

Swart has fixed everything for him. Then he says he is an agitator - black kaffirs, they are agitators. The same thing happened in Kenya. They have got the same trouble. Today they say it is Mau Mau. That black kaffir incites (wild) the white kaffirs.

Will you just translate that again, Mr. Interpreter?
-- "Those black kaffirs incite the wild kaffirs. The Kenya association was told that they must be satisfied if they get killed."

Then was a resolution read by Gilbert Ngwane? -- He first delivered a speech and at the end of his speech the resolution was read.

Will you just read the resolution, please? -- "The A.N.C. Dadoo Square - the date is omitted - rejects Bantu Education solely as spoiling minds of African children by making them perpetual slaves of Whites. Call upon all people to endorse this rejection. A.N.C. prepared to fight to bitter end. Bantu Education Act will not work and Africans will not help enforce barbaric act. Boycott United Tobacco Company, 1951. Boycott decision as the first object of boycott. Residents not to smoke U.T.C. cigarettes. National liberation movement to come forward as volunteers for liberation of Congress of the People."

And the last speaker was that....? -- I have just got down here "Langene".

Will you just read what he has got to say? -- "We want to rule Africa for ourselves. It is a shame that a big son of Africa is a traitor like Hlatwayo. It is a shame that the Police are traitors and sell their people. Africans unite. Fight these barbaric laws." I wrote here "Jump with clenched fists in front of the Native Police and shout until the spit emits from your mouth."

BY THE COURT: Who was doing this? -- It was the last speaker.

Oh! the speaker was shouting until the spit came out of his mouth. Yes? -- I wrote further "Well supported with words like Shame! Maboya and Afrika! Then CAROLINE MINISE -

Yes, what did Caroline Minise do? -- Shouted for Tabetha -- UTabetha.....(Bantu language).

What does that mean? -- "The Xosa Tabetha will be killed at the end". "Isn't it a shame that young African Policemen sell their people for money."

Now, of these speakers, do you know any of them? -- There are a few known to me.

Do you know the man that you described as Poho? -- No.

Do you know the man Obed Motsabi? -- I do.

Can you identify him? -- I can.

Will you please do so? -- Witness identifies Accused No. 47 - O. Motsabi.

That concludes the evidence of this witness, Your Worship. The portion of the speech that he did not record, the evidence of that will be led immediately after this witness is concluded with.

BY THE COURT: Is there some clarification for the speeches being partly in Afrikaans and partly in English.

BY P. P. I will try... Mr. Hattingh, I see you have recorded the speeches partly in Afrikaans and partly in English.

What is the reason for this? -- Some of the speakers spoke in a Bantu language.

BY THE COURT: And in what language did you record those speeches made in Native languages? -- I think I have translated it into Afrikaans.

BY P.P. And those portions that you have got in English? -- I think the speakers must have spoken in English.

Are you conversant with the Native languages? -- I speak Xhosa.

CROSS-EXAMINED BY MR. BERRANGE:

Mr. Hattingh, you are not quite certain about this, are you? You say you 'think'? -- I can't remember it that long.

Let me give you a sentence here - Ons ken die needs van die mense - what is the reason for that? -- I don't know.

You will agree won't you that in reading your notes, that there is a great deal there which is unintelligible? -- Yes, these are incompleated sentences.

Which you now cannot complete because you can't remember them? -- Yes.

Let me refer you to one sentence: "The Police can get all and say Congress wants to introduce Cheesa-Cheesa" - do you know what that means? -- Yes.

Well, I don't. Will you be so good as to explain what that means - "The Police can get all and say Congress wants to introduce Cheesa-Cheesa"? --

BY P.P. Your Worship, may my learned friend say from whose speech it is so that the witness can look up his notes?

BY MR. BERRANGE: Yes, this is the first speech and it is quite near the beginning - it is Gilbert Ngwane's speech? Now, the sentence reads :- "Police can get all and ^{say} Congress wants to introduce Cheesa-Cheesa". Do you know what that means because I don't? -- It means that the Police can get anything that they require. There is nothing beyond their reach.

And "Say Congress wants to introduce Cheesa-Cheesa", do the Police say that? -- He is referring to the Police all the time when he uttered those words.

So what is the connection between the Police getting everything that they desire and then saying that the Congress wants to introduce Cheesa-Cheesa - I don't quite follow the connection there?-- No, I don't know.

No, nor do I. Now the next thing that I have a note

- about -

about "Afrikaners net Polisie, stasie and railway" - what does all that mean. That is in the same speech - about 10 typed lines further on. Just read it out will you? -- Afrikaaners net polisie stasie and railway.

What does that mean? -- This means that the Afrikaander crooks only comprises of police and railways.

And "stasis"? -- Yes, it reads "Afrikaanders....."

Does it refer to a railway station or a police station? -- A police station.

And what does it all mean? -- It means the Afrikaanders are just the police station and the railway.

BY THE COURT: He said a little while ago "The Afrikaaners comprise only the police stations and the railways."

MR. BERRANGE: That may be so but, with respect, those are not the words used by the witness.

BY THE COURT: That is what you understood the speaker to say? -- Yes.

But did you record word for word what he said? -- No.

BY MR. BERRANGE: So you understand that sentence now to mean that the Afrikaaners consist just of police stations and railways? -- That's right.

I still don't understand it, I'm sorry. Let us take some more - from the same speech. "Ons soek vrywillige Kliptown om die cigarette te boycott. Kop van Boycott Committee". What does that have reference to? -- "Kop" is another word for "Head".

Yes, but...? -- The speaker indicated there that he was the head of the Boycott Committee.

Then why did you say that. Why could he not have indicated that somebody else might have been the head of the Boycott Committee? -- That is what he said - that he was the head of the Boycott Committee...

That is not in your notes? Your notes are "Kop van Boycott Committee". He might have been saying that Motsabe was the head of the Boycott Committee - according to your notes? -- He couldn't be...

BY THE COURT: Perhaps, Mr. Berrange, the witness may have thought that his memory may fail him and he didn't record the.....

BY MR. BERRANGE: No, I know. I am asking him today if he can tell us what it means from his notes. I am not asking him to recollect what was said. I am asking him whether he can explain his notes. You see, there is nothing there about the speaker saying "I am" or Ek is" - "Kop van die Boycott Committee". He might have said "Motabe is die kop van die Boycott Committee". Why do you say "he"? -- Because at that moment he was referring to himself.

But how do you remember that? It is not in your notes, they don't show it? -- Well, that is what is written here.

BY THE COURT: Will you read again that sentence. Put in punctuation if you can? -- Ons soek vrywillige verpligte om die cigarette te boycott punt Kop van Boycott Committee.

You see, I agree with Mr. Berrange. That does not necessarily convey that the speaker is the head of the Boycott Committee. It may refer to somebody else. You must be relying on your memory. The way you have recorded it does not necessarily indicate that that is what you are saying? -- No reply.

BY MR. BERRANGE: Let us take another one then. Just a bit further on - "Ons is moog dat die blankes ons bloed uitsuip - have you got that? Now, will you read the next sentence after that? -- "Ons is 'n leer waarheen die blankes opklim Hulle het honger hier gekom. Die polisie het nie broeke nie. Hulle het uniforme aan uit ons bloed gekoop.

Yes, that makes it clear to me now. My transcript was not clear. And then you have got a sentence "We have no ambulances to arrest people"? -- That's right.

Are you sure that that was said? -- I wrote it down there. It must have been said.

It sounds rather peculiar doesn't it? -- No, it doesn't sound funny to me.

It doesn't sound funny to you to use ambulances to arrest people? -- No.

Look at the sentence preceding that. He speaks about Tabetha having got a cycle which was bought out of their blood.. and then he says "Ons sal hulle die waarheid wys" and then suddenly he says "We have no ambulances to arrest people" and then he speaks about Politicians being selfish men". Now what has ambulances got to do in that context? -- It all depends what the speaker meant. I don't know what he meant at the time.

That is what I am saying. You didn't understand what it was all about? -- I understood it all right.

Then kindly be so kind as to try and explain it to me because I can't understand it. What have the ambulances got to do in that context? -- That is what was said by the speaker and that is how I wrote it down.

You keep on seeking refuge by saying "that is what was said". I know that is what you say was said. I am asking you a simple question. Did you understand this speech where he speaks about "Ons sal hulle die waarheid wys"; "No ambulances to arrest people"; "Politicians are selfish men". Do you understand that? I don't - because it is completely out of context if it was ever said. Don't you agree? -- That is what was said and that is what I wrote down.

You, of course, couldn't make a mistake? -- Not as far

as I know.

Now, please, you are still not answering my question. You keep on - "That is what the speaker said". I am accepting that for the moment - that is what the speaker said - but I am trying to get you to explain to me - what may be a stupidity to you - what is the context of this; what is the "waarheid" and the "selfish politicians" got to do with ambulances. If you can explain that to me please do so; if you can't, say so? -- It all depends on the word "ambulance", if he was speaking figuratively.

