXAMINED BY MR. VAN NIEKERK:

I am a Detective Sergeant in the South African Police stationed at Kliptown.

On the 5th December, 1956, did you, under the authority of a search warrant, search the premises at 667B, White City? -- I did.

Jabavu? -- Yes.

Who is the occupier of these premises? -- Nimrod Sejake.

Do you know him? -- I don't know him but I should be able to point him out.

Was he present at the search? -- He was present; he opened the door and he let us in.

BY THE COURT: You say you should be able to point him out? -- Yes, some person opened the door; I asked him if he was Nimrod Sejake and he said he was and I asked him whether it was his house and he also said it was his house.

BY MR. VAN NIEKERK: Will you try and identify this person? -- No. 65, Your Worship. (Nimrod Sejake).

That is the person? -- That's him.

BY THE COURT: Do you want it on record that apparently the witness pointed out somebody else first - did you? -- No, Your Worship, somebody was sitting with his head downwards and I couldn't see, and I asked the person to look up.

BY THE COURT: I see.

BY MR. COAKER: Your Worship, I didn't want to make an observation about that, but I notice that what appears to be a considerable number of Crown witnesses appear to be sitting in Court. I am not sure whether this witness was

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in Court during previous evidence or not but I feel, Your Worship, that if my learned friend is going to treat this hearing as though it were an identification parade, then he ought not to have witnesses in Court who may be called upon to identify persons thereafter and who might be called upon to identify a person who has already been pointed out.

BY THE COURT: Yes, I appreciate the danger inherent in this procedure, Mr. Prosecutor. It is rather unusual where an identification may be vital in the case....

BY MR. VAN NIEKERK: Your Worship, the instructions were "All Crown Witnesses to be kept outside the Courtroom". If they are in the Courtroom, they are here without my authority.

BY THE COURT: Those witnesses who have not given evidence should remain outside the Court. I take it there is no objection to the witnesses who have given evidence remaining inside.

BY MR. COAKER: Your Worship, so far a great many witnesses have been re-called a great many times. I mean, if my learned friend can say that when a witness has given evidence that he will never again be called upon to identify anyone in these proceedings, then I have no objection at all to his remaining in, but I would like it on record that during most of these proceedings.....

BY THE COURT: You mean those witnesses who have given evidence should remain outside....

BY MR. COAKER: If they are going to give evidence again and be asked to identify persons. It is a most unusual proceeding, Your Worship....

BY THE COURT: Yes, I think those witnesses who have given evidence and who are to be called again should remain outside and that is the Court Order.

- BY MR. VAN NIEKERK -

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BY MR. VAN NIEKERK: Have you been in Court whilst the person you have just identified has been identified by somebody else? -- I have been in Court but I haven't seen the Accused since the day....

Have you seen anybody else identify this person you have just identified? -- No.

Now, you say he was present when the search was conducted? -- Yes.

Did you take possession of the following documents? -- NS. 13, "Down with the I. C. Bills", it is a roneod document issued by the South African Trade Unions, Johannesburg? -- Correct.

NS. 14, a publication "Fighting Talk", January, 1956? -- Correct.

NS. 15 is omitted, Your Worship.

NS. 16, a publication "Liberation", No. 12, September, 1955, with some writing on page 1? -- Correct.

NS. 17, a publication "Liberation", No. 21, September, 1956? -- Correct.

NS. 18, a publication "Liberation" No. 9, 1954? -- Correct.

NS. 19, a roneod leaflet "Let's Go Forward To Freedom", "Start a Campaign for the Congress of the People", Convened by A.N.C., T.I.C., S.A.C.O. and S.A.C.P.O.? -- Correct.

NS. 20, Membership Card, African National Congress, in the name of N.N.Sejake, 667B, White City, Jabavu, for the year 1952? -- Correct.

NS. 21, African National Congress Membership Card with the name of "Youth League" written in - appears to be a membership card of the African National Congress Youth League in the name of Nimrod Sejake, 667B, White City, Jabavu for 1954?

- Correct -

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-- Correct.

NS. 22, African National Congress Membership Card in the name of Mr. N. Sejake, Jabavu, Transvaal, for 1956 - membership for 1956, signed by P. Mathole, p.p. African National Congress, Transvaal - P. Mathole, Provincial Secretary? -- Correct.

NS. 23, is that a roneod copy of the Constitution of the African National Congress? -- Correct.

NS. 24, a roneod document "Africa For Peace"? -- Correct.

NS. 25, a publication "Liberation" No. 14, November, 1955? -- Correct.

NS. 26, Draft Constitution of the African National Congress with some alterations? -- Correct.

NS. 27, a publication "Women in Chains"? -- Correct.

NS. 28, a publication "Liberation", No. 22, November, 1956? -- Correct.

NS. 28, is omitted, Your Worship and NS. 29 is omitted.

NS. 30, "Fighting Talk", February, 1956 - various copies? -- Correct.

Did you find various copies? -- Yes.

NS. 31, "Fighting Talk", March, 1956 - did you also find various copies? -- Correct.

Now were you alone when you conducted this search? -- I was with Det. Sergeant Alberts.

Of Moroka? -- Yes.

And was the person Nimrod Sejake - was he arrested on the same occasion? -- Yes.

Who arrested him? -- Det. Sergeant Alberts in my presence.

CROSS-EXAMINATION RESERVED:

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GERHARDUS ARNOLDUS HATTINGH.

THE CROWN CALLS:

GERHARDUS ARNOLDUS HATTINGH, Sworn States: (Interpreted)

EXAMINED BY MR. VAN NIEKERK:

Are you a Detective Sergeant, South African Police, stationed at Johannesburg? -- Yes.

On the 26th June, 1955, at Kliptown, Johannesburg, did you search the person of Nimrod Sejake? -- Yes.

Did you act under the authority of a search warrant? -- Yes.

Can you identify this person? -- Yes.

Will you please do so? -- Witness identifies Accused No. 65, N: Sejake.

And did you take the following articles from his possession: -

NS. 32, Delegate Card to the Congress of the People? -- Yes.

NS. 33, Agenda for June 25th and June 26th? -- Yes.

CROSS-EXAMINATION RESERVED:

/ JACOBUS JOHANNES SMIT....

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JACOBUS JOHANNES SMIT.

THE CROWN CALLS:

JACOBUS JOHANNES SMIT, Sworn States:

EXAMINED BY MR. VAN NIEKERK:

Are you a Detective Sergeant, South African Police, stationed at Brakpan? -- Yes.

And on the 27th of September, 1955, did you, under the authority of a Search Warrant, search the premises at No. 11924, Section AX, Moroka? -- Yes.

(Maleku)

Do you know whose premises these are? -- Elman Maleko.

Do you know this person? -- No, I do not know him.

Were you alone when you searched him? -- I was accompanied by Det. Sgt. Parkin from Springs.

And? -- And Native Sergeant Tabete from Johannesburg; Sergeant Tabete of Johannesburg, I'm sorry.

Will you be able to identify this person? -- I did not see the person.

And did you take possession of the following articles:

EM. 1 - before we proceed, was there anybody present at this, except the officials - was anybody at this house when you...? -- A Native woman Clara Maleku, who claimed to be the wife of Elman Maleku, was present.

BY MR. COAKER: Your Worship, I must object to the evidence just given. I don't think my learned friend has established that this person who claimed to be the wife of someone spoke in the presence of any of the Accused or for any other reason her statements are admissible.

BY THE COURT: The statement is clearly hearsay. It is not admissible.

BY MR. COAKER: As Your Worship pleases.

BY MR. VAN NIEKERK: I don't know now whether I am correct that my learned friend has objected to the documents going

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JACOBUS JOHANNES SMIT.

in until I have established identity.

BY THE COURT: No, I don't think that is the objection.

BY MR. COAKER: Your Worship, the objection I took, I only objected to the hearsay statement which the witness testified to.

