

You were sitting there, the detectives had been there throughout ?-- Yes, some went out, some came back.

Can we take it this way, that throughout the meeting there were detectives present at this meeting ?-- Yes.

Do you know why the uniformed branch arrived ?-- I am again not definite, but I think that they took the names and addresses of all the persons present at the meeting.

Were they armed ?-- The police?

The uniformed police ?-- It is the customary way, with revolvers, as far as I remember, and some with rifles, I believe.

So the uniformed police arrived at this delegates conference armed with revolvers and rifles ?-- That is correct.

How many of them ?-- I can only express an opinion, I don't know exactly the details.

Yes, I am aware that you didn't count them; how many of them ?-- I would say approximately 50 to 100.

How many delegates were there at the meeting ?-- I don't know.

Give me an opinion ?-- I'd say approximately 500 people in the hall, 800 -- I didn't count them and I don't know how many of them were actually delegates.

You don't know how many people the hall holds ?-- No, I don't know.

But your impression is that there might have been 500, or even as many as 800 ?-- Yes.

Now, the uniformed police arrived fairly late in the afternoon, did they ?-- Yes.

And they set up a guard on every door ?-- That is correct.

Did they search the people ?-- I don't know, I left when they arrived. I did not participate in the taking down of names, and addresses and searching which I believe happened.

Did this happen at the request of the security branch, do you know ?-- I don't know.

I believe it is unusual for the uniformed police to attend meetings, and to take the names of persons at those meetings, unless they are requested to do so ?-- Yes, I don't think that they would do it of their own accord.

It is unusual for a strong armed force of uniformed police to go to a perfectly peaceable meeting, unless they have been requested to do so. ?-- Yes, it is.

Were any documents seized at this meeting whilst you were there ?-- No, when the police entered, myself and Const. Schoeman left.

Were those your instructions ?-- No, my instructions were to record the speeches, and having done that by left.

By the time the armed police arrived you must have had enough of it, you had been there all day, more or less ?-- That is correct.

You were very tired, I expect ?-- That is why Constable Schoeman took over from me.

You don't know whether some of the people at this meeting were kept for many hours more than that because they had been searched and had their names taken, and before they could get away ?-- I can't tell. It is quite possible.

It seems quite probable, doesn't it ?-- Yes.

I take it that you didn't feel during the proceedings that you and your party of detectives were in physical danger ?-- I cannot answer that. I cannot remember whether I felt on that particular occasion that I was in physical danger.

The proceedings seem to have gone ahead fairly smoothly -- a number of speeches seem to have been made ?-- Yes, it is a political meeting; feelings ran high, and people say things which they otherwise probably wouldn't say.

Is that your experience, that at political meetings,

peoples' oratory sometimes runs away with them ?-- Yes, amongst the crowd, just bystanders, I am not referring to the speakers on the platform themselves, but those standing around and next to the police.

Sometimes you think that an atmosphere of excitement arises at political meetings, and people say things which in their normal senses they wouldn't utter ?-- Yes, I have found at some of these meetings that I am definitely in danger.

Anyway, at this meeting, you didn't attempt to obtain the assistance of the armed police in any way ?-- I did not.

And by the time they arrived the proceedings had been going on for many hours without any sort of incident having occurred which you thought it necessary to note down ?-- No.

You have no note of any incident occurring, other than what was said ?-- That is correct.

So can I take it that this was a perfectly peaceful and orderly gathering ?-- It was an ordinary political meeting.

And therefore a peaceful, and, shall we say, reasonably orderly gathering ?-- It is impossible for me to express an opinion on that point. There was nothing unusual about the meeting.

And it was a perfectly peaceable meeting, so far as your recollection goes ?-- That is correct.

I take it that when you have expressions in brackets that means that you are not certain as to their correctness ?-- Yes.

Have you indicated all the blanks that have occurred in your notes -- in other words, whenever there was anything you couldn't hear, did you indicate a blank ?-- Whenever there are parentheses indicated in the transcript, then I indicated that in the shorthand notes.

No, I don't think you heard my question quite. Turning aside now from parentheses, there are places in the transcript where you indicated a blank, an omission of some sort?-- Yes, where I have indicated with dots.

Now, do you always manage to indicate with dots, whenever there is an omission, or is it possible that there are also things which you haven't heard which are not indicated?-- Well, obviously if I did not hear it I cannot indicate it. I don't know anything about it.

BY THE COURT: Do you mean to say that you endeavoured to the best of your ability to indicate such omissions?-- Yes, whenever I am aware of the fact that I cannot distinctly hear what the speakers say audibly hear hi, then I indicate, by dots and crosses in the original shorthand notes.

CROSS-EXAMINED BY MR. COAKER CONTD.:

May I just see your original shorthand notes. I notice various remarks in red pencil on these notes, could you just tell me what they indicate?-- When typing it I just mark it with a red pencil, not invariably, to know the place where I am, the place I typed up to that particular place.

It indicates that there was some sort of a break in your typing when you reached that point?-- Yes.

And there are also some places where portions of the notes appear to be struck out in pencil; what does that indicate?-- That is the completed page; after I have completed typing the page, I struck out the complete page.

You sometimes do?-- Yes, sometimes.

You don't always do it?-- No, not invariably.

(No further questions)

CROSS-EXAMINED BY MR. SLOVO:

I notice both in your evidence and your transcript, and in your original shorthand notes, you have called this a meeting of the Congresses?-- That is correct.

Is this something which you formed an opinion about in the context of the speeches, or is it something that somebody gave you information about prior to the meeting?-- Before I went to the meeting I must have been told by somebody what the meeting was about, by what organisations it was sponsored.

In fact it was a representative delegates conference of a number of organisations, not only the Congresses, as you call it?-- Yes, that appears so from the context of the various speeches.

During the course of the meeting, was any music played-- do you recall any music being played?-- Unless I have made a note about it -- personally I cannot recollect.

(No further questions)

NO RE-EXAMINATION:

JOHANNES VAN ZYL SCHOEMAN, duly sworn:

EXAMINED BY P.P.:

You have already given evidence?-- Yes.

Did you take shorthand notes at a conference on 27th June, 1954?-- That is correct.

And was the last witness, Sgt. Coetzee, with you?-- Yes.

Did he commence to take the shorthand notes at the meeting?-- Yes.

You took the last portion of the meeting, speeches at the meeting?-- Yes.

You are now referring to Exh. G.859?-- Yes.

Are your shorthand notes contained in that exhibit?-- Yes, they are here.

You are also referring to Exh. G.856, the transcript of the shorthand notes?-- Yes.

Does it contain the transcription of your shorthand notes?-- It does.

Will you refer to page 30 of G.856, right at the bottom, Chairman then there is a note, 'Change of shorthand

writers' -- is that correct?-- Yes.

From there onwards, did you take the shorthand notes?--
I took down the shorthand notes from there onwards.

Will you read from there?-- "Before I allow any other speakers, are there any new points to the resolution?" Audience "No." Chairman: "Well, now I will call upon the resolutions committee to report and prepare a final resolution for submission to conference. Will members of the resolutions committee please report to this table. Before you proceed, have you got any new suggestions or points to make. Please make them before you proceed." Speaker: "Mr. Moretsele and the new chairman, and conference at large of all colours. I stand here as a delegate from Moroka. I wish to bring forward a new amendment. This is the amendment. We see our Father Huddleston here. Now the committee, that is the delegates who are here, would like to know where are the African priests." I will now allow delegates to be attacked who are not here. If you have any amendments to make, please put your amendments before I will allow you to speak." Previous speaker: "The amendment Mr. Chairman is that the African ministers should be included in the struggle." Chairman: "Are there any other amendments." Audience: "No, no." Chairman: "Friends, before we put the resolution to Conference, I will call upon Mr. Mathole to make an appeal for volunteers." Mr. Mathole: "Mr. Chairman and fellow delegates, I wish to thank the chairman for having given me the opportunity to speak to you this afternoon. I speak to you at a time when the Government is in the hands of people who know nothing about democracy, because according to the policy of this Government, nobody who is not white is civilised. You have all been told that this conference has worried the Government, and I say it again. This Government is worried. You have seen the appeals that was made by the Native Affairs Department to all the law-abiding

natives not to attend this conference here this afternoon. What do they mean by law-abiding natives. When they say a law-abiding native, they mean a native who accepts oppression and says 'Ja baas' every time Malan speaks to them. Let me say now to the members of the police, let me give them this message, the Nationalist Government is finished. There is nothing left of them. They have turned us to spy on us. "