BY THE COURT: Speaking figuratively? -- Yes.

BY MR. BERRANGE: Well, did you understand what the figure of speech was. Did you understand what he was referring to - that is what I am asking you. You say you understood him. I can't understand it? -- He could have made use of the word "ambulance" which meant something different altogether.

But did you understand what he meant? That is what I am asking you? -- At that moment I just wrote down what he said.

You have told me that so many times. I am asking you did you understand what the figure of speech was....

BY THE COURT: Perhaps the witness means that he understands the word...

BY MR. BERRANGE: He understands the actual word; if I use basic English I take it everybody will understand the word, Sir, but I want this witness to tell me whether he understands the sense? --

BY THE COURT: He concedes that this sentence in which the word "ambulance" is used has no connection with the other.

BY MR. BERRANGE: Yes, that is what I am suggesting. What you really mean when you say you understand is that you understand the individual word? -- Yes.

- But -

But you dn't understand the sense in which this sentence, or these sentences, were used? -- No.

Now go on with it - Politician - just read on from there "a selfish man"? -- "Politician^a/selfish man pleased to get money out of blood. Die sogenaamde Christians is a vuil klomp polisie and flying squad. No. 4 Bethal Boere en Moroka dirty swines. I am inviting anyone who is responsible for this sound life.

Now what does all that mean. If you don't know let us get on with the next thing. If you do know just translate it for us? -- This reference to the Police - Christians - and the Police...

BY THE COURT: The refernce to the Christians is quite clear and also to the Flying Squad.

BY MR. BERRANGE: The sentence reads as follows, Mr. Hattingh: "Die sogenaamde Christians is a vuil klomp polisie and Flying Squad", is that right? -- Yes.

Now what does the rest mean - No. 4 Bethal Boere en Moroka dirty swines. I am inviting nyone who is responsible for this sound life". Do you know what that means? -- That the speaker refers to No. 4...

BY THE COURT: No. 4 what? -- That is the Fort.

BY MR. BERRANGE: Yes? -- Bethal farmers and Moroka. Moroka may refer to the Location.

And what is after that - "dirty swines" - what is he saying about the "Tronk" and the Bethal Boere and Moroka. It is a sentence without a verb in it? -- He still refers to the Christians and he specifies them under that group - the dirty swines -.

You know, Mr. Hattingh, if this is so, surely it would have been very easy for you to have written it down in a sensible and coherent form, instead of making up this? -- It is not so easy. It all depends how fast the speaker is

- speaking -

speaking.

You mean that you must have missed a lot? -- I must have omitted certain words.

Yes. Now what is the last sentence in that - "I am inviting anyone who is responsible for this sound life". What does that mean. First of all tell us where he is inviting them too - sound life - do you know what that means, first of all. I am not interested whether you know what each individual word means. Do you know what the sentence means? -- Yes.

Then be so good, first of all, to tell us where anyone is being invited to or what they are being invited to? -- The whole thing appears to me - it would appear that the speaker was making use of sarcasm. He refers to this critical position and he describes it as being "sound", a "sound life".

What is he inviting them to? -- I suppose he invites them to give a donation to....

And you really seriously want to tell us that that is what these notes mean? That somebody is speaking sarcastically and is referring in sarcastic terms to the "sound life" and he is inviting them to what, to do what? -- That is how I have written.....

Inviting them to do what? -- It doesn't say....

Do you understand it? -- I understand it that the speaker invited the person who is responsible for these conditions.

Invited him to do what - to go and drown himself or what? -- It doesn't say here.

That is why I am asking you. It doesn't say there and you yourself don't understand. That is my whole question? -- I confine myself to what I have written down.

Will you please let us try and understand one another. I am not for one moment suggesting that you can't understand each individual word that is written down here. I am not suggesting that you can't understand the word "I" or "am" or "inviting" or "anyone" or "responsible" or "sound" or "life". I will accept that you understand the meaning of each individual word. I am at the present moment trying to find out from you whether you can understand the meaning of these words when they are strung together into a sentence. That is all I am asking you and that is all I shall continue to ask you about your notes - nothing else? -- It would appear as if the sentence is not completed.

Quite - and therefore I am putting it to you that the sentence as it appears now in your notes is not intelligible to you or to anybody else - that is all I am putting to you? Because it is not complete? -- It is not that it is not completed - a word or two might have been omitted.

God, Gracious me! If a word is omitted is it complete or is it not complete - don't let us be childish about this please? -- No, it is not complete.

And, therefore, I put it to you that if it is not complete it is unintelligible? -- Not as it is written here.

It is not intelligible? Is that what he says? -- Yes.

And I don't want to go through a dozen examples I have got here; will you just admit that there are many instances of this aspect to be found in your notes. You have read them through so you should know? -- There are a few.

You say a few - I say many. Well, we can see for ourselves later on.

CROSS-EXAMINED BY MR. COAKER:

Mr. Hattingh, you have attended a number of these meetings, have you not, and made notes? -- Yes.

And the speakers at these meetings normally use either English or the vernacular in their speeches? -- They usually speak one of the two; sometimes a Native language only.

And usually they either speak in a particular Native language from start to finish or else they speak in English from start to finish? -- I can't remember whether they started a speech, for instance, in English and continued right through. Sometimes they use one or two Interpreters.

You don't find a speaker uttering half a sentence in English and the rest of that sentence in a Native language? -- Oh! Yes, plenty.

Now, you, of course, do your best to record the exact words used by a speaker don't you? -- Yes, unless I have got to translate it.

When you have to translate it, then what do you do? -- If he speaks in a Native language which I am conversant with, then I usually translate it into Afrikaans.

And if he speaks a Native language with which you are not conversant then do you just leave the sentence unfinished? -- Yes, because I don't understand it.

And do you make a note on your notes to show that the rest of the sentence is in a language that you cannot understand? -- When that happens, as soon as he switches over into a language that I don't understand then I usually draw a line. That gives me the indication that he used a language that I am not conversant with.

And what do you do when you are only able to get down half a sentence because the speaker is going too fast for you? -- I only write that down which I am capable of doing.

- And -

And then you go straight on with the next sentence, is that so? -- Yes.

BY THE COURT: That is without making a dash? -- Yes.

CROSS-EXAMINED BY MR. SLOVO: Sergeant Hattingh, do you understand English? -- Yes.

You understand English very well? -- Fairly well.

Did he say "Fairly" or "Reasonably", Mr. Interpreter?
-- Reasonably.

So when a speaker makes a political speech in English, do you find any difficulty in understanding him? -- I may have some difficulty in following him but not in writing it down.

Now, explain to me, Sergeant Hattingh, how you can write down.....

BY THE COURT: Before you proceed. I must understand the witness, because that does not seem logical. It does not seem logical that a man cannot understand what a speaker says and yet be able to write it down properly. It doesn't sound sense to me? -- Your Worship, what I have tried to convey is that there may be a word or two used by the speaker which I don't quite understand but still be in a position to write it down.

That may refer to certain words, of which the meanings are not clear to him. He will be able to take them down but yet he may not be able to understand them properly.

BY MR. SLOVO: Yes, Sir. Well, let me put it to you this way. You always understand the sense of what a speaker says when he speaks in English? -- Yes.

And it does not matter whether the speaker uses basic English or English which is a little more advanced? -- I can still follow him.

Now since you can follow English, will you agree with

me that fifty per cent. of what you have written in your notes is just nonsensical gibberish? -- No, I don't agree.

You say that it all makes sense? -- Not all.

Well, explain to me, Sergeant Hattingh, you have now read through the speech of Gilbert Ngwane, have you not. You read it in evidence-in-chief and then Mr. Berrange put various sentences to you - will you just stop looking at your notes for one moment - could you tell the Court the sense of what Gilbert Ngwane said? -- No, I can't remember it unless I read it.

But you read it about ten minutes ago, fifteen minutes ago? -- I only read those sentences on which Mr. Berrange questioned me.

In chief, before anyone questioned you at all, you read the whole speech which you say was delivered by this man Gilbert Ngwane? -- Of various speakers, not of him alone.

Right. Now you tell me - I won't tie you down to just this one speaker - apart from the fact that there was talk about the boycotting of cigarettes manufactured by the United Tobacco Company, would you describe to His Worship in your own words the general sense of the speeches that were delivered, if you don't want to confine yourself to one speaker? -- I can give an explanatory account of the speeches as a whole.

But you can't explain the sense of what each speaker said? -- Those sentences which I wrote down fully here, yes, I can.

Well then tell us, without referring to your notes, what is the sense of what Gilbert Ngwane said? -- He inter alia requested his hearers to boycott the products of the U.T.C. and if any of them should possess any to bring it to him and he will destroy it by burning it.