BY THE COURT: Yes, I take it that many hearsay statements will be made. One can hardly avoid that, Mr. Coaker. The Court will simply ignore whatever may be hearsay.

BY MR. COAKER: Quite, Your Worship, but I am entitled to object to any hearsay evidence going on the record and I do object to it going on the record.

BY THE COURT: It is just as well that you take the objection because the Prosecutor may think that it is evidence if you don't object. - he may not give his attention to the fact...

BY MR. VAN NIEKERK: The Prosecutor didn't ask for what was said...

BY THE COURT: No, but you may not direct your mind to it at the time, you see.

BY MR. COAKER: I would never suspect my learned friend of overlooking a point of evidence, Your Worship!

BY MR. VAN NIEKERK: Now, did you take the following documents: -

EM. 1, is a pamphlet "Why Friends with Russia"? -- Yes.

EM. 2, "The H Bomb"? -- Yes.

BY THE COURT: That is a mere pamphlet, I take it, Mr. Prosecutor?

BY MR. VAN NIEKERK: I'm sorry, Your Worship, it is a pamphlet, the "The H. Bomb", and at the back, the last page, "Post this Coupon to the Secretary, South African Peace

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JACOBUS JONANNES SMIT.

Council, Johannesburg" .

EM. 3, is that a Report of "The First National Conference of Women", held in the Trades Hall, Johannesburg, South Africa, April the 17th, 1954? -- Yes.

EM. 4, is an "Appeal against Preparations for Atomic War"? -- Yes.

EM. 5 appears to be a notice from the Transvaal Action Council of the Congress of the People, 8th November, 1954 - "To all members of the Council", signed "F.A." with the names of P. Mathole and A.E. Patel signed in as Secretaries? -- Yes.

EM. 6, a booklet, "New Life in China" by Ruth Furst? -- Yes.

EM. 7, is "A Call to the Congress of the People" in Bantu language? -- Yes.

EM. 8 is a pamphlet "Why Friendship with Russia"? -- Yes.

EM. 9, a roneod document of six pages "The Struggle for Non-European Rights"? -- Yes.

EM. 10, is a circular from the South African National Council - "The National Action Council of the Congress of the People", undated, regarding the Congress of the People? -- Yes.

EM. 11 is a roneod document with the name of O.R. Tambo, p.p. Working Committee, African National Congress, typed in on the second page - Statement of the African National Congress Working Committee in reply to the Minister of Justice, C.R. Swart"? -- Yes.

EM. 12, is that a pamphlet "Welcome Freedom Volunteers"? -- Yes.

EM. 13, is that a booklet - a book - "The Russians" first published 1943, apparently in London? -- Yes.

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JACOBUS JOHANNES SMIT.

EM. 14, is that Bulletin of the Congress of the People "Speaking Together" - "To All Volunteers" - undated, with the name P. Beyleveld typed in as "National Chairman for National Action Council"? -- Yes.

EM. 15, is that "Fighting Talk" for July, 1954? -- Yes.

EM. 16, "Fighting Talk", September, 1955? -- Yes.

EM. 17, "Fighting Talk", March, 1955? -- Yes.

EM. 18, "Fighting Talk", July, 1955? -- Yes.

EM. 19, "Instructions and Duties for Volunteers of the Congress of the People", it is a three paged roneod document? -- Yes.

EM. 20, a six paged roneod document "The Western Areas Scheme - Discussion Notes"? -- Yes.

CROSS-EXAMINATION RESERVED.

/JAN HENDRIK GREYLING....

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JAN HENDRIK GREYLING.

THE CROWN CALLS:

JAN HENDRIK GREYLING, Sworn States:-

EXAMINED BY MR. VAN NIEKERK:

Are you a Detective Sergeant, South African Police, stationed at Marshall Square? -- Yes.

On the 5th December, 1956, did you, under the authority of a Search Warrant, search the premises at 11924, Moroka? -- I did.

Who occupies these premises? -- I found a Bantu male there. He said his name was Elman Malele and he said he lived there.

And did you arrest him? -- I did.

Under the authority of a Warrant of Arrest? -- That is correct.

Can you identify this person? -- I think I will be able to point him out.

Will you please try and do so? -- May I ask them to stand up?

BY THE COURT: Stand on the platform here. There is no point in asking the Accused to get up. Do you want them all to get up? -- Just a few, Your Worship - the 6th and 8th ones on the left side.

MR. VAN NIEKERK: Your Worship, I would suggest that the whole row stands up.

BY THE COURT: Why don't you go up to the Accused and have a look at them. You were only asked to point out one.

MR. VAN NIEKERK: I suggest that he walks in and touches the one whom he says is the person.

BY WITNESS: May I just ask them to get up, Your Worship.

BY THE COURT: Go up to them both and if you want them to get up you can ask them to get up.

Is that No. 27? -- No, Your Worship, it is not the person.

- Why -

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JAN HENDRIK GREYLING.

Why did you point him out? -- I thought it may be him but after he got up I saw that he was not the person.

Do you want to make a further attempt to point out the man in question? -- No, Your Worship, I do not know which one it is.

BY MR. VAN NIEKERK: Was there any other Police official with you when you conducted the search? -- Yes, Det. Constable Coetzee was with me,

Did you make a list of the articles seized? -- I did.

And was this signed by the person whom you had arrested? -- That is correct.

And was this document also signed by yourself...

BY THE COURT: One moment, Mr. Prosecutor... Thank you.

BY MR. VAN NIEKERK: And was this document also signed by yourself? -- That is correct.

Will you have a look at this document which I produce now.

BY THE COURT: What is the document?

BY MR. VAN NIEKERK: It is a list of articles, a list of documents taken and signed by various persons.

BY THE COURT: Is it a document drawn up by this witness? That will have to be marked - or is it not going in as an Exhibit?

BY MR. VAN NIEKERK: I am going to put it in as an Exhibit now, Your Worship.

BY THE COURT: That will be number 21A.

BY MR. VAN NIEKERK: Now, is that your handwriting on that document? -- It is my writing.

Did you compile that list at this place where you conducted the search? -- Yes.

And was that signed by yourself and by the person whom

- you -

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JAN HENDRIK GREYLING.

you had arrested? -- That is correct, as well as Det. Constable Coetzee.

And this person whom you arrested, how did he sign there? -- He signed Elman Malele.

That will go in as 21A, Your Worship? -- That is correct.

Did you then seize the following articles? --

A number of what appears to be "Stickers" and an envelope with "Asinamali" printed on it - EM. 21B? -- I took possession of these.

EM. 22 and EM. 23 is being omitted, Your Worship.

EM. 24, is that a roneod publication "The Second National Conference of the Federation of South African Women held at the Trades Hall, Johannesburg, Saturday 11th, Sunday 12th August, 1956 - A Report of the main speeches and Resolutions", -- That is correct.

Issued by "South African Women"? -- That is correct.

EM. 25, is that a notebook with some notes in it? -- That is correct.

EM. 26, is that a roneod document "Preparatory Committee for the National Peace Convention, Progress Buildings, Johannesburg, with the name L. Levy, Chairman, Preparatory Committee for the National Peace Convention typed at the bottom, and the sticker "Africa For Peace, Gandhi Hall, Johannesburg Convention, October 26th to 28th at 2.p.m."? -- That is correct.

EM. 27, is that a number of forms "Sign the Freedom Charter" - "One million signatures for the Freedom Charter" with various quotas on the one page - unsigned? -- That is correct.

EM. 27A, is that also a form "One Millions Signatures for the Freedom Charter" - unsigned? -- That is correct.

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JAN HENDRIK GREYLING

EM. 28, is that a roneed document "Your signature for the Freedom Charter", issued by the Consultitive Committee? -- Correct.

EM. 29, is that the Bulletin of the Transvaal Consultitive Committee of A.N.C., S.A.C.P.O., T.I.C., C.O.D. and S.S.P.U., 18th May, 1956, Vol. 2, No. 3? -- Correct.