Chairman: "Order please." Previous speaker: "I am getting down to the point now. Much has been said about volunteers. Now we are going to appeal to you to become the apostles. When I say apostles I don't mean apostles who are going to promise the people the Kingdom of Heaven because if you promise the people the Kingdom of Heaven, let me tell you the Africans don't want to go to Heaven any more. This Conference makes a very strong appeal to every one of you here this afternoon, to show your true spirit to this Conference, by coming forward to volunteer to carry on this work. Every African who is in this house this afternoon, go out and tell the people that their services are needed. First of all, you here must become volunteers, but please help me. Anybody who is a policeman, he must not volunteer. A volunteer force of many thousands, we shall greet them at this table. Everyone of you must volunteer to do this noble and holy job of delivering the people of Africa into the Kingdom of Heaven on earth. Friends, we are going to use another tactic. You know when the Government stopped our mouths to make us forget fighting for our rights on this earth, and they did a committee, they called them preachers, and capitalists support these institutions and these preachers must do what the capitalists tell them. They tell us we have made a sin, we have killed Jesus Christ. Therefore you must pray hard. Don't follow anything there on earth. Your kingdom is in heaven. Now, what we are going to do is this. We are going to send you out to preach the truth, that unless you clean your

own house first, you will never see that Kingdom of Heaven you have been told of this morning. We are not going to ask you to voluntee to go to gaol as we did. We appeal to you sincerely, to consider the seriousness of the matter. When we stand and look we see what the Government is trying to do with us, to deprive us of education. They want to teach us to be slaves forever and ever. There are so many things that have been spoken and please do not let me repeat them. I know you know them. I make a very very strong appeal on behalf of this Conference that the Ministers and the teachers, every man must volunteer, must go out with the words, and pass it from friend to friend. Are you going to allow the Nationalist Government to go on like this. You must ask yourselves friends. Well, Mr. Chairman and fellow delegates, I have to confine myself to this point of volunteers. In conclusion, I want to ask everyone of you here to show by the right hand, that he is willing to volunteer." after a while"Anyway, I do not see the hands of the police up. Anybody against? Thank you very much Mr. Chairman." Chairman calling for order and requesting everybody to keep their seats. Chairman: "I now call upon Mr. Sibande who will support this call for volunteers made by Mr. Mathole." Sibande, interpreted from native into English: "Mr. Chairman and fellow delegates." Chairman: "Please keep your seats, the forms will be collected." Previous speaker: "I will be very short. I will not be long. I feel very grateful to see that everybody who is present in this house volunteers. I see that the Government representatives on the other side, also agreed with us. I appeal to them to come over to us, because this Government is over using them. It is not their intention to be here, but the Government is forcing them to be here. The Government of today, there is not a single soul on their side who is a Christian." Chairman: "Fellow delegates, I appeal to

you to give Mr. Sibande a hearing." Previous speaker: "Mr. Chairman, I am very thankful that this house will listen to me. I am speaking at a very serious time. You see yourselves that the times are very bad. That is why you see everybody walking in the streets, ready to protect his life, because this Government has shown clearly and openly that it will listen to no-one and even itself it does not know what it wants to do. We shall also never respect the Nationalist Government, because they are gangsters. If you want your children to respect you, you must first be taught to have respect for yourselves. If this Government wishes us to respect it, it must first respect itself. Then we shall do so. Today we see many things against this Government, which show that they don't know how to respect themselves, and as a result we shall also call it by name. The Nationalist Government is regarded as a mad Government, a government that is made. If it is not a government which was power drunk and mad it would listen to people who talk to it. This Government shall act against anybody who is a non-European without consultation, because it feels that this is good for the black man. In that respect, it shows that it is a mad Government, and its little dogs, the dogs from the department you know, they are barking at you now. When they came they did not come like respectable persons. They came like hooligans. In other words, tsotsis. At this time we who are not mad, let us face the situation and save the world from these mad people, and if we who are not mad, if we are not going to save this country, we shall have to answer for it. We shall also be regarded as mad people, like these people of Malan, so we don't want to identify ourselves with this mad Government. We show this Government that we want to save South Africa from it. The policy of the African National Congress is not that one of the Bantu Congress, because their chief is in gaol now. Now that Bantu Congress, you can see where it leads to. Everyone

who is in Bantu Congress will end in gaol because they have declared a war against the people. Here in Africa we have many racial groups. When we want this country of ours to establish its wealth, we shall have to join hands and work together as brothers and sisters. Malan has seen that we have seen the light. We must put our hands together to pull South Africa to safety. We must start in the way Malan started. By the time Malan thought it fit, to defy the law, he did defy it. He went and put up a High Court of Parliament, and this High Court of Parliament, was supposed to support the idea of..... and his clique. You all saw what happened to that High Court of Parliament. In connection with our volunteers, let us know well, we cannot promise you money, because we don't know where we are going. But we can only speak of this freedom we are going to. There is nothing that will stand in our way. When the Israelites left Egypt, when they saw anything in their way, they just stepped aside. Another time when they started going around Jericho they were certain that these walls would tumble down. When we started our fight against this tyranny of the Malan Government, we were sure that we shall destroy the Government. The Israelites went round the walls of Jericho seven times. They did not stop after six times. The seventh time they started shouting and praying, and after that, the walls of Jericho tumbled. We are also in the midst of our struggle. Our holy war is still coming. Under these conditions, we appeal for volunteers who shall obey the instructions of Congress. Men and women who shall be faithful to the orders of Congress. Where we are going, we shall go in the darkness. We shall work in the dark. We shall go through black forests. When we get into that river, we shall start breathing. We don't know what river is that. There may be blood flowing in that river. There might be anything, but we are going there. These volunteers who are so anxious to do this job, we must tell them this, whe-

ther they want to know, whether they want to be given orders now or tomorrow. That must not worry them. They must just wait for the call. When the bell strikes, then we shall do something. They shall get the call. Someone has been complaining that our people are sent to the farms. Now we are also going to send to those farms. We shall apply all tactics underground, openly, we will do all this. You can believe. You can rest assured that we Africans are hard people. Do not think we just go with people downstream. There are other racial groups in various other countries whose brains are so clear, whose brains are open, who day and night wishes to see South Africa a free place for everybody to live in peacefully. We promise them that they must not be disappointed. We are going to fight the Nationalist Government until democracy is established. Many people ask these volunteers, should they be regarded, just to go and organise, just for the removal scheme. Dr. Verwoerd knows very well that we are waiting for him. One thing with Verwoerd, he will be learnt a lesson. We are not going to do the things he expects. We have wasted time thinking and we shall do things our own way. We therefore appeal to you volunteers to wait and see what orders are given out. Don't cast your eyes only on the Western Removal Scheme. There are many other things where we can hit Malan very hard. I don't know whether I shall push you or whether I shall pull you, but I shall be with you all the time. The Government, you know that they are like little children. They think probably that they can be here.... the whole organisation is dead. What wishful thinking. The last few weeks the Government has been wasting money on paper banning leaders, trying to make this conference a failure. But the Government failed to stop this conference. Just yesterday it was advertising all the good natives, good boys, who are law-abiding, must not come to this conference, because this Conference some good boys hearing have stood back. There will

be a good man unless he is a fool or mad, who is going to bow down to the Government which robs him of his right to say things and his liberty, education of his children. Then a man must bow down because he is going to be called a good boy. Now, today it is quite evident what this Government has been doing because it shows evidently that this Government is composed of such hooligans that even if you bow down to them they say, good we will take everything. You who have taken up this job as volunteers, this is your task. Don't try to make yourselves the orders. You shall be given directions from time to time. Don't fear the officers of the Congress. Don't fear the officers of the organisation. Even the officers themselves need your help, need your services. Go then and give them your support. Our volunteers must teach themselves one thing. They must not wait for this big policeman to pick them up for a piece of paper called the passes to be sent to the farms. They must disappoint Swarts. But on their own must go to the farms and show Swart they want to think the way they like. Every week-end we shall start going out to these farms. We don't know where we are going to start, the Free State or anywhere, but the fact remains that we are going to start. I myself went out to investigate and I was there when we were told that they wanted workers. And I stood outside and I said "Ah, call the big boss, let him come." The native commissioner looked at me and said 'No, wait I will come.' I said to him: 'Are we going to make this contract here?' He said to me: 'Yes.' Up to today there is not a single one who went to the pass office, N.C. of Police."