Yes, apart from the U.T.C. question? -- Then he drew the attention of his hearers to the importance of the various organisations, C.O.P. and A.N.C. etc.,

And what else? -- The gist of his speech rested on the boycott of the products of the U.T.C., and the resolution was read accordingly. It was read by him.

BY THE COURT: And it was read by him? -- Yes. As far as I remember there was a request to him to make a speech. He made a short speech and then the resolution was passed; and then he read the resolution.

XXD: How many speeches did he make? -- As far as I remember, at the beginning of the meeting he delivered a short speech and towards the end of the meeting another request was made to him to make a speech and he said a few words and then the resolution was read.

And in what language did he speak? -- I can't remember that.

Can you tell His Worship by looking at your notes what language any of the speakers spoke? -- His speech, as I have recorded it here, was in English as also the resolution. I dotted it down in the English language therefore I take it he must have used - must have spoken in English.

And Paul? -- There was not a man by the name of Paul. There was man by the name of Poho.

You know what I mean Sgt. Hattingh? -- A man by the name of Poho addressed the meeting.

Who did you think I was referring to when I said Paul? -- I don't know.

You know very well? -- I can't say what language he used. He could have used either a Native language or English.

You see, I am informed that Paul didn't use English. Is that possible? And that his speech was translated? -- It can be so. I already said that I can't remember what language he used.

Can you recall whether his speech was translated into another language - interpreted? -- No, I can't remember that.

Can you remember whether any of the speakers were interpreted? -- That is quite possible. I can't remember.

And you had all the time in the world, I take it, if that was so, to record what was being said? -- The time factor is the trouble.

Even when speakers are interpreted? -- It depends how many interpreters there are. If there are two interpreters then you can almost write down every sentence.

And when there is only one interpreter? -- It is quite obvious that the less interpreters the quicker the speech is delivered and the difficulty in writing down in long-hand.

One last question. The people who spoke at this meeting on that day, did they seem to be in their sound and sober senses or were they feverish? -- To me it appeared that they were all in their sound and sober sentences excepting this last one who appeared to be very excitable.

But you didn't get the impression that they were all feverish or talking in some sort of mental state which caused them to speak inconsequential sentences following one upon the other? -- I can't express an opinion as far as their mentality is concerned.

BY P. P. NO RE-EXAMINATION.
NOTES: EXHIBIT "G. 54).

THE CROWN CALLS:

COENRAAD HENDRIK LOUBSCHER. Sworn States:

EXAMINED BY MR. LIEBENBERG:

Now, are you a Detective Sergeant in the South African Police, stationed at Police Headquarters, Johannesburg? -- I am.

On the 28th November, 1954, did you attend a meeting of the African National Congress that was held at Dadoo Square, Moroka, Johannesburg? -- I did.

Now did you attend this meeting right from the commencement or did you arrive after the meeting had started? I want you to refer to EXHIBIT "G. 54". Before proceeding, is a portion of those notes in your handwriting? -- It is.

And is portion in the handwriting of Det. Sergeant Hattingh? -- Yes.

Now, at some stage did you take over from Det. Sgt. Hattingh? -- Yes, I did.

That is when the speaker Obed Motsabe addressed the meeting? -- Yes.

Now that is why I am asking you whether you attended this meeting right from the inception or whether you arrived after the meeting had started? -- We arrived there together - Det. Sgt. Hattingh and me.

And you did not make notes until this speaker Obed Motsabe started speaking? -- Yes.

And did Det. Sgt. Hattingh then leave the meeting altogether? -- He was away for a few minutes while I took notes.

Now, have you those notes before you now? -- Have.

And can you say what this speaker Obed Motsabe said? -- "Obed Motsabe started by criticising the Police". "The Police can report to the Minister of Justice. I hope they will report the truth correctly. What we read in the

papers do not affect us, but what affects us is the liberation of the African people." Then he referred to Mr. Strydom's arrival at Jan Smuts. "Malan, Strydom is not for us. Even Strauss is not on our side nor was J.J. Smuts on our side. That is why the A.N.C. came into being to rule the African people. The majority must rule. Verwoerd was running all over the Transvaal consulting the Native Chiefs. The Chiefs told him to go to Hell and said that they want to be members of Parliament when laws on the Africans are passed. If they were for the African people they would not send the Africans to the mines. They would build more hospitals. There should not be places like Moroka. There would not be Suppression of Communism Act. Who are doing all these things. It is not Malan alone. We must examine the conditions in South Africa and internationally. The people who are doing this is nothing more than the capitalists in South Africa who are doing this to have a cheap labour force. This time is not a time for play. We must look what is going on in Kenya. When the Kenya African Congress told the Settlers 'You cannot take all our land' that is why you read in the South African press that Kenyatta's estate was to be liquidated. I am sure that the African people will not find that their brothers in Kenya to be wrong. The South African Government have already approved troops to go to Kenya to fight your African brothers. I am sure if the African people had to go to war they would join the Mau Mau. Today we see what is going on in the Far East. They are fighting and achieved freedom." That is the end of what I took down.

And did Det. Sgt. Hattingh then take over again? --
Yes.

CROSS-EXAMINED BY MR. BERRANGE: Did this man Obed Motsabe speak as clearly and coherently as your notes recorded him to have spoken or have you assisted in adding in words and assisted with the grammar? -- I did not.

These are exactly his words? -- Exactly his words.

You haven't added anything or you haven't put in anything to make grammatical sense? These are his words? -- I did not add anything.

And it is quite clear that he spoke very clearly and coherently and dramatically from what you have read out to us - and very intelligibly. It was quite easy to understand everything that you have written down, isn't it? -- Yes.

And in what language did he speak? -- He spoke in English.

And all the time you were able to understand him? -- Yes.

And you did not hear him speak in any other language but English? -- Not while I took notes.

And you were present, although you didn't take notes, you were present when the other speakers at this meeting were speaking, weren't you? -- I was there all the time.

And were you able to understand them? -- I cannot remember.

Did you have any difficulty about it? -- I cannot remember anything except what I took down in notes.

You can't really remember the meeting? -- No.

And that portion which you have recorded of Obed Motsabe, was recorded by you in the absence of Mr. Hattingh? -- Yes, he wasn't with me in the car at the time.

Anyway, I am only trying to establish one thing. This is the same meeting that Mr. Hattingh attended on the 28th of November? -- Yes, we were together.

- And -

And what you were able to write down is perfectly clear and intelligible and understandable? -- Yes.

BY MR. COAKER: NO QUESTIONS.

BY MR. SLOVO: NO QUESTIONS.

BY P. P. NO RE-EXAMINATION.

NOTES: PORTION OF EXHIBIT "G. 54).

THE CROWN CALLS:

ISAAC SHARP, Sworn States:

EXAMINED BY MR. LIEBENBERG:

You have already given evidence in this case? --
Correct.

On the 5th December, 1954, did you attend an African
National Congress meeting held at the corner of Pollock
Avenue and Hamilton Road, Newclare, Johannesburg? -- I did.

And did you take notes of speeches delivered at this
meeting? -- I did.

And what did you do with your notes? -- The notes
were handed in.

Did you prepare a report the next morning? -- I pre-
pared a report from the notes.

The next morning? -- The next morning.

And what was your memory like when you prepared this
report? -- I

BY THE COURT: Did you take no notes? -- I took notes.
I compiled the report from the notes.

BY P.P. Yes, and what did you do with your notes after
you had compiled the report? -- The notes were handed in.

And did you subsequently make a search for the notes?
-- We searched for the notes but they can't be found.

And is this the report that you prepared the next
morning? -- This is the report I prepared the next
morning.

Now was this report just a transcript of your notes
or not? -- That is correct.

Now, refresh your memory from that report and say
when the meeting started and when it was ended? -- The
meeting started at 10. 5 a.m. and concluded at 1. 55 p.m.

And who was the Chairman? -- The Chairman was David

Moiloa.

And what did he have to say? -- His opening remarks- he said "Africans, we are now opening our meeting. I want to make it known that the people must listen to Congress. The A.N.C. is not like the Nationalist Party. I want the Police to know that Congress is not against the Police. I want to inform you that Congress at this time holds its yearly conference and this conference this year will be held in Durban. In 1940 Johannes Nkozi was shot by the Police on the platform." That concludes the opening remarks of the Chairman. And then the first speaker after the Chairman was FRANK MADIBA: He said "Mr. Chairman, Members of the Gestapo, you all see what is happening in South Africa. Strydom has now become the leader. He has openly said he is the "Lion of the North". "I want you to understand that what a leader means when he says he is a lion. Strydom is not new in South Africa; when they meet in that house of slavery called Parliament. They tell lies when they say Strydom is going to bring freedom. Only the A.N.C. can bring freedom. They only govern Africans like animals and send Africans to Bethal to dig potatoes with their bare hands. You have among you who have been at Bethal already. Farmers come to prisons to get prisoners for their farms."