EM. 30, is that the Buletin of the Transvaal Consultitive Committee of the A.N.C., T.I.C., S.A.C.P.O., and C.O.D., 1st March, 1956, Vol. 2 No. 1? -- Correct.

EM. 31, is that a blank piece of paper with a rubber stamp imprint "African National Congress, Moroka Township" - did you find some more of those documents there? -- That is so.

EM. 32, is that a blank membership card for the African National Congress, signed "Provincial Secretary, B.P. Mathole? -- That is correct.

EM. 33, is that "Workers Unity", a publication, Vol. 1 No. 5, September, 1955? -- ~~Tha~~ is correct.

EM. 34, is that the "Workers Unity" for August, 1955, Vol. 1, No. 4? -- Yes.

EM. 35, is that "Congress Voice", a publication, November, 1955? -- Yes.

EM. 36, a publication "Congress Voice", December, 1955? -- Yes.

EM. 37, a publication "People's China", No. 4, February, 1956? -- Yes.

EM. 38, is that the 44th Annual Conference of the African National Congress, held at the Bantu Hall, Lady Selborne, 3rd and 4th October, 1956 - Opened by Dr. H. M. Moossa, Vice President, T.I.C., on the 3rd of October, President, E. P. Moretsele...

BY THE COURT: Are those the Minutes or what are they?

- MR. VAN NIEKERK -

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BY MR. VAN NIEKERK: Page 1 starts with "Programme" and then "Presidential Address Delivered By E. P. Moretsele" and at the back of the first page is written "Convention Committee - Rakawana Dhlapanana, Matlou, Kumalo - Resolution Committee Nkadimeng, Mtinga, Mshabe, Nokwe and Press Committee Shope, Mashaba, Resha and Makiwana? -- Correct.

Will you just have a look. This appears to be the last page - the back page - of that publication - is that right? -- Yes.

BY THE COURT: Is that part of Exhibit EM. 38? -- Yes, Your Worship.

BY MR. VAN NIEKERK: EM. 39, is that a roneod document "National Conference of the Federation of South African Women", August 11th and 12th, 1956," - the Agenda, giving the names of Lily Ngoyi, Bertha Mashaba, Mr. Robert Resha, Mrs. Frances Baard and Mrs. Helen Joseph? -- That is correct.

EM. 40, is that a roneod document that appears to be a draft Freedom Charter in Bantu language? -- That is correct.

EM. 41, is that the printed document - it appears to be a printed copy of the Freedom Charter in Bantu language? -- That is correct.

EM. 42, is that a printed document "New Age - The Workers' Paper - £10,000 Campaign", from Rio Printing and Publishing Company Ltd., Directors, A.E. Thorne and I.O. Horwitz, P.O. Box 491, Johannesburg, 5 Progress Buildings, 154 Commissioner Street - it is addressed to "Dear Friend, "In connection with the £10,000 campaign to help New Age" and portion marked "New Age is the only South African Newspaper which has consistently campaigned for the achievements of the

- ideals -

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ideals set out in the Freedom Charter" and at the bottom printed "Yours sincerely", L. Forman; Editor F. Caneson"?

-- Yes.

EM. 43, is that a Collection List for "New Age"? -- Yes.

EM. 44, is that a book with "Cash Book" printed on the outside with the name E. Malele appearing on page 17 and on Page 18; in this book is found a statement from the Efficiency Correspondence College directed to "Elman Maele" and then "Malele" is written over the "Maele"? -- That is correct.

EM. 45, is that a Bulletin of the Transvaal Consultative Committee of the A.N.C., T.I.C., S.A.C.P.O., C.O.D., and S.A.C.T.U., Vol. 2, No. 3, 1st May, 1956? -- That is correct.

EM. 46, is that a notebook with the name "Mr. Malele" written in ink on the cover page? -- Yes.

EM. 47, is that a page-Manuscript-of the African National Congress, Moroka Township - Rubber stamp impression on the top - it appears to be in a Bantu language? -- Yes.

EM. 48, is that a roneod document - 7 pages - "Situation in Hungary"? -- Yes.

EM. 49, is that a document, a leaflet, "Africa: Needs Peace", Peace Convention, issued by the Preparatory Committee for a National Peace Convention, Johannesburg? -- Yes.

EM. 50, is that a pamphlet "South Africa for Peace", "Critical Middle East Situation"? -- Yes.

EM. 51, is that a booklet "The Directives of the 6th 5 Year Plan of the U. S.S.R."? -- Yes.

EM. 52, is that a roneod document 12/13 pages - entitled "What Are Trade Unions"? -- Yes.

- EM. 53 -

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JAN H. GREYLING.

EM. 53, is that a "Constitution of the African National Congress"? -- Yes.

EM. 54, EM. 55, is that a Collection Form on two pieces of paper with "African National Congress, Moroka Township rubber stamp impression on top and the name of E. Malele appearing on EM. 54? -- Yes.

EM. 56 is omitted, Your Worship.

EM. 57, is that an "African National Congress, South Western Region, Johannesburg, dated the 15th October, 1956, "To the Branch Secretary, South Western Region" regarding a Regional Committee to be held on the 18th of October, - it says here - "1950 - it is "56" - 18th October, 1956, giving the Agenda? -- Yes.

BY THE COURT: Were these documents seized at the same place? -- Yes, Your Worship.

BY MR. VAN NIEKERK:

EM. 58 and EM. 59 are being omitted, Your Worship.

EM. 60, is that a book "Marxism and the National and Colonial Question", London, Lawrence & Wishart, re-printed, 1947? -- That is correct.

EM. 61, is that "Fighting Talk", October, 1955? -- That is correct.

EM. 62, is that "Liberation" No. 19, June, 1956? -- That is correct.

EM. 63, is that a leaflet, "Africa Needs Peace", issued by the South African Committee for a National Peace Convention, Johannesburg? -- That is correct.

EM. 64, is that a "Sticker" - "Africa for Peace, Gandhi Hall, 50 Fox Street, Johannesburg Convention, October 27th and 28th at 2 p.m.". Did you find more than one? -- That is correct.

How many did you find? -- I found forty.

"EM. 65 -

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JAN H. GREYLING.

EM. 65, is that the Annual Report of the National Executive Committee of the 43rd Annual General Conference of the African National Congress held at Bloemfontein 16th to 18th December, 1955? -- That is correct.

CROSS EXAMINATION RESERVED:

/DET. SGT. TJAART P. VAN DER WALT...

30/1/57.

TJAART P. VAN DER WALT.

THE CROWN CALLS:

TJAART PETRUS VAN DER WALT, Sworn States:

EXAMINED BY MR. VAN NIEKERK:

Are you a Detective Sergeant, South African Police, stationed at Linden, Johannesburg? -- That is correct.

And on the 5th December, 1956, did you search the premises at 22, Willie Street, Sophiatown, under the authority of a Search Warrant? -- That is correct.

Who is the person who resides at these premises?

-- Henry Gordon Makgothi.

Do you know him? -- I do know him.

Can you point him out? -- I can point him out.

Will you please do so? -- It is Accused No. 29, Your Worship (H.G. MAKGOTHI).

Did you also arrest this person? -- I did.

On the same date? -- On the same day.

And did you then seize the following documents:-

HGM. 1, is a booklet "Political Education Series", "The United Family of Soviet People", Foreign Languages Publishing House, Moscow, 1953? -- That is correct.

HGM. 2, a roneod document "Bulleting of the South African Society for Peace and Friendship with the Soviet Union", January - February, 1955? -- That is correct.

HGM. 3, is that a four page - five page - manuscript document on "Bantu Education"? -- That is correct.

HGM. 4, is that a roneod publication "For Peace and Friendship, 1917 to 1955, 38th Anniversary of the Soviet Union, Bulletin of the South African Society for Peace and Friendship with the Soviet Union" with a leaflet inside "Excerpts from the Bantu Education Act" compiled by "The Save Our Children Committee, Orlando"? -- That is correct.