That is where you stopped, is that correct?-- That is correct.

(No further questions)

CROSS-EXAMINATION BY MR. COAKER:

I take it that you do not claim to be infallible as a shorthand-writer, you do not claim to get down every word ?-- No, I don't claim to be infallible.

And you don't claim to be able always to hear everything at political meetings ?-- No.

I take it that there may be things that were said that you didn't hear ?-- Yes, that is correct.

And there may have been things that you may have misheard ?-- I agree that is possible.

Were you aware that a force of armed police were going to enter this meeting ?-- I wasn't aware until they entered.

Did they bring the meeting to a close ?-- Not exactly; if I remember correctly, the meeting did proceed afterwards. But I am not quite sure. I wouldn't like to commit myself on that.

Why did you stop taking notes ?-- There was so much noise after this, that it was not possible to hear anything that was being said.

Because I see you haven't written down a single word after 'entry of police'. So in effect, the entry of the uniformed police brought the meeting to a standstill ?-- Yes.

How long did you remain after the uniformed police arrived ?-- Not long after, I went outside and I sat in the car.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

ISAAC SHARP, duly sworn,

EXAMINED BY P.P.:

You have already given evidence ?-- Yes.

Did you make notes at a meeting held on 18th September, 1955 ?-- I did.

What meeting was it ?-- It was a Congress of the People.
Where was it held ?-- It was held at the Trades Hall,
Johannesburg.

Were you inside the hall ?-- I was inside the hall.
And were there other members of the Force inside the
hall ?-- Yes.

Do you know whether Sgt. Coetzee was there ?-- He was
there.

And where were you ?-- I was sitting next to him.
Now, did you identify the speakers to him ?-- I did.
Do you have a list of names of persons whom you saw
inside the hall ?-- Yes.

You also made notes indicating who the speakers were,
is that correct ?-- Yes.

Now, will you go through the list and first mention the
speakers whom you have noted down -- only mention the names of
Accused persons ?-- The chairman was S. Lollan (22;) A. Hut-
chinson was one of the speakers

Just look at the chairman, S. Lollan, again, do you have
an interpreter ?-- Yes, interpreted by J. Hadebe.

Is he one of the Accused ?-- He is. (61) A. Hutchinson
(11); Lilian Ngoyi (52); Leon Levy (20); Leslie Masina (34);
Dr. Press (60) came up to the platform and made an announcement,
but I didn't put him down as a speaker.

Do you have in your notes fifth speaker, after the lunch
interval ?-- H.G. Makgothi, one of the Accused. (29). He moved
a resolution.

Will you go through the list of names of other persons
who attended there, inside the hall, and mention the names of
Accused persons, and leave out the speakers whom you have al-
ready mention ?-- N. Sijake (65); H. Joseph (13); L. Nkosi (55);
N. Levy (21); J. Nkadimeng (54); P. Nene (51); Robert Resha
(63); F. Adam (1); Dr. H.M. Moosa, (45); F. Madiba (23);

A. Chamile (8); S. Malupi (31) B. Seitchero (64); P. Magofe (26); S. Tyike (75); W. Ngwendu (53); Moosa Moolla (44); S. Esakjee (9); Obed Motsabi (47); Patrick Maloao (42); R.E. Press (60).

(Notes handed in G.857).

(No further questions)

NO CROSS-EXAMINATION:

GERHARDUS PAULUS VON PAPENDORP, duly sworn.

EXAMINED BY P.P.:

You have already given evidence ?-- Yes.

Did you take notes at a conference held on 29th May, 1955 ?-- Yes.

What conference was it ?-- Transvaal Indian Congress Conference.

Where was it held ?-- In the Duncan Hall, Johannesburg.

And what time did the conference commence, do you know ?-- I am not sure of the exact time the conference commenced.

You have a note there, 10 a.m. ?-- No, that is the time I commenced observation.

Did you only keep observation at the hall ?- Yes.

And did you then make a list of names of persons whom you saw there ?-- I did.

Will you go through your list and mention the names of Accused persons where did you see them ?-- I saw people entering the building. The hall is on the second floor, and there was an open door on the Market Street side. A.M. Kathrada, (18).

Where did you see him ?-- He was the driver of motorcar TJ.14000.

Did he go into the hall, or did you merely see him there ?-- He brought people to the meeting with this motorcar, he entered the door on one occasion, but came out after a few

minutes again; other persons I saw entering the hall were Dr. Moosa (45); Moosa Moola (44); Suliman Esakjee(9); A.E. Patel (58); Farrid Adams (1);

(Notes handed in G.858).

Did you also take possession of certain documents on that day?-- Yes, on a table at the entrance of this hall, where the conference was held.....

Who was in charge of the table there?-- A man by the name of S.I. Salujee.

You hand in a leaflet, which you took there?-- Yes, G. 859.

Do you identify it; what is it?-- It is a credential form, Transvaal Indian Congress Conference, Group Areas on Sunday 29th May, 1955, at the Duncan Hall.

The next document?-- It is a document 'The Report of the Executive Committee to the Bi-annual General Meeting of the Transvaal Indian Congress, held on Sunday 9th May, 1954 at 2.30 p.m. at the Trades Hall, Johannesburg.' (G.860).

Will you read from that document, where marked?-- "Mr. Chairman, Sir, Ladies and Gentlemen: We have the honour and privilege to present you this brief report of the work conducted by your Congress. The present office bearers and members of the working committee were elected to office at the bi-annual general meeting held on 19/11/1950 at the Trades Hall Johannesburg. Owing to various circumstances arising from the number of campaigns in which the Congress was involved, the working committee was constrained to decide to postpone this meeting to a more propitious and suitable date. Tribute to the leaders who have died." Then comes the next paragraph: "Congress faces the political situation: Fascism is making headway in South Africa. Since the Nationalist Party came into power in 1948 a host of legislation has been enacted. They have passed the Suppression Act, the Martial Law Act, the Group Areas Act

the Criminal Law Amendment Act, the Consolidation of Passes Act, the Population Registration Act; the attack on the Coloured vote goes on, the Bantu Education Act, the Riotous Assemblies Amendment Act, the Western Areas Removal Bill, and apartheid in the Trade Union Bill is being considered by Parliament. Apartheid is being forced upon the people in every walk of life which has become a veritable jungle of restrictions. The housing position is worsening by the day, breaking up family life, and causing increased juvenile delinquency. Propaganda agencies with the pogrom spirit, disruptive elements and secret police agents are trying to stress race and communal hatred, attempting to set race against race, group against group, language against language, religion against religion, in order to divide the masses of the people into conflicting groups so as to facilitate the implementation of industrialist Nazi-inspired laws which are all designed to enslave the masses of the people and hamstring their legitimate struggle for democratic rights. Opposition increases on all fronts. The masses of the people however are not submitting to the devilish plans of the Government. They have struck back by means of the May day strike of 1950 the Cape Franchise Action Strike, the National day of protest 1950, the Garment Workers Strike and the historic Defiance Campaign of 1952. The African people under the leadership of the African National Congress, the Indian people under the leadership of the S.A. Indian Congress, white democrats under the leadership of the Congress of Democrats, the coloured people under the leadership of the National Organisation of the Coloured People, by means of these struggles have developed the mass political consciousness and the spirit of unity among the oppressed and voteless masses to levels yet unknown in the history of South Africa. The call of 'Afrika' symbolises that spirit. In addition we note that the working classes see the danger in the new Schoeman Bill. The churches are realising