Now will you omit the following portion of the speech and try and find the passage which starts with "Verwoerd wants to retard the education..."? -- Yes. "Verwoerd wants to retard the education of our children. This is the time the A.N.C. is going to bring education to Africans. They talk about apartheid, and many other things which will never take place. Parliament in this country builds with black man only. The money which pay the Police is not derived

from the mines but robbed from the Africans". This concludes the speech of the speaker. Then the Chairman commenced and said "Last week I said Flying Squad will no longer be seen here. Come nearer me. I am not Strydom."

Will you omit his remarks and proceed to the speech of the next speaker? -- The next speaker is Sampie Malupi: He said "My people, shout Afrika so that the walls of Newlands will come down. We are meeting at a serious time when big things are taking place. Some time back I warned you that the blacks are very powerful. President Steyn once ruled this country. Where is he today? He has vanished. General Hertzog also ruled. He has also vanished. But the black man remains. Malan when he looks .. when he took over the Government he said "I am going to put the black man in his place". Where is he today - but the black man still goes on strongly. One Dr. Moroka warned Dr. Malan. Malan said "I have all the machinery of war. What can you do?" But the black man are still going strong. On the 26th of June thousands came out and said "We want to go to gaol". The Police at Park Stationed trembled with their guns and the outside world wanted to know from Malan "Why leave Moroka to defy the law of your country". Malan said "I don't know what to do with these people. The times are with you. South Africa is not ruled by sane people but by lunatics. Even Minister of Religion houses are searched. Bishop Ambrose Reeves said to reporters yesterday that wherever he goes he is followed by the Police - even when he goes to the lavatory. When he comes out he found a big policeman shadowing him. Also at picnics he is watched. I am sure Reeves is not a Communist and do not know what is a Communist. Mr. Swart is not fit for the Department of Justice. We are welcoming new fighters. Strydom who said he is going to rule this country fairly and give justice to all people

white and non-white. When they came to power Strydom said "Die Kaffer, die Coolie, the hotnot, they will be put in their places." He also said that Indians will never be given representation in Parliament. I am warning the Dutch that what they do to the black will be done to them too. Gaols will be turned into school-rooms for Dutch children. Verwoerd will put Dutch people at Meadowlands. We are not going to Meadowlands. I am not inciting you not to go to Meadowlands. Those who want to go to Meadowlands, they can go. On the rent question Verwoerd has been defeated. People who went on their stomachs to pay rent. We don't want to go to Meadowlands. We are going to fight to the last. Your daughters of 14 years of age will be forced not to live with you at Meadowlands". This concludes the speech of the speaker, Your Worship.

COURT ADJOURNED TO 11th MARCH, 1957.

COURT RESUMES 11/3/57:

APPEARANCES AS BEFORE:

MR. COAKER ADDRESSES COURT:

(Accused Nos. 52, and 55 still absent from Court
(Lawrence Nkosi and Lilian Ngoyi)
Accused No. 45, Dr. Moosa, absent -- medical certificate
to be handed in later.
Accused No. 84, I.O. Horwitz, -- medical certificate to
be handed in -- leave granted to leave Court for treat-
ment.)

ISAAC SHARP, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG):

On Friday afternoon you came to the end of the first por-
tion of Sampi Malupi's speech?-- Correct;

Then there was some interruption of his speech by the
Chairman?-- Yes.

Omit that and proceed with Malupi's speech?-- Sampie
Malupi continues: "Luthuli at Queenstown said Moroka took the
first round with Malan and that he is going to take the second
round and that he wants 8,000 volunteers, not to go to gaols
but to campaign for the Congress of the People. So friends,
don't be afraid." This concludes the speech by Sampi Malupi.
Then the chairman's comments: "I am going to give another
speaker who is like Strijdom. He is a fierce man and I want
you to give me £100. Congress wants this money to buy machine
guns for self-defence. Each man must pay £1." That concludes
the comments of the chairman. Then the third speaker, Robert
Tunzi. He said three times 'Afrika' 'Mayibuye!' "Mr. Chairman
ladies and gentlemen.....(recording machine fault)
taking notes of what we are saying and I warn them that one
day their notes will come into our hands as Judas Iscariot
hanged himself in the same way the non-European police will hang
themselves. I say to you that Dr. Malan won't last long. Where
is Dr. Malan? He made his promise to the Dutch people that
he will give them all natives, and he also promised the Dutch

people apartheid. Where is apartheid. The Chairman has already told you that I am equal to Strijdom, but I want to tell you that I am greater than Strijdom only rules this country at the point of a machine gun. You remember that in 1946 mine-workers were shot down by the police. You will see in the coming weeks there will be no meat, and yet whisky is being imported. How can drunkards govern the country. Boys of 18 years of age are driving flying squad to chase us about, whereas they should be still in school. This is made in order to show that the white man is the master race. I want to tell you that the master race is the black man in this country. They are not prepared to stay with the Africans. They must get out of this country. I know they think I'm a mad kaffir, but what has happened in India, Gold Coast? You must never call a Dutchman "boss." I will never call a Dutchman "Boss". I can rather be shot. Kumalo has been convicted because he is black. The white is the one who is busy with black women. When the white man came into this country where he got his wife? Strijdom can never stand around in the ring. I can issue a challenge to the white man. Put aside his machine gun and let us sit at a round table. They will never do that because they know what will happen to them. Jan Van Riebeeck did not bring a wife. Do you know that your freedom is in your hands. I am sure there is three Europeans sitting in the flying squad. They were nursed by an African. That is why they are so strong to carry a machine gun. Chief Luthuli is leading all races in Africa, white, Indian, coloured and Chinese. We will not accept education which is poison to our children. Detectives must tell Verwoerd that we won't accept this education. We are going to build a big office where we are going to tell the people Swart must wash his bloody hands. What has happened in India. It won't be delayed here They are shooting down the people in Kenya, saying that they are Mau Mau. They are people

like ourselves, fighting for their freedom. In Durban Van Rooyen caused the trouble between the Indians and Africans. The Nationalists will come amongst you and tell you you must agree to go to Meadowlands. There you will have your own shops, but Indians are robbing you. Don't listen to them. There is not a single Indian in Parliament. I want to exert my last influence to you before I end. We are not bound to respect the cabinet ministers, because we had no part in their election." This concludes this speech. The Chairman's comments: "There will be a meeting on Thursday next at the International Hall to elect delegates to conference in Durban." Then Robert Tunzi continued. He said "People must refuse to go to Meadowlands, because if you haven't got a pass you cannot get a house or business site." That concludes Robert Tunzi's speech. The Chairman's comments: "I am not going to tell the police how much money was collected. When Malan came into power in 1948 in his madness he thought that he will incorporate the Protectorates, but Churchill said 'No' to Dr. Malan. Mr. Swart, Minister of Justice, I say he is a minister of police and prisons. He has the right to instruct the police but it would appear that the police are instructing him. When the police instruct Swart to ban 100 people he only bans 2. This will show that there is a difference of opinion between Swart and the police. I want to challenge Swart to ban 200 people per day. He will see what will happen. I now come to Verwoerd, a minister who is mad. Verwoerd says he is going to deprive us of our education, and kill our cattle. The wounds of Witzieshoek are fresh in our minds. That is why Chaka refused Van Riebeeck to enter his country. That is why Dingaan killed the Dutch people." That is the end of the speech of the chairman.

You mentioned the names of David Moloao ?-- David Moiloa.

Frank Madiba ?-- Yes.

Sampie Malupi and Robertson Tunzi ?-- Yes.

Do you know these people well ?-- I do, I know them well.

Are they amongst the Accused before the Court ?-- Yes.

Is David Moiloa an accused ?-- No, he is not an accused.

(Frank Madiba, Accused No. 23; Sampie Malupi is No. 31;
Robertson Tunzi is No. 76.)

NO CROSS-EXAMINATION:

(Notes handed in as Exh. G.55.)

BY MR. BERRANGE: It is, of course, clear from our attitude which was expressed originally by Mr. Rosenberg, that although a certain measure of cross-examination is being directed towards the witnesses who testify to speeches having been made, a failure to cross-examine does not necessarily imply an acceptance by the Defence of that which is alleged to have been said.

WILSON GXUMISA, duly sworn, (Inter: Ebenezer Mazwai- Xosa)

EXAMINED BY P.P. (MR. LIEBENBERG):

Are you a native detective sergeant in the S.A. Police, stationed at Umtata ?-- That is correct.

Previously were you stationed in Johannesburg, attached to the Security Branch ?-- That is correct.

On the 4th July, 1954, did you attend a meeting of the African National Congress that was held at White City, Jabavu ?-- I did.

Did you there make notes of speeches delivered by speakers at the meeting ?-- I did.

Have you those notes before you now ?-- Yes.

Did you record in your notes when the meeting started and when it was finished ?-- I do not remember that well now.