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TJAART P. VAN DER WALT.

HGM. 5, is that "New Youth", Vol. 1, No. 5, February, 1955? -- That is correct.

HGM. 6, is that a roneod document referring to certain lectures "What every Congress Member should know" - comprising four lectures? -- Yes.

CROSS-EXAMINATION RESERVED:

/DET. SGT. ADRIAAN ACKERMAN....

30/1/57

DET. SGT. ADRIAAN ACKERMAN.

THE CROWN RE-CALLS:

ADRIAAN ACKERMAN, Sworn States:

EXAMINED BY MR. VAN NIEKERK.

You are a Detective Sergeant, South African Police, Johannesburg? -- Yes.

On the 26th June, 1955, were you on duty at the Conference known as "The Congress of the People" at Kliptown, Johannesburg? -- Yes.

And did you there search the person of Henry Gordon Makgothi under the authority of a Search Warrant? -- Yes.

Do you know this person? -- I know him.

Can you identify him? -- Yes.

Will you please do so? -- He is Accused No. 29, Your Worship. (H.G. Makgothi).

Did you then seize the following document:-

A Delegate Card, "The Congress of the People" - HGM. 7 - Kliptown, June 25th and 26th, 1955? -- Yes.

HGM. 8, is a roneod document "Historical Background of the English Congress of the People" and attached to it what appears to be a Poem "A Noble Character"? -- Yes.

HGM. 9 is omitted, Your Worship.

HGM. 10, is that the newspaper "New Age" issue Thursday, June 23rd, 1955? -- Yes.

CROSS-EXAMINATION RESERVED.

/JOHANNES J. KLUYTS.....

30/1/57.

JOHANNES JACOBUS KLUYTS.

THE CROWN CALLS:

JOHANNES JACOBUS KLUYTS, Sworn States:

EXAMINED BY MR. LIEBENBERG:

Are you a Detective Sergeant in the S.A. Police stationed at Marshall Square? -- Correct.

On the 5th December, 1956, did you proceed to 1049 Dube Location, to the residence of one Aaron Mahlangu? -- That is correct.

And did you find him there on your arrival? -- I did.

BY MR. COAKER: Your Worship, I must object to my learned friend putting the question in that form. Surely the right way to do it would be "Did you go to this place and did you find anyone **there.**"

BY MR. LIEBENBERG: Did you find anybody there on your arrival? -- I did.

BY MR. COAKER: I object to any answer the witness gives now going on the record, Your Worship. He has been told whom to say he found there.

BY THE COURT: If any damage has been done it has been done.

BY WITNESS: I did find Aaron Mahlangu there, Your Worship.

BY MR. LIEBENBERG: And are you able to identify him? -- I think I will be able to do so.

Will you do so? -- Witness indicates Accused No. 24 - Aaron Mahlangu.

And then did you search his house under the authority of a Search Warrant? -- I did.

Did you take possession of a number of books and documents? -- I did.

Now the first one - I omit the first one, Your Worship, also the second - I omit AM. 1 and AM. 2.

AM. 3, is a pamphlet entitled "Suez - the Soviet View", N.A. Bulganin replies to questions? -- That is correct.

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TJAART JACOBUS KLUYTS

AM. 4, I also omit, Your Worship.

AM. 5, are the Minutes of a Meeting of the National Consultative Committee held on the 1st November, 1956, present were "The Federation of South African Women; The African National Congress; The Coloured People's Organisation; The Congress of Democrats; Indian Congress; Trade Unions Representatives"? -- That is correct.

AM. 6, is a Report of the 44th Annual Conference of the A.N.C. held at Lady Selborne in October, 1956? -- Correct.

AM. 7, is a Report of the main Speeches and Resolutions of the Federation of South African Women's Conference in August, 1956? -- That is correct.

AM. 8, a pamphlet called "The Law and You - Explaining Your Rights Under the Law"? -- That is correct.

AM. 9 to AM. 12 are omitted, Your Worship.

AM. 13, is a copy of a typewritten letter dated 20th September, 1956, addressed "Jan Nkonyane about a Wage Board investigation which was to take place in September, 1956, in Johannesburg. This letter is signed by Aaron Mahlangu as Secretary? -- Correct.

AM. 14 and AM. 15 are omitted, Your Worship.

AM. 16 is a roneod Constitution of the African National Congress? -- Correct.

AM. 17, is a typewritten circular letter of the African National Congress dated 24th July, 1956, addressed to "All Members of the Commission of Enquiry" and containing the following: - "It has now been decided that the Commission meets on the 7th August, 1956. The Members of the Committee are as follows: - Mr. A. Mahlangu of Dube Township and J. Kumalo of Moroka and J. Matlou of Sophiatown. The letter is signed by O. Motsabi for the Secretariat? --

- Correct -

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-- Correct.

AM. 18, a Bulletin called "Counter Attack" of November, 1956, dealing with the Congress of the People? -- Correct.

AM. 19, a notice of an "All-in Conference to be held in Sophiatown on the 14th October, 1956"; the speakers, amongst others, Mr. D. Nokwe on "The Implications of the Group Areas Act" and "The Role of the Africans in the Fight against The Group Areas" and a speech by Mr. J. P. Matlou on the Pass Laws? -- Correct.

AM. 20, is a roneod document, the "Agena of the South African National Peace Convention held in Johannesburg, on the 27th of October, 1956 - Conventions to be opened by the Rev. D. Thompson and Chief Letule will speak on Africa Needs Peace. Mr. A. Hutchinson on "Closer Cultural Links Between South Africa and the Rest of the World". "Mr. D. Nokwe on South Africa and the Middle East. Mr. L. Levy on "Build the Peace Movement". This is issued by the Preparatory Committee for the National Peace Convention. Attached to this document is a Declaration of the Federation of South African Women? -- Correct.

I omit AM. 21, Your Worship.

AM. 22 a roneod circular entitled "The Situation in Hungary"? -- That is correct.

AM. 23 is omitted, Your Worship.

AM. 24 - two copies of "Fighting Talk" of February, 1956 and May, 1956? -- That is correct.

AM. 25, is a Bulletin of the Transvaal Committee of the Congress of the People called "Forward to Freedom"? -- That is correct.

AM. 26, a pamphlet called "Women in Chains"? -- That is correct.

- I omit -

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I omit AM. 27 and AM. 28, Your Worship.

AM. 29, is an issue of "Liberation" of June, 1956.?

-- That is correct.

AM. 30, a Bulletin of the Fransvaal Consultative Committee of the Four Sponsoring Organisations entitled "Forward to Freedom", dated 12th October, 1955? -- That is correct.

AM. 31, Bulletin of the South African Peace Council announcing the National Convention for Peace? -- That is correct.

AM. 32, a typed circular of the Transvaal Congress Consultative Committee dated the 11th June, 1956, addressed to the Local Committee of the South African Congress of Trade Unions, with the name "Syd. Shall" typed at the end on behalf of the Transvaal Consultative Committee? -- That is correct.

AM. 33, a document in ink entitled "Where Your Power Lies" dealing with the purchasing power of the worker? -- That is correct.

AM. 34, another manuscript in ink dealing with the Trade Unions and the demands of the workers in South Africa? -- That is correct.

AM. 35, is a list called "One million signatures for the Freedom Charter" and on the reverse are a number of pictures of various officials who took part in the Congress of the People - or rather, who took part in the drawing up of the Freedom Charter? -- That is correct.

AM. 36, are notes in ink on Bantu Education Act - Bantu Authorities Act? -- That is correct.

AM. 37 - "Worker's Unity" of September, 1956? -- That is correct.

AM. 38, is a booklet called "The Stalin Cult"? --

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-- Correct.

AM. 39 to AM. 41, I omit, Your Worship.

AM. 42, "Freedom Charter"? -- Correct.

AM. 43, a pamphlet called "Let Us Speak of Freedom"?