the danger ahead. World opinion is opposed to the apartheid policies of the Government. Dr. Malan's attack on Mr. Nehru is part of the Nationalist plan to divert the minds of the people to an imaginary menace outside the country and inside the country. Hitler always said that Germany was threatened by Communists and by local and international Jewry in order to justify the massacre of the Jews of Germany and establish a brutal dictatorship. The attack by the Nationalist Government on the rights of the Indian, Coloured and African people and on the working classes, is a prelude to the Broederbond dictatorship of rich farmers, land owners, industrialists and capitalists. Congress of the People for united action against tyranny. Our latest report on the proposed Congress of the People is as follows: At the invitation of the African National Congress, the joint conference of representatives of the African National Congress, the S.A. Indian Congress, the S.A. Coloured Peoples Organisation, and the Congress of Democrats was held in March. United by the aim of achieving full citizenship, rights for all South Africans and by a common desire to make ^{the} democratic aspirations of our people held powerfully throughout South Africa and the world. The Conference resolves to convene a Congress of the People at a date to be announced. The Congress of the People will consist of democratically elected representatives of the People of all races from all parts of the country, and will be the most wide representative gathering of South Africans ever. in the Union's history, this decision in itself is a political victory, and a major step forward for the freedom loving forces of South Africa. The Congress of the People will mobilise and unite the great majority of the people of South Africa in the struggle against Fascism, and for democratic rights. Its success will depend on you and all freedom loving people of South Africa. We have no doubt that the Indian people will contribute their share towards the successful con-

vention of the Congress of the People. Victory over the ban on Indian wives and children. You are no doubt aware that it was the intention of the Government to ban the entry of wives and children of South African Indians into South Africa, although these women and children had every right to join their husbands and fathers. Quite a number of men cried when they were faced with the prospect of being parted from their wives and children, who had every legal right to be in South Africa. Under the guidance and vigilance of the Congress we instructed members of the Indian community where able to exercise their legal rights to bring their wives and children home. The 1913 Immigration Act which the further entry of Indians into South Africa since 1913 was amended in 1953 in order specifically to prevent Indians from marrying Indian women in India and bringing them to South Africa. Humanity fights for peace. Humanity is meeting the challenge of the atom and hydrogen bomb through the medium of the World Peace Movement. 500 million people of all nations and colours signed the first petition of peace for all mankind. Public opinion all over the world wanted recognition of New China. Peace talks in Korea and agreement that the five Great Powers should meet for peace talks. That the great powers are meeting now over the question of the peace in Korea and imperialist war in Indo-China is in itself a victory for the World Peace Movement. South Africans still want peace. Members of the Indian Community took part in the convening of the S.A. Peace Movement in 1953. The S.A. Peace Council under the leadership of the Rev. Thompson was formed. We are also proud to report that Dr. Y.M. Dadoo was one of the founders of the peace movement in South Africa, and that the late Mrs. T.M. Naidoo became chairman of the Transvaal Peace council. The Government's interest in peace, can be measured by the Governor-General's opening speech at this session of

Parliament. He said: The unrest and tension which the world in general has been experiencing for some time is showing welcome signs of easing. My Ministers carry the hope that this improvement will continue. Although the situation in Korea after the signing of the armistice remains unsatisfactory it is hoped that difficulties still existing will be surmounted. Over £6 million was spent by South Africa for her part in that senseless slaughter. How many schools, hospitals and houses could be built with all that money. The people are taxed directly and indirectly to finance these wars. Every man, woman and child suffers in a war. Therefore every man woman and child must fight for peace. The Defiance Campaign stood up to the Government. Hats off to the gallant volunteers and leaders who have been banned. We are proud to record that the Indian people have played their part in the historic Defiance Campaign of 1952. We congratulate particularly the men, women and youth volunteers who have suffered the rigours of imprisonment. We would also be failing in our duty if we did not record our thanks to all those, inside and outside Congress, who were ready at any time of the day or night to lend assistance during that campaign. It is one major force which has stood up to the Government as a serious opponent of Fascism and as a defender of the rights of the South African people of all races and proved to be the national liberatory movement of the non-European people. Throughout the time the Liberals and reformist trade unions have been on the retreat, abandoning one after the other the principles which they claim to uphold, it has been the fraternal alliance of the African National Congress and the S.A. Indian Congress to hold the fort for them of democracy and rally the people to resistance. The Defiance Campaign of 1952 was the biggest and most important national action ever carried out by the oppressed people of South Africa. It was this campaign which

showed up the General Election of 1953 as a hollow sham fight between rival oppressors. It brought the attention of the world to bear on the basic problems of their country, and it established the Congresses as the true spokesman of the aims of the majority of the people of their country. As a result of this campaign the Congress movement is stronger than it has ever been. Afrika, Congresses opposes Western Areas Removal. Congress is operating with the people of the Western Areas in opposing the removal of the people of the Western Areas. There are 58,000 African, Coloured and Indian persons at present living in the Western Areas of Johannesburg, mothers, fathers, labourers, shopkeepers, clerks, teachers and children. There are mosques, temples, churches, schools and public institutions. Millions of pounds spent by the people there in the building up of the area. All this to go and the people to be re-settled at Meadowlands, and the Indians, who knows where. We protest against these removal plans. Congress members, members of the Youth Congress, assist in co-operating with protest meetings. Thousands of people have signed petitions protesting against the removal and European public opinion and church organisations have also objected. Women must organise themselves. It would be superfluous for us to mention any further the contribution of women to the struggle. They are always ready to do something when called upon, but it is time Indian women were organised into a proper women's organisation. Youth stimulate the struggle. The politically conscious youth are doing magnificent work for the cause. Parents must encourage their youthful sons and daughters to help both the powerful Youth Movement and to be interested in the future of the community. Youth are more literate than their fathers were. It is the task of the youth movement to fight for youths' rights and help to destroy the juke-box psychology spreading among the growing youth. Support for

trade unions. Congress at all times indicated their support for the free trade union movement. Workers must be vigilant and see to it that they attend their trade union meetings and take an active part in the affairs of their union. Conclusion In the dark days that lie ahead we have faith that with courage determination and sacrifice, due to the heritage of struggle of the people, we will unite with all freedom-loving peoples in South Africa, for the defeat of Fascism and for democracy for all."

On 17th June, 1956, did you attend a meeting of the Transvaal Indian Congress Youth League ?-- No, I did not attend a meeting.

What did you do there ?-- I proceeded to the hall in which the meeting was held, early the following morning.

Where was the meeting held ?-- It was held in the Duncan Hall, Johannesburg.

What day did you proceed to the hall ?-- On the morning of the 18th June, 1956.

What did you do there ?-- I examined the hall, and in the second row from the front, on a chair, I found some documents.

Did you take them ?-- I took possession of those documents.

Will you hand in the documents you took there -- the first one ?-- Exh. G.861, 'Address to Annual General meeting of the Transvaal Indian Youth Congress, 17th June, 1956.'

There are certain portions marked there, will you read from that exhibit ?-- Yes. "Mr. Chairman and Comrades: It is with the greatest pleasure that I have accepted your kind invitation to address the 1956 annual general meeting of the Transvaal Indian Youth Congress. Knowing as I do the past record of the Transvaal Indian Youth Congress, and having had the privilege of personal contact with at least some of the

activists of the Youth Congress I know that in addressing your annual general meeting, I shall be in good company. I had hoped to be present in person so that I might be able to renew old contacts and make new ones. More so I would have liked to be present, if for no other reason, only to infect myself with a little of the boundless enthusiasm that I know permeates your ranks or perhaps to borrow a little from the courage that is characteristic of youth dedicated to so noble and worthwhile a task as you have dedicated yourselves to. The year that has passed since your last annual general meeting has seen the consolidation of the Nationalist stranglehold on South Africa and one feels the distinctly fascist action of the Nationalist party Government, one cannot help being possessed by a sense of frustration and despair at the trend of events in the country. I am convinced, however, that the overall picture of the events of the past 12 months does not warrant any feeling of despair. For even though the forces of reaction have taken a forward march, during the year under review, there have been on the march also other forces which even though not easily dispersable, yet nevertheless have continued to operate. Both nationally and internationally, the forces of freedom, peace and progress, have also taken significant strides, particularly in the two Continents of Africa and Asia. Powerful forces have been at work seeking to re-adjust the old social relationships which have relegated for centuries vast masses of humanity to a position which they could no longer tolerate. The Afro-Asian Conference held at Bandoeng in Indonesia last year has demonstrated in no uncertain manner the determination of the people of the two Continents to rid themselves of centuries old subjugation and exploitation and take a hand in the shaping of their own destinies. In Asia the struggle of the oppressed has gathered momentum in the past year. In Malaya and Indo-China, the