Who was the chairman ?-- William Shope.

Did you record what he had to say at this meeting ?-- Yes.

Will you refresh your memory from those notes and say

what was said by every speaker at this meeting. Will you read out aloud, and slowly, please, into the microphone ?-- "Marx William Shope addressed the meeting and said: This meeting has been called to come and educate the people of this place. We have the question of rents, transport. All these things you see them but you do not know them and how to tackle them. Those of you who were at Trades Hall you know what the Government did. But the new tactics the Government is taking notes and addresses. The police said they were investigating high treason. Government is frightening you not to come to meetings. Government has taken also steps to oppress you. Government has introduced Native Labour Settlement of Disputes and Industrial Conciliation Act. That laws are to stop you from voicing your complaints, as workers, and not to strike. In every civilised nation workers are on the march. Working class are a productive source of labour. In new laws Government will bring informers to take your complaints. Under Industrial Conciliation Act wages have been reduced, especially on women workers. Certain groups will have special jobs. That is in a laundry Government will allow an African not to work as a clerk or that job will be done by a European or coloured. That will affect Africans. We come to Bantu Education Bill. Government will want children taught mother language, or a child will be required to learn Afrikaans or English and when a child has passed Std. V will be sent to work in farms. Parents will have no say to the education of their children. I will call first speaker to address you." This is the speaker Obed Motsabi. "I am sure you all know the notorious laws which are being enforced and all such laws are those gangsters." I tried to shorten this, there is an abbreviation and I can't decipher it. "Through these laws we would be attending sports. Imperialist force is thickening. Imperialism came to take this country in 1870. They have tried to do

all things affecting. / They took our land from poor people. People were left with nothing and those that have land are those who go to America and protest against us when we say 'No' to imperialism. They say because Malan is starting to remove people from Western Areas factories will be built in Sophiatown. In South Africa poor ones pay for the rich. We have death in locations. It is no excuse today to say some people are not oppressing you. There are no jobs in South Africa, but there is plenty of work but those people are granted privileges to oppress others. After the war two people started to starve, no houses, no building material. Look at Dube Township. There is material to build houses. Where did they get these materials since there was shortage of materials. Taxes are paid by Africans and no increase in wages. It is a bluff to say African children must pass a certain education. Government wants to make semi-feudal. They want to remove people from Sophiatown and chuck them..... They want to make them undesirables and chuck them out. South African Government is not doing anything for people. Money is sent to England. The police are undesirables and are supposed to be our servants, but want to kill us. Government is composed of crooks. South African Government is an imperialist state. Imperialism is coming to an end. We are waiting for the coming people to rule us. People died in Europe. Why can't we do the same. China was attacked and it fought for its freedom. People demand freedom, free education, high wages. Sophiatown shall remain and we shall help them. If a man says that is black spots. If Government leave people of Jabavu, Moroka and Pimville and say he is going to send Sophiatown people to Meadowlands. What did the people of Kenya do, and British Government says it is Mau Mau. People have no houses. They want their land. Imperialist is killing. If so, we have to decide whether we shall allow

Sophiatown people to be removed. Even during Smuts people have been suffering. Made kaffir beer for people and police keep on raiding houses of people for liquor. We are receiving messages from all countries and we are supported. We of A.N.C., even the police cannot prevent freedom. South African Government has banned A.N.C. leaders to stop us, but we shall carry on. We want our orators. What happened in 1952. We experienced Bethal where Africans are searched. No abiding native must not attend meetings in Pretoria." There is one part I did not put in my report. This was just an abuse to discourage me from taking notes. "He is a good boy." That was said to me, "...but I must say he is stupid." I didn't put that in my report. "Children have no more respect when police come to houses. We give way. I must tell Det. Sgt. Moeller that we are not going to be stopped by their presence. Time will come when members of Department of Justice. There will be no more ... where any man will get work, houses, and so on." The second speaker is Lawrence Nkosi. "Mr. Motsabi has spoken about western areas removal. You have seen in 'Rand Daily Mail' the Government sends police to arrest people that steal. Government is stealing Sophiatown houses. Government is a thief and makes laws in Parliament to send people to gaol. Rent is increasing in locations. Government needs money to send people from Sophiatown. I have to remind you of another soldier in Kenya who arrested an African suspected to be a Mau Mau. Soldier told a detective to pour oil on innocent African and set fire on. I collect this case of Kenya like Sophiatown people to be removed. Verwoerd dreamt of black spots in Sophiatown. He sees a child in a white spot, in Moroka lavatories, white spot in gaol. Let us act against such acts. Another person said if Government shoots me and blood flows to the ground it will kill all. You know there is Thabeta who are the sergeants and is cruel. Government

took him to spy because Government is a criminal. All detectives who aid Government to remove houses of Sophiatown people.... I will go back to such a soldier of British Government. Whyfor Seretse said 'With South African Government you never know where you are, but with British Government you never know where you are.' A great warrior will address a meeting in Sophiatown will ask you to contribute 2/- for the bus." The next speaker is Philip Mathole. "Mr. Chairman and all, I greet you and you must greet me. I am going to speak of some vital importance. There is a meeting and there is no one taking notes. Government is finished. When a man is finished he is mad and tries all. I speak on transport and removal. Government says remove western areas. We shall give transport, churches. Yes, there will be churches. Go to Meadowlands. In trades hall came and went this man in nice uniform. When they left Marshall Square they said 'We shall donder die kaffirs,' (meaning 'assault kaffirs.') They carried this not for white man because white man" I did not finish that. Our train service is overloaded and packed. Rail officials admit, our trains are given numbers which do not tell anything. When ours come, kaffir train, all stations. Whereas many trains go for Randfontein and so on. If these people have sense they would not send police to take notes. Verwoerd told the world to keep away from black man. Black man must develop on their own. They brought PUTCO and was blacked with police. These buses are not keeping to their time, and are good look at trailers. Dr. Esselen is a director in this company and is regarded as most educated man." He speaks Sepedi. Transport is linked with western" Why are the police always with us when we have a meeting. It is because there is trouble. You people must not think that a Dutchman can put right" We are going to the farms. We want 5,000 volunteers to go and organise those people who are at farms.

And Europeans will shiver. We want to tell that we want freedom not in Heaven. We can give them Bibles and we get our land full of honey. They brought us Bibles and said they and soldiers behind them. You find a dom os with a gun. They took our land and you find a policeman with a gun and an African with a lot of bibles. All those who were not in trades hall that day when we get to farms that this man who uses my father to work from morn till sunset will end. Police and Government think of Mau Mau and that organisation is finished. Who knows Chesa-Chesa. There is no Chesa-Chesa or no Mau Mau. I appeal to you people of Jabavu that A.N.C. is the only organisation that opposes Government. They fear us. After the rule of the gun what will happen." That is the end of his speech. The fourth speaker, I.Makgothi (Mokoti.) I don't know what his Christian name is. "Sons and daughters of Africa. I salute you on A.N.C. I support last speakers, especially Mathole who asked what have we got from the west. Parliament is an instrument to oppress us. Steal properties of Sophiatown. To pass laws such as Bantu Education, to steal our children's future education. I have been asked to speak on Bantu Education. There are two standings and sittings." This referred to me, although I did write it. "What is this for, these people to write and oppress his people." That was being referred to me. "They employ fathers of the children to oppress their children's education. People know what they are going to do. I call for 50,000 volunteers to bury this government. I was once a teacher before and used to teach the children that the Afrikaners wanted to steal their education. Afrikaners are good but there is a check behind them. I told them how that man started to take land from Africans, but (Africans) were good. They allowed these people to live. Afrikaners hated British people. They hated the Imperialist Government. Shoot our people in Kenya. Dutch men did not like British. Dutch

man formed Volksraad for their Parliament. All Afrikaners came together and formed laws. Verwoerd stands in Parliament says white man is superior and black inferior. Has some Dutch priests who say white man is superior and so confuse Afrikaners. African people are marching forward. Chief Luthuli spoke addressing a meeting of youth league. I read in one newspaper yesterday it was July Handicap. I do not know whether Swart had lot in July Handicap. When he said any resistance will be crushed. Two years ago we crushed them. If our resistance had been crushed there would be no police surrounding us. Swart is telling lies. Every African people are more determined more than they were more than they ever have been. Swart said he had given them guns with all kinds. You find sons and daughters sitting quiet. Swart was film star and cowboy. Cowboy is a filthy thing where children are taught to shoot and kill. He was a film star and thinks of bioscopes. People are determined to live peacefully. A.N.C. is fighting Bantu Education. We know what takes place in farms in Bethal. Children of 18 sent to farms and have fresh air. It's a lie. We are determined to see thieving of properties in Sophiatown be done away with. We shall go forward because Chief Luthuli has instructed us. We know Chief Luthuli is right with Dr. Moroka. We must stop mad men from stealing people's properties in Sophiatown. It is the only just cause. I can refer you to people of Vietnam who chased French soldiers from their country. We A.N.C. do not want to chase these people away, but want to live with them, but must give back the land they took from our forefathers. There have been many gangsters such as Hitler. We have asked Malan to think and change his mind. Look at the Americans who started war in Korea and asked Malan to bring guns to exterminate Koreans. After two years determined

fight Americans were defeated and signed peace. Americans have all dangerous ammunition. French people have been using these weapons but are now running away. It's about two years now but are still fighting in spite of bombs thrown at them" -- I am sorry I omitted something: "...running away. Kenya people have no guns, have no aeroplanes and bombs. It's about two years now but are still fighting in spite of bombs thrown at them. Future will remain with right people and not with guns. A.N.C. asks that children must be given free education. Government must not use Africans against to spy their people." That is the end of Makgothi's speech. The Chairman spoke next.