-- Coorrect.

AM. 44, I omit, Your Worship.

AM. 45, a roneod report on the activities of Local Committees with the name of L. Masina, General Secretary, Typed at the end, dealing with the South African Congress of Trade Unions? -- Correct.

AM. 46, a typewritten document entitled "Draft for a pamphlet on the Native Labour Act"? -- Correct.

AM. 47, is a Bulleting, No. 2, called "Muyebuye I Afrika" published by the African National Congress, Durban. This is in Zulu? -- Correct.

AM. 48, First Annual National Conference of the South African Conference of Trade Unions held in Cape Town from the 1st to the 4th of March, 1956, giving the names of the Office Bearers as follows:- P. Beyleveld, President, C. Sibande, one of the Vice Presidents, L. Levy Treasurer, L. Masina, General Secretary. Committee Members, Miss Stella Damons, Mr. C. Mayekiso, Miss C. Jasson, Mr. B.Nair, Mr. P. Mei, Mr. V.S.M. Pillay, Mr. A. Mahlangu, Mr. J. Nkadimeng and Mr. M. Shope and on Page 5 appears the following :- "A general message was sent to the Congress of the People by S.A.C.T.U. and our Representatives addressed the gathering"? -- Correct.

AM. 49, is the syllabus of the Local Committee Training Schols giving the number of lectures, the first course dealing with Trade Unionism, the second "How to Organise the Trade Union" and the third "Administration.

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Attached is a circular No. 5 of 46, of the South African Congress of Trade Unions, dated the 16th April, 1956, dealing with May Day, signed by L. Masina, General Secretary, and attached is a statement on May Day; and another circular dated 16th April, 1956, dealing with "Appeal For Textile Workers", also signed by L. Masina?
-- Correct.

AM. 50, are the Minutes of the First Annual National Conference of the South African Congress of Trade Unions held in Cape Town in March, 1956? -- Correct.

AM. 51, a Bulletin of the Transvaal Consultative Committee, the sponsoring organisation, dated 31st March, 1956, entitled "Forward to Freedom" and referring to the Freedom Charter? -- Correct.

AM. 52, Resolutions adopted at the African National Conference Congress held at Orlando in October, 1955, and continued in November, 1955? -- Correct.

AM. 53, an issue of "Fighting Talk" dated January, 1956, with a copy of the Freedom Charter in the Native Language attached? -- That is correct.

AM. 54, is a copy of the Freedom Charter? -- Correct.

AM. 55, is the Report at the Annual Conference of the National Executive Committee of the A.N.C. held in Durban in December, 1954? -- Correct.

Now, did you also proceed to an office at 63, Progress Buildings, Johannesburg? -- I did.

On the same day? -- That's correct.

And did you go by yourself or were you accompanied by anybody? -- I was accompanied by Aaron Mahlangu.

By? -- By Accused No. 24.

And who pointed out this building, or office, to you? -- The Accused himself.

- And -

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And did you also search the office? -- I searched his desk in the office.

Who pointed out the desk to you? -- The Accused did.

And did he say what office this was? -- He told me that was the office where he was employed, where he was working.

Was there anything to indicate whether this office belonged to any organisation, or was used by any organisation? -- No, apart from the correspondence found in his possession - Canning Workers Union.

Did you also take possession of a number of documents there? -- I did.

The first one:-

AM. 56, is a copy of "Workers Unity" of July, 1955, referring also, on page 3 to the Congress of the People and one of the Clauses of the Freedom Charter? -- Correct.

AM. 57, a letter from the Regional Secretary, Federation of South African Women, dated 16th November, 1956, signed by Helen Joseph containing an invitation to the Provincial Conference it was proposed to hold on the 2nd December, 1956? -- Correct.

AM. 58, is omitted, Your Worship.

AM. 59, a handbill called "Pass Laws and Police Raids Intolerable"? -- Correct.

AM. 60, a booklet called "The Stalin Cult" issued by the South African Society for Peace and Friendship with the Soviet Union? -- Correct.

AM. 61, a booklet called "For Peace and Friendship", 1917 to 1955, also issued by the same Society? -- Correct.

AM. 62, an article - roneod - headed "The People Make The Laws" by Hilda Watts, containing a reference to the

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World Peace Assembly in Finland and also referring to one of the Clauses of the Freedom Charter adopted by the Congress of the People at Kliptown? -- Correct.

AM. 63, is a circular in Zulu entitled "Umhlobo Wethu Omkhulu U Bill Andrews" also containing an article on the second page in English called "The Workers and Education" from the Freedom Charter? -- That is correct.

AM. 64, a roneod pamphlet called "Workers Detest the Slave Labour Act"? -- Correct.

AM. 65, is a pamphlet called "Garment Workers Union Agreement"? -- That is correct.

AM. 66, the lecture entitled "Our Modern Society and How it Arose" , lecture No. 1? -- That is correct.

AM. 67, a questionnaire issued by the S.A. Congress of Democrats? -- That is correct.

AM. 68, is that a pamphlet called Trade Union Co-ordinating Committee? -- Yes.

AM. 69, is that the draft Constitution of the S.A.C.T. U.? -- That is correct.

AM. 70, is that the pamphlet called "Counter Attack" issued by the S. A. Congress of Democrats? -- Correct.

AM. 71, is that a pamphlet called "T.I.C. - the first pamphlet" Is 'T.I.O. Out to Harm Indian Cause" then there is also an invitation to a T.I.C. Conference to be held in Johannesburg in August, 1956, issued by the Transvaal Indian Congress and also attached is another "Appeal to Indian Sports -men and Sportswomen," signed by A.E. Patel for Joint Hon. Secretary of the T.I.C. and another circular issued by the Transvaal Indian Cpngress entitled "The Menace of the Group Areas Act", signed by A. E. Patel and lastly, one "Address to All Indian Youth" referring to the Group Areas Act and the proposed conference to be held in August, 1956, also signed

- by -

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by A. E. Patel? -- Correct.

AM. 72, are various issues of a newspaper called "Morning Star", "Workers Unity" of September, 1956, October, 1956 and May, 1956, the last one containing a photo of Leslie Masina on the first page? -- That is correct.

AM. 73, an issue of "Fighting Talk" of March, 1956, containing an article on "Kruschev on Soviet Policy" - this is on page 8? -- That is correct.

AM. 74, an issue of "Liberation" Of September, 1956? -- Correct.

AM. 75, Minutes of a Meeting of the Witwatersrand Local Committee of the S.A.C.T.U. held at 30 Progress Buildings, Johannesburg, on the 13th October, 1956; Chairman J. Nkadimeng, and apologies were received from Comrades A. Mahlangu and N. Sejake - not signed or dated? -- Correct.

AM. 76, a circular issued by S.A.C.T.U., dated 2nd August, 1956, in connection with the postponement of a meeting scheduled to be held on the 1st August, 1956, signed by L. Masina, General Secretary, showing "Leon Levy, President", at the bottom? -- That is correct.

AM. 77, roneod Minutes of a meeting of the Management Committee of S.A.C.T.U., held at Progress Buildings, Johannesburg, on the 8th August, 1956, showing as present - L. Levy, Presidet, L. Masina, General Secretary, Committee Members, C. Sibanda, A. Mahlangu and Others. On page 2 appears to be a Resolution reading as follows: - "The Government is exercising its indisputable sovereign rights in declaring the Suez Canal a Waterway which is entirely withih the Territory of Egypt to be national property. The attempts of three Imperialist powers Britain, France and America to impose their will upon the Egyptian Government by threats and force of arms is a

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gross infringement of national rights taken in contempt of the United Nations Charter. In rebutting these attempts the Egyptian people are not only defending their own independence and sovereignty but also those of colonial people throughout African and the rest of the world"? -- That is correct.