Imperialist Powers have suffered severe setbacks, and the struggles of colonial peoples in those countries have continued. In the Middle East these movements have assumed importance hitherto unknown and the vigour with which foreign control is challenged, makes the position of Imperialism daily untenable in the Middle East. While Imperialism in the twilight of its life hangs on grimly to its depleted resources in Asia, in Africa too it is being challenged more increasingly. In the French and Spanish possessions of Algeria, Tunis and Morocco, the movements for national liberation have developed to an extent which promises to make French political control of these territories a thing of the past in the near future. The Gold Coast has moved on steadily towards complete independence. The people of Nigeria and the Sudan have taken strides towards the winning of political power. In Kenya and Uganda, the people continue relentlessly their long and bitter struggle for a better life. In the Central African Federation the African workers continue to consolidate their organisations in order to prepare for the bitter struggles that lie ahead in this new refuge of Imperialists upon whom Asia has served notice to quit. From Cyprus in the north to South Africa in the south, from British Guiana in the west to Malay in the east, the urge of the common man for a better life has set afoot powerful movements to disturb the old order. More often than not the people have won concessions and the oppressors have been on the retreat. Everywhere old prejudices are being set aside. Horizons have widened, barriers have broken down. Only in our country reaction has gained the upperhand and oppression has been intensified. In South Africa the past year has seen the growth of the stranglehold on the political life of the country by the Nationalist Party. The importance of parliamentary opposition has become more apparent each day

More and more legislation designed to render ineffective all opposition to Nationalist rule has been enacted. For the non-European people particularly the past year has been one of great tribulation. The implementation of the Bantu Education Act has been carried out with the ruthless determination for which the Nationalist Party has become notorious. The Industrial Conciliation Act Amendment Act seeks to render through apartheid even more defenceless the non-white worker already suffering untold exploitation through the original iniquitous Industrial Conciliation Act of 1924. New regulations for the extension of the pass system to African women are being contemplated. The Senate Act and the South Africa Act Amendment Act designed to disenfranchise the coloured voters, and thus to strengthen the Nationalist stranglehold have disillusioned even the most optimistic among the population and have proved beyond any shadow of doubt the intention of the Nationalist Party to enforce for all time a one-party dictatorship in South Africa....."

Will you just hand me the documents please ?-- Yes. (Handed to P.P.)

You can omit the rest of the contents of the document. Now, the next is ?-- G.862. It is the agenda of the Transvaal Indian Youth Congress, 11th annual meeting, 7th June, 1956. Duncan Hall, Johannesburg.

The next ?-- G.863, Transvaal Indian Youth Congress, financial statement of the Transvaal Indian Youth Congress, as at 31st May 1956, presented to the 11th annual general meeting.

The next ?-- G.864, Draft resolutions.

The next ?-- Booklet, G.865, Transvaal Indian Youth Congress, Tenth Anniversary, 1945-1955.

COURT ADJOURNS:

22nd JULY, 1957: COURT RESUMES:

BY MR. COAKER: May it please Your Worship. The position with regard to persons who are sick and absent is as follows:- The persons who were absent through sickness on Friday and who are still absent are Nos. 55 - L. Nkosi; 98 - 105 - and No. 145. No. 41 is back in Court and I beg leave to hand in a certificate relating to him. There are several new cases of sickness - No. 22 - S. Lollan; No. 31 S. Malupi and No. 148 - Mrs. D. Shanley. With regard to Nos. 22 and 31, medical certificates will be handed in as soon as possible. With regard to No. 148 a certificate has been handed to the Special Branch in Durban who have notified the Court here and, no doubt, that certificate will be forwarded in due course.

One of the Accused is absent No. 25 - V. Make. I am informed that he has been to Durban over the weekend and I assume that he is on the 9 o'clock Durban train which never seems to be on time when there is an Accused on it.

BY THE COURT: Have you any information as to whether the train is late? -- No, Your Worship, but such information will be given to the Court as soon as I become possessed of it. I ask for that matter to stand over until further information is available

I have two applications to make to Your Worship on behalf of No. 68 who is in Court but is suffering from dysentery. I ask permission for him to go out of Court from time to time without making specific application every time. With respect to No. 130 - J. Hoogendyk - is feeling ill and I ask leave for him to leave the Court now in order to consult a doctor. I apply on the same grounds as I have done before for the proceedings to continue in the absence of these persons.

BY P.P. I am accepting the position as stated by my learned

- friend -

friend, Your Worship. I have no objection to the applications made by him.

BY THE COURT: Leave is granted to Accused No. 68 as applied for and the case will proceed in the absence of 130. Accused No. 130 is granted leave of absence for the whole day and, if necessary, it can be renewed tomorrow. Insofar as Accused No. 65 is concerned, the matter can be mentioned again later.

THE CROWN CALLS:

GERHARDUS PAULUS VAN PAPENDORP Sworn States:

EXAMINED BY MR. v. d. WALT:

Did you make notes at a meeting held on the 18th September, 1955? -- I did.

What meeting was it? -- It was a Freedom Charter Committee Meeting.

And where was it held? -- It was held in the Trades Hall, Johannesburg.

Can you say who was the Chairman? -- There were two Chairmen - there were two Sessions - Stanley Lollan was the Chairman in the morning.

Is he one of the Accused? -- Yes. (Accused No. 22).

And the second Session? -- Robert Resha.

One of the Accused? -- Yes. (Accused No. 63).

Now did you make a note of the names of all the speakers at the meeting? -- I did.

Will you mention them? -- Stanley Lollan.

Did he address the meeting? -- Yes.

The next speaker? -- A. Hutchinson. (Accused No. 11).

The next speaker? -- R. E. Press. (Accused No. 60).

The next speaker? -- Nimrod Sejake.

One of the Accused? -- Yes. (Accused No. 65).

The next speaker? -- There was one Musi of Sophiatown.

He is not one of the Accused.

Yes, the next? -- It was another man from Newclare - also not one of the Accused.

Yes, the next? -- Rosina Ngomo - also not one of the Accused.

Yes? -- Moosa Moola.

Did he actually speak? Did you make a note? -- I did make a note here. No, he did not speak

Was he on the platform? -- Yes.

Is he one of the Accused? -- Yes. (Accused No. 44).

Yes, the next speaker? -- Robert Resha.

You have already mentioned him. The next speaker? -- He was then Chairman in the afternoon.

Yes? -- The next speaker was Lilian Ngoyi.

One of the Accused? -- Yes. (Accused No. 52.)

Yes, the next? -- Leon Levy.

One of the Accused? -- Yes. (Accused No. 20).

Yes, the next? -- It was a person unknown to me. He is not an accused. Then Meager - also not one of the Accused.

Yes, the next? -- Leslie Masina - one of the Accused. (No. 34).

Yes? -- H.G. Makgothi - one of the Accused (No. 29).

You hand in your Notes - EXHIBIT "G. 866"? -- I do.

At the same meeting did you also take possession of certain documents? -- Yes.

You hand in Notebook - EXHIBIT "G. 867"? -- Yes.

Where did you get it - where did you take it? -- I took this from the possession of Nimrod Sejake.

And what does it appear to contain? -- It contains a speech delivered at this particular meeting.

And will you refer to Page 4 and read that page? -- "It will be good therefore for all workers of all races to

join a trade union and affiliate to one co-ordinating body of Trade Unions such as the S.A.C.T.U. It is all very well to say 'The State shall recognise the right and duties of all the workers and to draw full unemployment benefits but it is quite a different story to make the State do these things. It requires hard actual work and sacrifice. One must be prepared to clash with the servants of the State, namely, the Police and if the struggle assumes very large country-wide dimensions one will clash even with the armed forces. That is the test we must pass before there can be workers' security."

You hand that in? -- I do.

And you also hand in? -- EXHIBIT "G. 868".

What is it? -- It is a typewritten document marked on top "Sejake" and "15 minutes" in pencil.

And the heading? -- The heading reads "The People Shall Share in the Country's Wealth".

Where did you get that document? -- I found this document in the book I have just handed in (EXHIBIT G. 867).

The next document? -- EXHIBIT "G. 869".

What is it? -- It is a handwritten letter.

By whom? -- Signed by Nimrod Sejake to the Secretary, S.A.C.T.U. 64, Progress Buildings, 156, Commissioner Street, Johannesburg.

Is there a date? -- 6th August, 1955.

The next document? -- EXHIBIT "G. 870".

What is it? -- It is a roneod form - Application for Membership.

Where did you find it? -- I found this in the pocket of Nimrod Sejake.