Omit the speech of the next speaker, and then you come to the resolutions?-- The resolutions were read by Obed Motsabi.

Did you record the resolutions?-- I tried to take some.

Will you read those that you managed to take down?-- "This A.N.C. held on July 4, 1954, to oppose to teeth west areas removal, expropriation to create home-less; furthermore to police raids for cheap labour; opposes the City Council in raising rents, announces temporary Bantu Education whose aim as defined in Declaration of Human Rights; endorses decision taken by trade union in Cape Town which decided to oppose Schoeman's Native Labour Bill. This meeting strongly opposes the action taken by the police at trades hall on 26/6/54. Educate and give houses for free education to 18 years. Recognition of trade unions under Industrial Conciliation Act. Deplores European command." I can't make out that last word now. "This meeting responds to the call of Chief Luthuli to ask 50,000 volunteers to fight western areas removal scheme."

Now, you mentioned the names of Marx Shope, Obed Motsabi, Laurence Nkosi, Mathole, as speakers at this meeting ?-- Yes, I did.

Do you know these persons well ?-- Yes, I will know some of them.

Which one ?-- Obed Motsabi, William Shope, Laurence Nkosi. I am not certain of this I. Makgothi.

And Mathole ?-- Phillip Mathole I know him quite well.

Are they amongst the Accused ?-- (Witness leaves box and identifies Accused No. 37, P. Mathole.) L. Nkosi is not here. (Accused Nkosi in hospital.) (Accused 68, M.W. Shope; O. Motsabi, Accused No. 47.)

(No further questions)

NO CROSS-EXAMINATION:

(Notes handed in as G.56.)

FURTHER EXAMINATION BY P.P. (MR. LIEBENBERG) (Meeting 11/7/54.)

On the 11th July 1954, did you attend a meeting of the African National Congress held at Sophiatown at Freedom Square, on the corner of Morris and Victoria Streets ?-- Yes.

And did you make notes of the speeches delivered at this meeting ?-- Yes.

And are those notes no longer in existence ?-- I don't know.

What has happened to the notes ?-- I handed them in.

Did you make a search for them subsequently ?-- No.

There is another witness who will give evidence relating to this same meeting who can explain the whereabouts or absence of these notes. Did you prepare a report for your superiors the next day ?-- Yes.

And in preparing that report did you refer to these notes that you had made at the time of the speeches ?-- Yes.

When you prepared that report were the facts of the

speeches still fresh in your mind ?-- Yes.

I see that the report you prepared is signed on 13th July, two days after the meeting -- is that so ?-- I had my notes which I constructed this report from.

Was your report written two days after the meeting ?-- That might be true.

What was the usual practice ?-- After the meeting we could write our notes and then on a Monday we make our report.

When were you supposed to prepare your report ?-- Sometimes we go to a meeting and it is on a Saturday or Sunday; we have our notes and we make this statement on a Monday, constructing the statements from our notes.

Now, if your report is dated 13th July, 1954, would that indicate the date on which you prepared the report or not ?-- It is the day I made the statement, a report.

Is that the day on which you prepared the report ?-- Yes.

According to your report, who was the Chairman ?-- The chairman was Mr. P. Vundla.

What did he say ?-- He opened the meeting about 10 a.m. and Mr. Ncobo gave a sermon and he prayed for the Congress. Some A.N.C. Songs were sung by a choir. Then came the speaker No. 1, W. Sisulu. He addressed the meeting and said: "Sons and Daughters of Africa, I have to make an announcement that your leader arrived in Johannesburg yesterday afternoon but has been banned, just as he arrived and landed at Jan Smuts Airport, by the police. You know Nationalist Government through its ruthless laws have dominated the situation. Police served him with notice banning him from attending any gathering for two years. What I can tell you is that the president is in good health and in mood.

He is with you in spirit, and the letter banning him has not affected his interest in A.N.C. Another important thing is your membership. African National Congress has grown three times more during the last two years. We have 10,000 registered members of all races in South Africa and in other places. I appeal to you to volunteer in thousands and join us to fight for liberation. The Nationalist Government has banned a great leader and the more you ban your leaders a thousand Luthuli's are born. Your leader is not fighting for the liberation of the non-Europeans only but for all races in South Africa. As you know that some sections of the white are oppressed by these apartheid laws. Join African National Congress and I have confidence that you will respond in great numbers." The next one was Mr. S. Tyiki. "Chairman of Sophiatown branch of A.N.C. addressed the meeting and said: I feel very hot and warm. This is a great pride to see you having assembled at Sophiatown determined to meet your President-General, Chief A.J. Luthuli. Malan's Government is afraid of African National Congress because it is an organisation that faces facts for Africa. Your leader is banned, but the A.N.C. will continue. We want volunteers. You know an Afrikaner is a cruel person. I know them and I grew amongst them. In Sophiatown we have a brief case as a President-General for these documents of A.N.C. and also an office was provided for Chief Luthuli. The brief case bears his name, A.J. Luthuli." The next speaker was E.P. Moretsele. Addressed the meeting and said: "Ladies and Gentlemen, it is pleasant to see a large gathering of you this morning. It is quite clear to me that you were fully determined to meet your President-General, Chief Luthuli in Sophiatown, and other people from various places. You see all races are represented here. There the Europeans

are, on a motor lorry speaking and had chance to see Chief Luthuli. You know Afrikaners say Africa for Afrikaners. They came to this country in 1652, but when we asked them what year did Africans come to this country they cannot tell. They call the Africans Bantu, but we can call a European a muntu.

BY THE COURT: What does that word mean?-- A muntu means an African of this country.

EXAMINATION BY P.P. CONTD.:

?--- If they call us baboons they are also baboons for God created us and human beings and we all alike with Europeans. I have to announce that the people of Sophiatown have presented Chief Luthuli with a brief case for his documents of A.N.C. and have slaughtered an ox for President-General Chief Luthuli. The brief case bears his name and will remain as a remembrance that Chief Luthuli was at Sophiatown on 11th July, 1954. Dr. Verwoerd found it wise to remove Sophiatown people from their place which they bought through their hard-earned money. They also brought reference books which cause African youths to go to farms and be employed for a farmer for 10/-, £1 and £1.10,- a month." The next speaker was Mr. Nokwe, Secretary-General, Youth League. Addressed the meeting and said: "Sons and Daughters of Africa. I address you on the Youth League; the African National Congress cannot do without Youth League. The Youth League is an instrument and the back-bone of the African National Congress in South Africa. Malan's cabinet meets at Union buildings every day worrying about African National Congress. They spend unnecessary money running after our leaders. These mad people must be sent to lunatic asylum. It is the African National Congress that is leading these poor people just for one simple reason. African National Congress leads the people to freedom. You know

all the eyes of the world are looking towards South Africa. There is the darkest cloud hanging over South Africa. As you know, some people have started to fight for their liberation. That is in Tunis, people are fighting imperialist French, as also in French Indo-China where the Vietnamese have defeated the French and the French are running. You will also know in Kenya where the people are fighting the British Imperialists to free themselves. At the beginning of this year Mr. Swart appealed to the youth to join the police with regard of their criminal records. Even those who have no reference books and who do not work are welcome to the police. Those youths will be employed to arrest their people and those people will be sent to the farms to work for the farmers. Mr. Swart also advised Dr. Verwoerd to send a circular to the teachers in schools to tell the children who want to go on holidays after schools are closed to spend their holidays in farms. The school children will be made to work with convicts who are criminals. When apartheid laws are enforced in the years to come school children will no longer be asked to go and spend their holidays on farms, but will be forced to go and work in Mr. Van Niekerk's farm. I appeal to you to join the African National Congress and be registered members. Volunteer to fight against these laws made by Malan and his cabinet ministers. The Congress is marching forward and there is no turning back until the struggle for liberation for races in South Africa has been achieved." The next speaker was Mr. P. Mathole. Instructed by the chairman P. Vundla to read resolutions before he reads them told the people that Malan and Swart are afraid to come to the meeting, but to get information they send detectives to come and take notes of what is said. African National Congress and the people always held their meetings quietly but the police were constantly provoking them

At Jabavu Township No. 1 Square last Sunday the 4th July 1954, a big policeman smacked resolutions after they had been read. These police claim to be experts in shorthand writing but are not educated and cannot write. He read resolutions. A meeting held at Sophiatown on July 11th, 1954, unanimously condemned the ban on Chief A.J. Luthuli, President-General of African National Congress. Mr. Resha read a letter from President-General Chief A.J. Luthuli. The meeting was orderly and had been at least 2,000 people both sexes attended. Meeting closed at 2.30 p.m.