AM. 78, roneod Minutes of a meeting of the Management Committee of S.A.C.T.U, held on 11th April, 1956, showing present "L. Levy, President; L. Masina, General Secretary; Committee Members, amongst others, A. Mahlangu - apologies were received from P. Beyleveld. Amongst the discussions were the sending of a fraternal delegate to the Transvaal Indian Youth Congress to be held on the 27th May, 1956, and a Special May Day Issue of the New Age newspaper to be published and also "Fund Raising Campaigns" to be started in support of New Age? -- Yes.

COURT ADJOURNED.

COURT RESUMED: 2. 15 p.m. APPEARANCES AS BEFORE.

JOHANNES J. KLUYTS , Still under oath:

AM. 79, is a typewritten circular

BY MR. COAKER: There is a matter I want to mention to Your Worship. My learned friend handed in before the adjournment a document which was called "One Million Signatures For the Freedom Charter" and which had on the back of it certain photographs - I think it was Exhibit AM. 35 - I think my learned friend permitted himself some thinking aloud in connection with that document because he asked the witness whether the photograprs were those of persons who had drawn up the Freedom Charter. Now, I don't know whether my learned friend intended the witness to give evidence as to whether these persons had drawn up the Freedom Charter or not, but if he didn't I would like him to make that clear on the

- record -

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record and if he did, I shall object to that question.

BY MR. LIEBENBERG: I think what I did say was that those were the persons connected with the drawing-up of the Freedom Charter but perhaps, Your Worship - I would agree that that portion be struck out and if it could just be recorded that it is a list containing - or a list "One Million Signatures For the Freedom Charter" with at the back (it is here for everybody to see) with the photographs of various persons all around the margin - and the various organisations given in the form of a wheel. The photos of certain persons appear on that document without stating what the connection between them and the Freedom Charter is.

BY THE COURT: I think that statement ought to satisfy you Mr. Coaker.

BY MR. COAKER: That meets with what I asked for, Your Worship.

MR. LIEBENBERG: AM. 79, is a copy of a typewritten circular issued by S.A.C.T.U. on the 26th January, 1956, signed by L. Masina, General Secretary and notifying Members of a Management Committee Meeting to be held on the 1st February, 1956, and attached to it are the Minutes of a Management Committee Meeting of S.A.C.T.U., held on 19th January, 1956, which says the following:- That the people present were P. Beyleveld, Chairman; Treasurer, L. Levy; General Secretary L. Masina; Committee Members N.J. Nkadimeng; A. Mahlangu; M. Shope, Leon Levy and another person? -- Correct.

AM. 80, the roneod Minutes of a Management Committee Meeting held on 1st November, 56, showing the following to be present, C. Sibanda in the Chair; L. Masina, General Secretary; Committee Members A. Mahlangu and apologies received from L. Levy? -- Correct.

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AM. 81, Minutes of the Witwatersrand Local Committee Meeting of S.A.C.T.U., held on 31st July, 1956, Chairman, J. Nkadimeng and Members - Committee Members - amongst others, A. Mahlangu? -- Correct.

AM. 82, press statement issued by the South African Congress of Trade Unions with the name L. Masina, General Secretary typed, dated 9th May, 1956, and it deals with Trade Unionism and the Interests of the Workers with special reference to a Mr. Mentz and his remarks about African Workers? -- That is correct.

AM. 83, the Minutes of the Witwatersrand Local Committee S.A.C.T.U. Meeting held on the 17th July, 1956, showing the Chairman to be J. Nkadimeng and Visitors, L. Masina, General Secretary, S.A.C.T.U.? -- That is correct.

AM. 84, a report on the National Training Campaign by the Witwatersrand Local Committee of the S.A.C.T.U., dated 27th July, 1956, dealing especially with the lectures given containing the following paragraph: -"The lecturers were as follows:- Normal Levy, Leon Levy - on three occasions - and J. Nkadimeng? -- That is correct.

AM. 85, a roneod circular of S.A.C.T.U. dated 6th September, 1956, in connection with Workers Unity Day, 23rd September, 1956, signed by L. Masina, General Secretary? -- That is correct.

AM. 86, a roneod circular of S.A.C.T.U., dated 3rd August, 1956, addressed to all Local Committees and dealing with the Wage Board Investigation into the milling industry - it was to take place at various centres in the country with the name L. Masina, General Secretary, S.A.C.T.U., typed? -- Correct.

AM. 87, is a roneod circular issued by S.A.C.T.U. dated 6th September, 1956, addressed to Local Committees and Affiliated Unions and enclosing the Minutes of a Management Committee
- Meeting -

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Meeting and the Statement adopted and also notifying Committees of a forthcoming meeting to be held on the 18th November, 1956, and signed by L. Masina, General Secretary? -- That is correct.

AM. 88 - may I see Exhibit AM. 82 - AM. 88 is a document in ink also dealing with the interests of the workers and making reference to a statement by a Mr. Mentz. It has the following on page 2 :- "These are full reasons that if Africans are to make laws for themselves they cannot elect a person by Mr. Mentz, Chairman of the Native Labour Board"? -- That is correct.

AM. 90, is a roneod document

AM. 89, is omitted, Your Worship.

AM. 90, is a typewritten document, and also the manuscript or draft in ink - of this document, dealing with the price of labour of workers? -- That is correct.

AM. 91, manuscript draft circular addressed to General Secretary, S.A.C.T.U., in connection with the position of the milling industry? -- That is correct.

AM. 92, is a roneod document entitled "Proposed Amendments to the Constitution of the South African Congress of Trade Unions? -- That is correct.

AM. 93, is a roneod statement of "Policy to be submitted to the First Annual Conference of S.A.C.T.U., to be held in Cape Town on the 1st March, 1956? -- Correct.

AM. 94, are the Minutes of the First Annual National Conference of the South African Coloured People's Trade Union held in Cape Town in March, 1956 - two copies? -- That is correct.

AM. 95, is a roneod document appearing to the the Presidential Address to the First Annual Conference of S.A.C.T.U. held in Cape Town in March, 1956.

- AM. 95 A -

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AM. 95 A, the Agenda of an Extraordinary Meeting of the National Executive Committee of S.A.C.T.U. held in Cape Town on the 29th February, 1956? -- Correct.

AM. 96, the roneod Minutes of the National Executive Committee of S.A.C.T.U. held in Johannesburg, 27th June, showing as present:- President, P. Beyleveld; Vice Presidents amongst others, C. Sibanda; General Secretary, L. Masina, Treasurer, L. Levy. National Executive Committee Members, S. Damons, C. Jasson and A. Mahlangu, P.G. Mei, B. Nair, V.M. Pillay and C. Mayekiso. Then on Page 3 a Motion was introduced by V. M. Pillay and Seconded by J. Nkadimeng; again on page 4 a Motion was introduced by B. Nair and another by S. Damons, Seconded by J. Nkadimeng? -- That is correct.

AM. 97, is the Constitution of the South African Congress of Trade Unions. On the last page the following appears "Signed at Johannesburg on the 1955, in accordance with the decision of the Inaugural Conference of S.A.C.T.U., held in Johannesburg 5th and 6th March, 1955, with the names of P. Beyleveld, President, L. Masina, General Secretary, typed? -- That is correct.

AM. 98 was added to AM. 94, they are copies? -- Yes.

AM. 99, the roneod Minutes of the Management Committee Meeting of S.A.C.T.U., held in Johannesburg on the 28th of March, 1956, showing the president to be L. Levy; General Secretary L. Masina and a Committee Member, A. Mahlangu? -- Correct.

AM. 100, Minutes of the Witwatersrand Local Committee Meeting of S.A.C.T.U. held in Johannesburg from 15th May, 1956 where the Chairman was J.N. Nkadimeng and the Committee Members N. Sejake and A. Mahlangu? -- That is correct.

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AM. 101, roneod Minutes of the Meeting of the Management Committee of S.A.C.T.U., in Johannesburg, on the 6th June, 1956, where the following persons were recorded to have been present :- L. Masina, General Secretary; L. Levy, President, A. Mahlangu and P. Beyleveld; and the Agenda contains the following subjects :- National Consultitive Committee and the Freedom Charter Campaign? -- Correct.