Yes, the next document? -- EXHIBIT "G. 871". The Freedom Charter. The next document - EXHIBIT "G. 872".

Yes, what is it? -- It is a form containing several

signatures. "One million signatures for the Freedom Charter".

Yes, the next? -- EXHIBIT "G. 873" - Workers Unity - August, 1955 - Vol. 1, No. 4.

Now, on the 27th June, 1954, did you attend a certain Conference? -- Yes, the Anti-Apartheid Conference.

Where was it held? -- It was held in the Trades Hall, Johannesburg.

And what time did you go - can you remember? -- It started in the morning about 10 o'clock.

And when you arrived there what did you do? -- I made notes.

And did you take possession of certain documents? -- Later during the day, I took possession of certain documents.

Now, you hand in EXHIBIT "G. 874"? -- Yes.

What is it? -- It is Delegates Badges.

Is it a stamp? -- Yes, it is pinned onto a jacket.

A badge? -- Yes. It was given to Delegates attending this Conference.

BY THE COURT: To this Conference? -- Yes, the Anti-Apartheid Conference.

BY P.P. And where did you find this? -- I found this on the platform.

BY THE COURT: In the Trades Hall where this Conference was taking place? -- Yes.

And you hand in EXHIBIT "G. 875"? -- Yes.

What is it? -- It is an A.N.C. Flag - a miniature flag.

And where did you find it? -- Also on the platform.

At the same conference? -- Yes.

The next is? -- An envelope - EXHIBIT "G. 876" - an envelope addressed to the Secretary Advisory Board, Germiston Location.

And attached to it? -- A circular letter - a roneod

circular letter.

Headed? -- "Conference Committee - African National Congress of the Transvaal Indian Congress - South African Congress of Democrats, Johannesburg; South African Coloured People's Organisation, Johannesburg; Transvaal Council of Non-European Trade Unions, P. O. Box 9207, Johannesburg. Dated 31st May, 1954."

Yes, the next? -- A number of copies of EXHIBIT "E" 877" - an Agenda.

Of which meeting? -- Resist Apartheid Conference, Trades Hall, Johannesburg - Sunday, 27th June, 1954. First Session, Chairman, Mr. E.P. Moretsele..

Is there an Accused of that name? -- Yes. (Accused No. 46).

Yes, any other names? -- P.Q. Vundhla - not an Accused and the others are also not Accused. Mr. A. E. Patel one of the Accused (Accused No. 58). Then Mr. P. Mathole - (Accused No. 37).

BY THE COURT: In what connection are they mentioned in the Agenda? -- As speakers on certain subjects and in the case of P. Mathole and C. Sibane - "A Call for Volunteers". (C. Sibande - Accused No. 71).

BY P.P. Yes, the next document, what is the number? -- This is the last one I have got here.....

Yes, the next one? -- EXHIBIT "G. 878" - a number of copies of a leaflet "The H. Bomb - We want to live".

Where did you find it? -- Also on the - found on the floor and platform. Distributed by Leon Levy.

Is Leon Levy one of the Accused? -- Yes. (Accused No. 20).

Yes, the next? -- EXHIBIT "G. 879"

What is it? -- A number of copies - roneod copies -

- "Provisional Volunteer " form.

Where did you find this? -- This was found on the Speaker's table on the platform.

At the same conference? -- Yes.

Yes, the next document? -- EXHIBIT "G. 880" - "Resist Apartheid Conference" - 27th June, 1954 - Credential form.

Where did you find this? -- Also on the platform. Then EXHIBIT "G. 881" - a circular letter - "FRIENDS OF CHINA SOCIETY - 3, Somerset House, 110 Fox Street, Johannesburg. There is a form at the bottom to be filled in:- "I am interested in getting material of interest on China and would like to know more about Society".

Yes? -- The next document is EXHIBIT "G. 882" - 3 pages - a handwritten document.

Is it signed by any person? -- There is - I don't see a signature here.

Where did you find it? -- It was also found on the platform.

Yes, the next document? -- EXHIBIT "G" 883 - a leaflet - "Where the Devil Drives", South African Congress of Democrats view of the Verwoerd Bill.

Did you also find it on the platform? -- Yes.

Yes, the next? -- EXHIBIT "G. 884" - Displaced Persons.

Issued by - is there an indication? -- Western Areas Protest Committee.

And did you also find it on the platform? -- Yes. It was distributed at this Hall by Mr. Hymie Barsel.

Is he one of the Accused? -- Yes. (Accused No. 4).

That is all from this witness, Your Worship.

BY MR. BERRANGE: Could this witness be allowed to stand down, Sir, until later in the proceedings for cross-examination.

BY P.P. I have no objection, Sir. Mr. van Niekerk will now take over.

(Continuation of "School Boycott"- Port Elizabeth).

THE CROWN CALLS:

DANIEL MAXAGIKI, Sworn States: (Interpreter: E. Mazwai - Xosa
-English).

EXAMINED BY MR. van NIEKERK:

Do you reside at Mahoa's Ground, Frere Plaas, District of Port Elizabeth? -- Yes.

And do you know a person by ~~the~~ name of Bonokela Kekana? -- I do. (Bonokela Kekana).

BY THE COURT: I should like to know with which evidence this links up - with which witness?

BY P.P. No, Your Worship, it doesn't link up with any other witness so far.

Have you got a mother Dina Maxagiki? -- Yes.

And is she very old? -- She is 107 years old.

Now this - and is she in bed at the moment? -- Yes.

Now, this Bonokela Kekana, do you know whether he is a member of the African National Congress? -- Yes, I know that he is a member.

And are there some children staying with your mother Dina Maxagiki? -- Yes, there are children staying with my mother - my younger brother's children.

And are these children attending a school? -- Yes.

Did this man Bonokela Kekana come to your mother? -- He did.

What did he say? -- He said "If you send the children to school you will also be burnt like that Church".

Do you know what Church is that? -- I know that there is a Church that was burnt.

BY MR. BERRANGE: For the same reasons as on an earlier occasion, I object to this type of evidence. I am objecting at the present moment. I understand the utterer of the words is not one of the Accused. I may be mistaken but if he be not one of the Accused then, in my submission, Sir, the

evidence is not admissible.

P.P. ADDRESSES THE COURT.

BY MR. BERRANGE: Sir, this is a matter that I understood was to be the subject of argument at some later stage. The last time I appeared in Court I was prepared to argue. My learned friend then asked for the matter to be allowed to stand down so as to enable him to prepare his argument.

BY THE COURT: It depends, of course, to what extent the Crown can link up this man with the conspiracy. At this stage I think the evidence will have to go on record. It could be argued again at some later stage if the Crown is unable to link up..

BY MR. BERRANGE: But why should Your Worship be possessed of inadmissible evidence - evidence which, on the face of it, is inadmissible at this stage. We have no evidence as yet even that the speaker is a member of any one of the organisations.

BY THE COURT: The point is that Kekana is supposed to be a member of the A.N.C. and he made certain statements and it is in furtherance of this School Boycott....

BY MR. BERRANGE: But where is the evidence that Kekana is a member of the A.N.C.? Quite shortly, my submissions to Your Worship are that even if Kekana were a member of the A.N.C. this would not be admissible as against the Accused but in the meantime I would like to have this witness tested either by you or by the Crown or by myself as to the basis on which he alleges that Kekana was a member of the A.N.C. If this witness says "I know that Kekana was a member of the A.N.C. because Kekana told me so" that, again, would be inadmissible.

That does not prove membership of the A.N.C.

BY THE COURT: I have in mind - of course, you are also aware of the decisions - that the Crown is entitled to lead evidence either of a conspiracy.....

BY MR. BERRANGE: I am not objecting to that. I am not objecting to the order in which the Crown leads its evidence. The point I am making at the present moment, Sir, is that this is a matter that raised itself some time ago. We were prepared to argue this matter. The matter was set down for argument. The Crown then asked for leave for the matter to stand down because it said it wasn't ready to argue. Now, that falls four square with the present situation and I see no reason why the Crown in the meantime should be allowed to lead evidence which Your Worship might well find to be inadmissible after you have heard the argument which the Crown has asked be allowed to stand down.

BY THE COURT: I can't quite recall now whether it was in regard to the school boycott that the point was raised. I seem to have a recollection of it but I can't quite recall in what connection the matter was to stand down. I don't know that the facts are entirely the same...