You mentioned the names of W. Sisulu, Simon Tyiki, E.P. Moretsele, Nokwe, Mathole, Resha ?-- Yes.

Do you know these persons ?-- I will know some of them.

Which do you know ?-- P. Vundla, W. Sisulu, S. Tyiki, E.P. Moretsele, Nokwe -- I am not certain if I can point him out; P. Mathole, Resha.

Will you step down again and see if you can see these people here ?-- (Witness leaves box and identifies P. Mathole, Accused No. 37; R. Resha Accused No. 63; Simon Tyiki Accused No. 75; W. Sisulu Accused No. 70; E.P. Moretsele Accused No. 46; P.P.D. Nokwe Accused No. 56.)

BY THE COURT: You seem rather surprised at finding Nokwe ?-- I was not so used to him. I saw him only on two occasions. (No further questions)

(Report handed in as Exh. G.57.)

FURTHER EXAMINATION BY P.P. (MR. LIEBENBERG):
(Meeting 18/7/54.)

On 18th July, 1954, did you attend a meeting of the African National Congress at Moroka ?-- Yes.

Did you record when the meeting started ?-- In my report I must have recorded the times.

Have you your notebook before you now ?-- Yes.

Did you make those notes at the time of the meeting ?-- The meeting started at 11.30.

Are you now referring to your pocket book and notes you made at the time of the meeting ?-- Yes.

Did you record who the chairman was ?-- Yes.

I don't want you to read what the chairman said -- what is his name ?-- Ngwane.

Who was the first speaker after the chairman ?-- Mr. Malele.

Do you know his Christian name ?-- I might have it in the other notes.

Do you know this person well ?-- I think I will know him.

I don't want you to read what you recorded his speech to have been. After him, did the chairman pass some remarks ?-- Although I have not got it here, I think he did.

Who was the next speaker then ?-- The next speaker was Miss Mamkoe.

After her ?-- The third speaker was Jerry Kumalo.

Will you read what you recorded of his speech ?-- I am sorry his speech is not in this pocket book. I must have some notes. I had some notes on this speech which might be missing.

What will be the reason for your not having recorded his speech in the pocket-book ?-- I generally had a notebook just to jot these speeches.

Did you keep a separate notebook for speeches ?-- Yes.

What was the object of that pocketbook that you have before you now ?-- In the pocket book you can't take all the speeches of the people, so I had to keep a separate notebook just to record their speeches.

Do you know what happened to that separate notebook
?-- During the sorting of these they must have become missing,
- I don't know, because I handed them in.

Did you prepare a report again the next morning ?--
Yes, I did.

Evidence will be led about the whereabouts of the
notes. They are no longer in existence. Will you then
look at this report and see if this report relates to this
meeting of the 18th July at Moroka ?-- Yes.

I want you to refer to the speech that you recorded
of Jerry Kumalo ?-- Jerry Kumalo addressed the meeting and
said: "Mr. Chairman and friends, you have called me to speak
when I was unawares. My duty is to appeal to African people.
Luthuli our chief-general has been banned. A.N.C. will go
forward in spite of that ban. Dr. Malan and his clique does
not rest and are afraid of Chief Luthuli. I appeal to mem-
bers of Malan -- meaning the police -- to join A.N.C. Malan
and Swart will lead them nowhere. President has appealed
for 50,000 volunteers. We have now 3,000 volunteers in
uniform. We still appeal for more volunteers. Volunteers
will go all over and organise people and even on farms. On
25/7/1954 we shall put volunteers in action, as president
has ordered. Flying Squad will not be able to stop them
from achieving freedom. I appeal to you to come forward.
Goals made by nationalists will be opened and people freed.
Malan has shown himself to the world and is frightened. They
have made bars for Africans. People should when
A.N.C. flag is hoisted. Our leaders have been banned but
A.N.C. will go on. In Sophiatown last Sunday volunteers
came to join and were 1,000. We follow the leader (meaning
Chief Luthuli) and not the cabinet of Malan, Swart and Ver-
woerd. We have our cabinet, Indians, coloureds and Africans.
Mr. Swart has found it necessary to intimidate that we must

be shot, if their fright and incitement prove their fear. A.N.C. has won other racial groups. We are going to form a cabinet that will have no racial discrimination." That is the end of Jerry Kumalo's speech.

Who was the next speaker?-- The next speaker is an unknown man. I couldn't find out who he was, but his speech was taken. The next speaker to that man was Obed Motsabi.

Will you read Motsabi's speech?-- Obed Motsabi addressed the meeting and said: "I am confident this afternoon that the solidarity of people of Moroka will not be crushed. In life there are two things, positive and negative and you people who are oppressed are positive and Malan is negative; Malan has bluffed the world through apartheid, South Africa should be for whites. Flying Squad men always bluff Malan by their reports and they must connect their wires with S.A.B.C. wires so that Malan may hear the truth of what we say. We follow science of life and that we of A.N.C. found that there is no living alone. When the Europeans came to this country those Dutch of East India Company also married our daughters mixing blood. How does white become supreme. Nationalist and United Party are confusing other people, same as was done by Hitler. In 1933 many Jews were killed in Germany. What is happening today in Moroka, convict camps. People die of T.B. . I read in one paper that a big camp for children, that is a challenge to Africans. They want young children to go and live in these camps. Join A.N.C. and immaterial whether you are a detective, your children will not write through Bantu Education Act. We appeal to young Africans to join the A.N.C. for they will experience rises of rank. Cost of living, America is dying. Britain has collapsed. They die because they represented a wrong philosophy. They could not fight

in Korea. America saw they could not fight against people who fight for their freedom. We in Africa expect a new thing. What do they do with trade unions. Remove the people from their property. They want those people to come and settle at Moroka. That is Paradise where they could remove them anytime according to the laws recently made to remove people. It is the same thing like broadcasting played in Jabavu White City which broadcast lies. Labour Party has lost its hold and is selling people for cheap labour. I appeal to you mothers here to give one child to A.N.C. if you have two and the other to remain to help mother in housework." That is the end of Motsabi's speech.

Will you read on ?-- The next speaker was Joseph Likeba, addressed the meeting and said: "Mr. Chairman and sons of Africa. I address you as a trade unionist. We know that the present Government tried to pass laws to discriminate but failed. In 1938 Hitler said that trade unions must be crushed. Today is the communist mine in Africa. Friends the country is ours and we were born in it. A.N.C. fights these laws. We want youth to come and fight these laws. A.N.C. does not shed blood but non-violence. That is why Malan was invited to attend a meeting at Trades Hall on 25/7/54. We want him to come and tell thousands of us that till they die of malnutrition. He is now inciting police to shoot everyone. We A.N.C. want to tell him. I want to know from you people standing here if A.N.C. is right in holding this meeting and the answer was right. You are all my witness that even in the mines are the black hands doing the job. I want to know from you whether you agree that a European brought civilisation in the whole of Africa. We want youth to come to A.N.C.; during the war, Africans joined in great numbers. Some of those who joined were related to you. Some of them became cripple and some deaf and some got

mental defects. What about you coming to join A.N.C. Some of those people who were shot by the police because of such laws. God gave us the land and somebody robbed you of the land and yet you still go to God (meaning church.) You go to work and the boss to pay you small wages. You workers of South Africa the Government is there through your work. It is you workers who must say 'We want that, and we do not want that' through your labour, I appeal to the youth to join." That was the end of his speech.

You mentioned the names of Malele, Jerry Kumalo and Obed Motsabi -- is Obed Motsabi the person you pointed out previously?-- Yes.

And Malele, do you know Malele and Jerry Kumalo?-- I can point him^{out} and also Malele. (Witness leaves box and identifies E. Malele Accused No. 30; Jerry Kumalo Accused No. 17.)

(No further questions)

(Report handed in as G.58.)

FURTHER EXAMINATION BY P.P. (MR. LIEBENBERG):

(Meeting 15/8/54.)

On the 15th August, 1954, did you attend a meeting of the A.N.C., at Dadoo Square, Moroka -- are those your notes?-- Yes.

Do they refer to the meeting I have just mentioned?-- Yes, on 15/8/54.

Were those notes made by you at the time the meeting was held?-- Yes.