AM. 102, a circular letter issued by the General Secretary, S.A.C.T.U. Johannesburg, on 31st December, 1955, addressed to the African Fruit and Canning Workers Union, in connection with an emergency meeting to be held to discuss the Industrial Conciliation Bill, signed by L. Mesina? -- Correct.

AM. 103, is another circular letter of S.A.C.T.U. issued on 31st December, 1955, in connection with the 5th Annual Conference of S.A.C.T.U. to be held in Cape Town in March, 1956, signed by L. Mesina, General Secretary? -- Correct.

AM. 104, a circular letter of S.A.C.T.U. dated 30th December, 1955, referring to the forthcoming annual conference of S.A.C.T.U. in March, 1956, also signed by Leslie Mesina as General Secretary? -- Correct.

AM. 105, a circular of S.A.C.T.U. dated 17th May, 1956, addressed to all local affiliated Trade Unions, the subject matter being "National Trading Campaigns", containing the following :- "You are urgently requested to ensure that two students from your Union attend these lectures. We give the full details of the campaign. A series of 12 lectures is to be conducted. These lectures are to be hãd each successive weekend until the course has been completed. Each Union is invited to send two students. The lectures are as follows:- Our Modern Society and how it arose (2) What is a Trade Union;

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(3) Short's History of the International Trade Union Movement;
(4) A short history of the Trade Union Movement in South Africa; (5) Trade Unions as a Weapon in the Struggle of Workers; (6) Trade Unions in the Struggle for liberation in South Africa; (7) How to organise a Trade Union; (6) Workers Solidarity; (9) Workers Solidarity; (10) Relationship between Workers and their Union - signed by L. Friedman, Secretary? That is correct.

AM. 106, a roneod document entitled " Draft for a pamphlet on the Native Labour Act? -- That is correct.

AM. 107, roneod Minutes of a Meeting of the Management Committee of S.A.C.T.U. held in Johannesburg on the 23rd November, 1955, showing the Chairman to be P. Beyleveld; Secretary, L. Mesina, Treasurer, L. Levy; Committee Members, A. Mahlangu; M. Shope; J. Nkadimeng - apologies from G. Sibanda? -- Correct.

AM. 107 A, roneod Minutes of a meeting of Witwatersrand Local Committee of S.A.C.T.U., held in Johannesburg, on 12th June, 1956, where the Chairman was J. Nkadimeng; Committee Members N. M. Sejake; A Mahlangu and others? -- That is correct.

AM. 108, roneod Minutes of a Meeting of the Management Committee of S.A.C.T.U. in Johannesburg on the 2nd May, 1956, where L. Levy was President; L. Masina, General Secretary and among the Committee Members was A. Mahlangu? -- Correct.

AM. 109, a roneod document entitled the "Industrial Conciliation Act"? -- That is correct.

AM. 110, a draft resolution on the Industrial Conciliation Act? -- Correct.

AM. 111, a statement on the African Textile Workers Industrial Union? -- Correct.

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AM. 112, a report on the activities of the Local Committees? -- That is correct.

AM. 113, Minutes of a S.A.C.T.U. Meeting held on the 9th and 10th of June, 1956, in Johannesburg, where the President was L. Levy; General Secretary, L. Masina and from Port Elizabeth was F. Baard; from Johannesburg, A. Mahlangu, C. Sibanda and P. Beyleveld? -- That is correct.

AM. 114, is the same as AM. 94, Your Worship. The two have been pinned together.

AM. 115, a roneod Press Statement issued by S.A.C.T.U. on 1st October, 1956, protesting against the Declaration of the State of Emergency on the Copper Belt and then declaring their solidarity with the Rhodesian Mine Workers Union. This appears to have been issued by the African National Congress, South African Indian Congress, S. A. Congress of Democrats, S.A. Coloured People's Organisation and S.A.C.T.U. Attached is a circular issued by S.A.C.T.U. on the 1st October, 1956, containing Resolutions adopted at the Workers Unity Day Meeting held at Kliptown on the 23rd September, 1956? And Paragraph 2 reads as follows:- "This Meeting pledges its solidarity with the People of Egypt in their struggle against Anglo-French Imperialism and in their defence of their sovereignty of independence. We firmly believe that the Suez Canal, which was built by the sweat of the Egyptian people rightly belongs to them". It is signed by L. Mesina, General Secretary; attached is another document which begins as follows:- "We Africans are being robbed of our money when we get sick from a disease called Miners Phthisis"? -- That is correct.

AM. 116, is a roneod document which appears to be a Press statement issued by the Preparatory Committee of the National Peace Convention on the 4th October, 1956, containing

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a number of South Africans who, it is stated, sponsored the National Convention, amongst others, Mr. Lee Warden; Dr. G. M. Naicker; Dr. M. M. M. M. Motala; Mr. A. Sibeko, A. La Guma; Alfred Hutchinson; Rev. Thompson; G. Ngotyana; R. Press, Lilian Ngoyi; Dr. Moosa; L. Masina; G. Hurbans? -- That is correct.

AM. 117, a circular issued by S.A.C.T.U. on 18th July, 1956, dealing with the position of workers in the Trade Union Movement in South Africa, also in relation to the Industrial Conciliation Act, signed by L. Mesina, General Secretary? -- That is correct.

AM. 118, copy of a typewritten circular of S.A.C.T.U. dated 3rd October, 1955, in connection with the 10th Anniversary of the World Federation of Trade Unions. It reads as follows: "On Saturday, 15th October, 1955, the workers throughout the world will be celebrating the 10th anniversary. In this month's issue of Workers Unity there is an article dealing with the World Federation of Trade Unions and what it means to workers of the world. If there is no local committee in your area perhaps you can arrange a meeting of the workers and speak to them on the subject of World Federation of Trade Unions", signed by L. Mesina, General Secretary.? -- That is correct.

AM. 119, a copy of a typewritten circular of S.A.C.T.U. dated 15th October, 1955, giving notice of a meeting to be held on 19th October, 1955 and signed by L. Mesina as General Secretary? -- That is correct.

AM. 120 is omitted, Your Worship.

AM. 121, is a roneod report from the General Secretary to the 1st National Conference of S.A.C.T.U.? -- That is correct.

AM. 123, roneod minutes of a Meeting of the Management Committee of S.A.C.T.U., in Johannesburg, on 19th October,

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1955, where P. Beyleveld appeared as President, L. Masina as Secretary, J. Levy, Treasurer, Committee Members, A. Mahlangu, M. Shope, J. Nkadimeng and it is not signed or dated..
BY MR. COAKER. We seem to have jumped from AM. 121 to AM. 123,
Your Worship.

BY MR. LIEBENBERG: Yes, I omitted to mention that AM. 122 is joined with AM. 92, they are copies of the same document.

AM.124, appears to be "Local Committee Bye-Laws of S.A.C.T.U. " with the names of P. Beyleveld, President, L. Masina, General Secretary, typed at the end? -- That is correct.

AM. 125, Memorandum presented to the Visiting British Trade Union Delegates by the Council of Non-European Trade Unions at a meeting held on 14th November, 1953? -- That is correct.

AM. 126, is a roneod document entitled Transvaal Non-European Iron and Steel Metal Workers Union - "Why should I join the Union" - issued by the Transvaal Non-European Iron and Steel Metal Workers Union, Johannesburg? -- That is correct.

AM. 127, is a roneod document entitled "Second International Conference of the Food, Tobacco, Hotel Cafe and Restaurant Workers", and it is an appeal to the National Organisation and Workers of the whole world and at the end appears "Sophia, September 25th, 1955"; and on page 2 is the following: "The Second International Conference Appeals to Trade Union Organisations and to the workers of all countries to strengthen their ranks and to intensify the struggle for increase of wages etc.,? -- That is correct.