BY MR. BERRANGE: I don't see any distinction between them, Sir.

BY THE COURT: In the other instance, if I remember correctly, there was no evidence - and that was exposed in cross-examination - that certain persons were with the A.N.C.....

BY MR. BERRANGE: Would Your Worship be so good as to ask this witness why does he say that Kekana is a member of the A.N.C.

BY THE COURT: I don't know that I should do that at this stage. Are you going to bring further evidence about Kekana's connection with the A.N.C. Mr. Prosecutor? Or are you merely relying on a statement which, of course, may be merely a hearsay statement?

BY P.P. May I just point out that the distinction between this evidence and the evidence on which there is still some

argument to be led to be heard - and probably evidence to be led - that is in connection with those documents alleged to have been taken from a man Ngube and a man by the name of Xaba who, the Crown alleges, are Secretaries of the African National Congress. That is the matter that is standing over. This witness makes a statement "I know this man is a member of the A.N.C." I might ask him now "How do you know this".

BY THE COURT: That was part of the difficulty in the previous point too, that certain statements were made and it appeared under cross-examination that the witnesses were not able to say from their own knowledge or from any direct evidence that such was the case.

BY P.P. This witness will be connected with the Organisation. There is no doubt about that.

BY THE COURT: By means of this witness?

BY P.P. And other evidence. The other evidence is not available at the moment. I have the information but not the evidence.

BY THE COURT: So long as the Crown gives that assurance, I am not prepared to stop this evidence, Mr. Berrange. The evidence will have to proceed. Your objection is registered and my decision as to the admissibility of this evidence will have to be contingent on the nature of the further evidence. I think you will have to accept that, Mr. Berrange.

BY MR. BERRANGE: Would my learned friend, in the meantime, so as to be quite certain that we are not having any hearsay evidence placed before the Court, ask this witness on what grounds he bases this statement that this man Kekana was a member of the A.N.C.

BY P.P. How do you know that this man Kekana was a member of the African National Congress? -- For this reason that

he said if we do not attend their meetings, that is the meetings of the A.N.C., they will do as they like with us.

BY MR. BERRANGE: Is it contended by my learned friend that that statement is admissible? If so, I shall argue to Your Worship that in order to render a statement admissible an inadmissible statement is made. We go round in circles in this way, Sir.

BY THE COURT: If it is the Crown's case that Kekana was in conspiracy with the Accused or with any of the organisations - here we have the A.N.C.....

BY MR. BERRANGE: I am only asking for clarification on one point. If, in fact, the Court ultimately rules, after evidence has been led by my learned friend, that Kekana was a member of the A.N.C. then, of course, nothing comes of my argument. I shall have to seek some other remedy. If, however, my learned friend is trying to establish membership of the A.N.C. by virtue of that which Kekana said to this witness or to his mother then, Sir, I submit, that is not the means of establishing membership of the A.N.C. I would like clarification on this question as to whether my learned friend is to be heard to be submitting to Your Worship that he has duly established membership of the African National Congress by virtue of that which was said by Kekana to this witness's mother. If my learned friend is going to establish membership by some other means, it will be time enough for me to argue then but if my learned friend is trying to persuade Your Worship that he has now established membership by virtue of this report that has been made...

BY THE COURT: No, I don't think so. I don't think that will be the case. May I know from the Prosecutor whether he is relying, in fact, on the membership or whether he is

relying on the statement - which on certain occasions is sufficient - it is sufficient to show that a man conspired with the Accused.

BY P.P. I am relying firstly, Your Worship, on the fact that this man is a member of the African National Congress.

BY THE COURT: Are you relying on this man's evidence to establish that?

BY P.P. No, Your Worship. And in the second place I am relying on the furtherance of the plot...

BY THE COURT: The furtherance of the plot on the part of Kekana?

BY P.P. On the part of Kekana.

BY THE COURT: Quite apart from his membership?

BY P.P. Quite apart from his membership, I am relying on him furthering the Bantu Education Boycott.

BY THE COURT: Well, it seems to me that on that basis the evidence will have to be admitted - at any rate at this stage. It could be argued again if necessary.

BY MR. BERRANGE: I haven't argued it at all yet. I have made my submissions. I haven't addressed Your Worship in argument.

BY THE COURT: You have put forward certain argument...

BY MR. BERRANGE: I understood the matter is to be fully argued at some later stage.

BY THE COURT: I know that there is authority - the evidence - or rather the statements made by or the acts of a person who is not before the Court...

BY MR. BERRANGE: A co-conspirator....

BY THE COURT: ..can be admitted if that person is a co-conspirator and if ^{he} said or did anything in furtherance of the common objective - that is the position - and that, apparently is what the Prosecutor has in mind.

BY MR. BERRANGE: Well, in due course, we can argue it, Sir.

BY P.P. You mentioned something about a Church, do you know which Church this was that was referred to? -- The Church of England.

BY THE COURT: Where is that Church? -- At Vierplaas.

BY P.P. Do you know what address? -- No, it is just in the street.

BY THE COURT: You say in one of the streets in Vierplaas?
-- Yes.

BY P. P. Do you know who is the Minister of that Church?
-- Hlaula.

Do you recollect more or less when this conversation took place - when this statement of Kekana took place? -- Years ago. I think it was the year 1954.

Do you know Lettie Maxagiki? -- Yes, she is my brother's wife.

Do you know when she received injuries through burns? -- Yes.

Now in relation to that, this conversation with Kekana was that before or after Lettie received those injuries? -- My memory is not so good. I cannot remember whether it was before or after.

Was there a long space of time between these two events - Lettie's receiving her injuries and this talk you had with Kekana? -- After Kekana had made this utterance Lettie got burnt - after.

How long after? -- I think months.

BY P. P. NO FURTHER QUESTIONS.

BY MR. BERRANGE: I am going to ask Your Worship to allow the cross-examination of this witness to stand down until such time as my learned friend has done what he has undertaken to do and that is to establish the basis upon which he says that this witness's evidence is admissible. If he does not establish the admissibility of this evidence, of

course there is no cross-examination that needs to be directed towards this witness.

DISCUSSION BETWEEN THE COURT AND MR. BERRANGE.

BY P.P. I HAVE NO OBJECTION TO THE RESERVE OF CROSS-EXAMINATION OF THIS WITNESS.

BY MR. COAKER: My attitude is the same as that of my learned friend Mr. Berrange.

BY MR. SLOVO: I make a similar application.

THE CROWN CALLS:

LETTIE MAXAGIKI, Sworn States: (Interpreter E. Mazwai - English/Xosa).

EXAMINED BY MR. VAN NIEKERK.

Do you reside at Wilson's Ground, Vierplaas, Port Elizabeth? -- I do.

And have you got children attending school? -- I have.

What school do they attend? -- Church of England School.

Now, do you know anything about the School Boycott? -- Yes.

Now at the time of the School Boycott did your children attend school? -- Yes.

Do you know when the School Boycott was to start? -- I think 1954.

And during the period that the schools were boycotte did your children attend school? -- Yes, they were attendin school.

Now, I believe you received certain injuries through burns? -- Yes.

When was that? -- At the time of the boycott of the schools.

Do you remember the date? -- No, I don't.

What happened? How did you receive those burns?

-- It was in the evening. I was in the house. A stone was thrown at the window. Then a bottle of paraffin was thrown through that window.

Yes? -- They broke the window and then they threw a bottle containing paraffin through the window into the room.

And then? -- I then got burnt.

Did anything in the house catch fire? -- I had a paraffin lamp in the room and the paraffin lamp was still burning in the room.

Yes? -- What I presumed happened was this: as they threw the bottle containing petrol into the room it struck a piece of furniture; the bottle broke and the splashing paraffin came into contact with the open flame and that is how....

BY THE COURT: You mean the petrol? -- The splashing of the petrol.

BY P. P. And when you came into the room, what did you find? -- I was in the room lying on the bed.

And did you see all this? -- Yes.

And any of the furniture, did that catch fire? -- Everything that was in the house got burnt.

Who was in the room with you? -- I was with my two children.

Did they receive any injuries? -- Yes, they did.

Both of them? -- Yes.

Were they taken to hospital? -- Yes.

BY THE COURT: What injuries did they receive? -- They got burnt.

BY P.P. And where did you get burnt? -- The whole side of my body.