Did you record who the chairman was?-- Yes, Laurence Nkosi acted as chairman.

What did he say?-- Lawrence Nkosi addressed the meeting and said "We shall open the meeting and I will act as chairman until Mr. Ngwane comes, when I will hand over to

him. Not very long the Minister said to the Government, Torch Commando, if you act like A.N.C. you will be banned. Jesus Christ had eleven disciples whom he told that what he taught would be achieved and it was achieved. That is why you see some churches today. We of the Congress what we teach will one day come true. I will call upon a speaker to address you." Kumalo was the first speaker.

Who spoke after Kumalo?-- B. Hlapane. He addressed the meeting and said: "Chairman and fellow Africans! I want to tell you a little story. Afrikaners are the first people to land on this country. Afrikaners had no laws but when English landed at Cape made laws. Afrikaners had no laws but could not bear the laws but drifted to North Transvaal. After arriving at Transvaal they said 'This is a place for us.' At that time Afrikaners lived with Afrikaners and lived well. And Englishmen followed the Afrikaners and imposed laws. Afrikaners tried to resist these laws but were defeated in the field. They had no guns." I am not too certain of this. "Only this they had. In 1920 Afrikaners tried to fight and before they could organise they could organise Broederbond. Many parliament members were a party to Broederbond. They wanted a republic. To achieve that they formed Dutch Reformed Church. It is not surprising today to find Dr. Malan being in Dutch Reformed Church. They collected all Dutch. They knew history was on their side. Trade union is regarded as foreign in this country. Trade union puts right your wages and privileges. Look at the Dutch in mines. They do not know trade unions. They are told in mines, but do not know trade unions. Dutch have no respect to trade unions. In trade unions there is no colour bar. Dutch does not know principles of trade unions because they come from farms. They tell all Afrikaners to come together and not trade unions

but the State. They form a line in factories separating workers. Let us come to African and see Afrikaners were defeated Afrikaners. If this Government can throw any bombs Africans will use non-violence but march on to victory." That is the end of Hlapane's speech.

Omit the speech of the chairman and then omit the speech of Nyakale. Who is the speaker after him?-- Joseph Letebe.

Omit his speech, and who is the next speaker?-- Laurence Nkosi.

Omit his speech also; who was the following speaker?-- Nthithe. He addressed the meeting and said: "I pay special respect to the youth, sons and daughters. It has become apparent salvation of the people can be had when the youth is here. We speak because events in South Africa force us to speak, that these Government people of Malan we speak today because they have closed Parliament for the Africans. I am going to illustrate the importance of the youth. There appeared something great in Europe. He wanted to show himself that he was great. Forces of other nations formed against him. Before this man came into power he said 'Deny me anything but the youth.' What had happened to the name of this man it dawned in England. America and England formed their youth and marched into Europe. How many of them returned, only a handful, but the handful won victory, not because Churchill can speak best English but through the elements by the youth. I appeal to the youth even if they play football with oppressed lands. I am pleased to be with you here. It is the monster that has swallowed our land. It is now 300 years since the Europeans are here, ever since the white man has been, Africans have been subject to oppression. You will find a dead body, post mortem held and the result malnutrition. What has been given to the mothers. White

man's duty is the extermination of the Africans, in this world. In 1912 when A.N.C. was born, African was determined to march forward. Government has discovered that all that has been done before was nothing but educate Africans and place them where there were no houses. Now we must give them centres so that they could open for poison, and they die of such poison.

Repeat the whole sentence: "Now we must give them centres so that they could open for poison and we'll say they die of such poison."

Did you leave out words there?-- "Now we must give them shelters so that they could open for poison and lot of them will say and they die of such poison." "Government has come late when Africans have brains to use by the trade. That is Western Removal of Sophiatown which is a trap. It is surprising that we should worry about people far away from us. They close Parliament and worried about removing 9 million people from Sophiatown. You know ever since they had diplomacy, they totally become ignorant."

Have you got that figure right, you say '9 million'?-- '9 million.' "I mean what is written in this pamphlet by the Government. What is a Bantu. You know how this word Bantu, when Europeans called Africans 'Bantu' that would be a term which interpret 'muntu', in our language it is something intermediate. We know how these people achieved to get such properties. They were told that was a white spot. So they took people away from Sophiatown. How would people be suitable for work. People had to work in Sophiatown."

Omit the rest of this speech and also the speech of the next speaker, Xaba -- the seventh speaker, and omit also the speech of the eighth speaker Modigoa. Then you come to the resolutions. Please read them?-- Resolutions. Meeting

of residents of Moroka concurs that such increases of rent are opposed, that this meeting of residents accuses the City Council having ignored what was asked. This meeting of residents deplores shameful and cowardly action by Malan's Government in banishing Ngwenda and another one to Transvaal from Cape Town. This meeting of residents further endorses call of 50,000 volunteers called by Chief Luthuli. This meeting strongly opposes any banning of leaders, Bantu Education, rent increases and rail increases." There is no note here who read the resolutions.

Who seconded the resolutions ?-- Obed Motsabi seconded the resolutions.

Did he make any speech ?-- "Before seconding resolutions read Obed Motsabi started to give remarks about Sgt. Moeller whom he said had taken resolutions from him and that when he was to speak Sgt. Moeller came near. Sgt. Moeller must not think he is to blacklist all A.N.C. members, even if he works for his children. The same with that native detective (meaning myself) who is always taking notes to oppress his children. He is always helping these people oppress us, and that other detective with black hat. (That was native detective constable Phillip.) When we take over these people who helped Europeans to oppress us will receive punishment or will go away with Europeans. Children do you see that father who helps oppressors to get you Bantu Education. When you come here you must catch your fathers to come here and those fathers to come and address the people, I mean that detective. (Meaning myself.) And others. When you grow old and take over see that those detectives are punished for helping oppressors. We also intend to see children doubled from the previous meetings held in Gabase No. 1 Square." That was the end of that speech.

Who spoke after Motsabi ?-- The Chairman Ngwane.

Will you read what he said ?-- "Friends you have heard all that has been said by the speaker. The present politician Government members are mad. They do not know what they are doing. You know sometimes when Malan saying 'a coolie' attacked Mrs. Nehru. Do you know Mrs. Nehru. Secretary-General of United Nations of which South Africa is a member. The time will come when A.N.C. will take over and there will be no detectives writing and taking notes of what we say. They will be given work. The time of imperialists has come to end everywhere. You know in Indonesia imperialists (meaning French) have been defeated. Imperialists were also defeated in Korea and these will be defeated. You know in Kenya British said Mau Mau when killing people of Kenya. They are the Mau Mau themselves and are being defeated now everywhere." The meeting closed at 4.40 p.m.

Do you know this person that you have described as P. Nthithe -- or just as Nthithe ?-- I saw him once, but I can try and point him out.

And the person that you have mentioned as Jerry Kumalo, is he the one that you previously pointed out ?-- Yes.

And Obed Motsabi ?-- Yes, I have pointed him out.

Will you have a look and see if this person Nthithe is before the Court ?-- (Witness wrongly identifies Accused No. 106, L. Kepe.)

-- What did you say about this man that you have pointed out ?-- I am not certain, but he looks more like him.

(No further questions)

(Notes handed in as G.59)

BY THE P.P. (MR. LIEBENBERG): In regard to the meeting held on 11/7/54, there was some difficulty about the notes, and the witness referred to his report that he had prepared the next morning, and a search has now been made and his report

has now been found, and I would like the witness to identify the notes relating to the meeting of the 11th July, and compare it with Exh. G.57 which is report, also relating to the same meeting.

Will you look at G.57 which is your report on the meeting of the 11th July ?-- Yes, these are the notes for this meeting, from which I constructed my report.

(Notes handed in as G.57A)

Are those the notes you attached to your report which is marked G.57 ?-- Yes, that is so.

(No further questions.)

GERHARDUS PAULUS VON PAPENDORF, duly sworn.

EXAMINED BY P.P. (MR. LIEBENBERG):

Have you already given evidence in this case ?-- Yes.

On 11/7/54 did you visit a meeting of the African National Congress that was held at the corner of Morris and Victoria Streets, Sophiatown ?-- Yes.

Was this last witness, Nat. Det. Sgt. Gxumisa on duty there ?-- Yes.

And was it his duty to record speeches that were made at this meeting ?-- Yes.

Did you make any notes at all while you were at this meeting ?-- I did make notes -- very little.

Are those the notes that you made at the time the meeting was held ?-- Yes.

And what did you record ?-- 11/7/54, on general patrol. 10 a.m. at A.N.C. Meeting -- I have recorded portions in Afrikaans.

Read out the Afrikaans and translate it at the same time ?-- "By A.N.C. vergadering te Sophiatown voorsitter P.Q. Vundla. W.M. Sisulu speech, praat in verband met beperking op Luthuli gelê, ens. We want 50,000 volunteers

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