CROSS-EXAMINATION RESERVED:

/SGT. JOHAN TABETE....

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SGT. JOHAN TABETE.

THE CROWN CALLS:

JOHAN TABETE, Sworn States:

EXAMINED BY MR. LIEBENBERG, Sworn States:

Are you a Sergeant, South African Police, stationed at Johannesburg? -- Yes.

On the 27th September, 1955, did you accompany Sgt. J. J. Smit of Brakpan, to a house in Moroka Location, in order to search that house? -- Yes.

What house - what number house did you go and search?
-- 11924.

Who is the occupier of this house? -- It is the house of Elman Malele.

Can you identify Elman Malele? -- Yes.

Please do so? -- Witness identifies Accused No. 30 - E, Malele.

Was he present during that search? -- He was not present.

CROSS-EXAMINED BY MR. COAKER: Were you sitting in Court this morning? -- I was in Court this morning.

BY THE COURT: Were you inside or not? -- I came here at 12. 30 p.m. and I sat inside the Court for a while.

BY MR. COAKER: I beg leave, Your Worship, to reserve further cross-examination of this witness.

BY MR. VAN NIEKERK: Arising out of the question of my learned friend, Your Worship, I would just like to ask a question.

How long have you known this man Elman Malele? -- I Have known Elman Malele from 1950.

CROSS-EXAMINATION RESERVED.

DET. SGT. CORNELIUS DUVENHAGE....

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DET. SGT. P. CORNELIUS DUVENHAGE.

THE CROWN CALLS:

PETRUS CORNELIUS DUVENHAGE. Sworn States:

EXAMINED BY MR. LIEBENBERG:

Are you a Detective Sergeant in the South African Police, stationed at Hospital Hill? -- Yes.

On the 5th December, 1956, did you proceed to 82, Third Avenue, Alexandra Township? -- Yes.

And did you find anybody at this address on your arrival?
-- I found Accused Theunissen Makiwana at this house.

Can you identify him? -- I can identify him.

Will you do so? -- Accused No. 27 - T.X. Makiwana.

And did you search his house under the authority of a search warrant? -- Yes.

Did you take possession of a number of books, pamphlets and documents? -- Yes.

The first one is :-

TM. 1, "Lenin's Selected Works", with the names J.K. Mathews and T.X. Makiwana written in the inside of the front cover? -- Yes, this is the book.

TM. 2, is a list entitled "One Million Signatures" for the Freedom Charter" and actually contains a number of names? -- That is correct.

TM. 3, appears to be a report from Branch 2 - Branch 1 - Branch 5 and Branch 6 of the African National Congress, also the Agenda of a certain meeting? -- Correct.

TM. 4, are 9 circular letters issued by the African National Congress, appearing to be an invitation to a meeting to be held on the 31st October, 1954, on Alexandra Township? -- Correct.

TM. 5, TM. 6 and TM. 7 are three issues of "Liberation" of March, 1956, April, 1956 and June 1956? -- Correct.

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TM. 8, is an exercise book containing Minutes of a meeting held on 17/11/1955, showing the speakers as Mr. Makiwana and Mr. J. Gadebe and others and the Minutes of a meeting held on 24/11/1955, saying that in the absence of Mr. Mavusa, Mr. Makiwana was made the Chairman and the Minutes of a Meeting held on 8/12/55, where the Passes for Women and the Freedom Charter were discussed and on the subject of Passes for Women Mr. Makiwana in opening the discussion started by reminding the Members of the 27th of October and recommending that the fight should be general and not confined to women; and also the Minutes of a Meeting held on 26/1/56 ? -- Yes.

TM. 9 , are four lectures, typewritten lectures, the 1st one on "What Every Congress Member should Know"; the 2nd one, on "How South Africa is governed"; the 3rd one on "Unfair Laws" and the 4th on "What happened in History"? -- Yes.

TM. 10, a roneod memorandum on "Anti-Pass Campaign"? -- Yes.

TM. 11, a circular letter dated 30th October, 1956, referring to the previous Exhibit - the Memorandum on the Anti-Pass Campaign with the name of O. R. Tambu, Secretary, General typed at the end? -- That is correct.

TM. 12, is a typewritten document dealing with the Economic History of South Africa? -- Correct.

TM. 13, are 5 volumes of Lenin's Works, Volumes, 3, 6, 7, 9 and 10? -- That is correct.

TM. 14, a book called "Rhymes of Li Yu-Tsai and other Stories by Chso shu Li?-- That is correct.

TM. 15 to 17 are three issues of "The Modern Quarterly", published in London? -- Correct.

TM. 18, a booklet called "South Africa's Way Forward" by Moses Kotane? -- Correct.

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TM. 19, is a Memorandum Book containing notes on various miscellaneous matters? -- Correct.

TM. 20, is a little note book with the front portion devoted to "What is the W.F.D.Y." and various matters incidental to this organisation - and it also contains other names and addresses with an African National Membership Card? -- Correct.

TM. 21, a questionnaire issued by the Congress of Democrats? -- Correct.

TM. 22 - Speakers Notes on Passes? -- Correct.

TM. 23, a booklet by F. Engels entitled "The Part Played by Labour in the Transition from Ape to Man" published in Moscow? -- Correct.

TM. 24, is this a copy of a letter addressed - a letter dated November, 1956 - addressed to the Secretary, African National Congress Youth League by the Acting National Secretary, Transvaal Branch of the A.N.C.Y.L. with the name T.X. Makiwane typed at the bottom; it contains the following:- "The National Executive of the African National Congress have communicated with us and has requested us to give a comprehensive report of all our activities which should include a reflection of our membership, finance and issues taken up for the year 1956. We therefore need the co-operation of all out Youth Leagues Organs to fulfil this task". Lower down:- "This happens at a time when the Government has increased its attack on the people and when we, as the youth, should take our rightful place as the spearhead of the struggle. It is felt that we should take advantage of the forthcoming National Conference of the A.N.C. at Queenstown and try to have as many youth as possible to attend for several reasons. Among other things, the A.N.C. will adopt a new Constitution in which the role of the league is outlined". Attached also is a copy of a typed letter addressed to the Assistant Secretary General, A.N.C. on the

30/1/57.

PETRUS C. DUVENHAGE.

26th - I see - I'm sorry - that is TM. 25..

TM. 25, is another typewritten copy of a letter addressed to the Assistant Secretary General, A.N.C., on the 28th November, 1956 with the name T.X. Makiwana, Acting National Secretary, A.N.C. Youth League typed? -- Correct.

TM. 26, a letter to the National Secretary, A.N.C.Y.L., Johannesburg, on the 27th November, 1956, signed by Nokwe as Assistant Secretary General and TM. 27, is a copy of a typewritten letter of the A.N.C.Y.L. dated 12th July, 1956, addressed to the A.N.C.Y.L. Bloemfontein. This also has the name of T.X. Makiwana, Acting National Secretary, typed at the end and it contains on the second page a portion which reads as follows:- "We shall write out a fuller statement on the tasks of the Youth Leaders which are so important today that we have to devote more time to it. Meanwhile, we suggest that you read the article by Mr. Nokwe in this month's magazine "Liberation". The article is entitled "The Problems of the Youth Movement"? -- Correct.

BY MR. COAKER: Your Wprship, I am informed that the Accused are suffering somewhat severely from the heat and in the circumstances I would ask you for a short adjournment.

APPLICATION GRANTED BY THE COURT.

ON RESUMPTION:

BY MR. LIEBENBERG: Are you prepared to continue without an Interpreter? -- Yes, Your Worship.

I omit TM. 28, Your Worship.

TM. 29, is a document in pencil - apparently a notice to the women of Alexandra "Remember Saturday the 9th of June" when there was going to be a demonstration to the Native Commissioner's Office about passes? -- Correct.

TM. 30, a booklet by Mao Tse-Tung on People's Democratic Dictatorship? -- Correct.

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