And did you go to hospital? -- We all went to hospital.

How long did you stay in hospital? -- I was detained for two months.

And the children? -- The elder one was detained for three months and two weeks.

BY P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. BERRANGE: Do you remember when your Church was burnt down - do you remember it being burnt down?

BY THE COURT: Let us first find out - which is your Church there? -- The Church of England.

BY MR. BERRANGE: Do you remember that it was burnt down? -- Yes.

Do you remember when it was burnt down? -- After I had got burnt.

The Church was burnt down after this incident occurred in which a bottle was thrown through your window and you had got burnt? -- Yes.

About how long after was it that you had got burnt was it when this Church was burnt down? -- I had not yet completed a month of being discharged from hospital.

Just a little under a month elapsed between these two events? --

BY THE COURT: She said within a month of her being discharged from hospital.

BY MR. BERRANGE: How long were you in hospital? -- I stayed for two months.

Would it be correct then to say something like three months elapsed between these two incidents? -- I don't understand.

Please tell her. What period of time elapsed between the time the Church was burnt down and the bottle

was thrown through your window? -- I cannot say that.

Approximately? -- I have already said it was a long time.

All right. How long were you in hospital. I will have to work it out for you? -- Two months.

Then it was about three months? -- That is correct.

Was it in the Winter or the Summer that this bottle was thrown through your window? -- Winter.

In the Winter? -- Yes.

You know, we are told that this Church was burnt down on the 17th/18th of March? -- Let me put it this way - in Port Elizabeth there is no Summer or Winter but it was cold.

You don't know the difference between Winter or Summer I suppose? -- No, I don't know the difference because today it might be hot and tomorrow it might be cold.

I see. You are not trying to be clever by any chance are you? -- What can I say - because that is the position.

Do you know when Christmas is? -- Yes.

Do you know when New Year is? -- No.

You don't know that New Year is on the 1st of January? -- No.

I see. Then perhaps you will be so good as to tell His Worship when was the window broken with this bottle - before or after Christmas 1954? -- It was before Christmas when I was burnt.

It was round about Christmas time though wasn't it? -- Not so near Christmas.

Tell us how close it was to Christmas? -- I do not know. I did not take note of the month.

You see, if the Church was burnt on the 17th/18th of March and this bottle was thrown through your window approximately three months before that, that would bring it

round about Christmas time and the boycott itself didn't start for another five or six months after that? --

BY THE COURT: Before or after the boycott started, did you get burnt? -- After the boycott.

BY MR. BERRANGE: It couldn't have been. If you got burnt approximately three months before the Church was burnt the boycott couldn't have started - the Church was locked up on the 17th March and on the 18th it was found that the building had been burnt down.

BY THE COURT: When did the boycott start? -- April/May, 1955.

BY MR. BERRANGE: I am told that the correct date is the 23rd May, 1955.

BY THE COURT: There is evidence that the Church got burnt in March, 1955, and the boycott started in April/May, 1955. Can you fix that in your mind? -- Yes.

You know the one month from the other do you? -- Yes.

Now you have told us that the Church was burnt after you got burnt - is that correct? -- Yes.

Then you must have got burnt at the end of 1954 - about three months before the Church got burnt? -- Yes, that is so. I know I got burnt before the burning of the Church.

BY MR. BERRANGE: Then you must have got burnt before the boycott started? -- No, I got burnt during the boycott.

Who told you to come to Court and say this? -- Nobody told me.

Your evidence obviously can't be correct. You yourself have told His ^Worship that you got burnt in 1954? -- Yes, I did. They told me that I was burnt because I sent my children to school.

In 1954? -- No reply.

In 1954? -- I do not understand what year it was.

You told us yourself that it was 1954? -- No reply,

Do you deny having said that? -- I do not deny it.

You go to Church don't you? -- I do.

Do you know the Rev. Hlaola? -- I do.

Do you know there was some trouble in the congregation about the Rev. Hlaola? People were taking different sides. Some were for him and some were against him.....

BY THE COURT: Is he your Minister...

BY MR. BERRANGE: No, Sir, please. Please may I ask Your Worship not to put that question at this stage.

BY THE COURT: I'm sorry.

COURT ADJOURNS.

COURT RESUMES: APPEARANCES AS BEFORE:

BY MR. COAKER: Before we proceed, Your Worship, I would like to indicate that the Accused who was absent this morning, No. 25, V. Make arrived at Court at about 10 o'clock this morning and he informs me that he was travelling on the Durban train which was due to arrive in Johannesburg at 9 o'clock but didn't, in fact, arrive in Johannesburg until a quarter to ten.

BY P.P. NO OBJECTIONS, YOUR WORSHIP.

LETTIE MAXAGIKI (Continued).

MR. BERRANGE: Well, now, you have had the tea interval to think about the evidence which you have given this morning. Is there anything in that evidence that you have already given which you want to change, vary or qualify? -- There is nothing that I want to add.

You are satisfied with the evidence you have given?

-- Yes.

That it is correct? -- That is correct.

Right. We were dealing with the Rev. Hlaola and I was asking you the question as to whether you know that there

was some dissention amongst the members of the Church in which some members took sides against the Rev. Hlaola and other members took sides on his behalf? -- No.

You never heard about this trouble in the Church? --

No.

When did the Rev. Hlaola leave your Church? -- I do not know the month.

What year? -- I do not know the year.

How long ago? -- I cannot say.

Why did he leave? -- I do not know. I only heard that he was being transferred.

When did you hear that? -- I heard that at the Church.

When ? -- I do not know.

How long ago? -- I cannot say.

Before or after the Church was burnt? -- I do not know.

You don't know whether he was there when the Church was burnt? -- I do not know because he does not stay near but at New Brighton.

But you know that he was transferred? -- Yes.

You heard that he was transferred. Now, I am asking you - whether he stays in Port Elizabeth or whether he stays anywhere else in South Africa - did you hear this before or after the Church was burnt? -- I do not know.

BY MR. COAKER: NO QUESTIONS.

BY MR. SLOVO: NO QUESTIONS.

BY P.P. NO RE-EXAMINATION.

THE CROWN CALLS:

SILAS HLAOLA, Sworn States:

EXAMINED BY MR. VAN NIEKERK:

What is your residential address at the moment? --
St. Matthews.

BY THE COURT: Where is that? -- Keiskamahoeek.

What district is that? -- Kingwilliamstown.

BY P.P. Are you a Minister of the Anglican Church? -- Yes.

And were you stationed at Vierplaas? -- No.

Where? -- At New Brighton.

When were you at New Brighton - what year? -- 1956.
I left in May, 1956.

And when did you arrive at New Brighton? -- 1949.

And during that period 1949 to 1956 were you a Minister at New Brighton? -- Yes.

And were you at that time Superintendent of the Church?
I was then supervising Anglican work amongst the Africans there, yes.

BY THE COURT: Just repeat that? -- I say I was the man - the Missionary in charge of the Mission in Port Elizabeth.

BY P.P. Do you know that there was a school boycott on? --
Yes.

Do you know when the agitation against the Bantu Education Act started? -- I don't know.

This Church at New Brighton - you remember this Church, I believe, was burnt down - the Church at Vierplaas? -- The Church at Vierplaas, yes, what about it?

BY THE COURT: The Church at Vierplaas, do you know that it was burnt down? -- Yes.

BY P.P. Was that your Church? -- Yes.

Did you conduct services in that Church? -- Yes.

Now when was this Church burnt down? -- I think it

was the 17th March, 1955.

Now prior to the burning of the Church, did you hear anything about the School, Boycott? -- Yes.

What did you do as a result of what you heard? -- I warned my people against it.

Against what? -- Against the boycott.

When was that? -- It was on the 2nd March, 1955, I think.

BY THE COURT: Is that when you issued the warning? -- No, I just spoke to them after the service.

on that date? -- On that date.

BY P.P. And you say on the 17th March the Church was burnt down? -- Yes.

When did you see it? -- That would be the 18th.

The 18th of what month? -- March.

Did you go to the Church? -- Yes.

What did you find? -- It was all gutted down.

Now was this Church being used for school too? -- Yes.

Do you know a woman by the name of Lettie Maxagiki? The one who has just given evidence? -- No, I don't know her.

BY P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. BERRANGE: Mr. Hlaola, you were transferred from New Brighton were you not? -- Yes.

Do you know why? -- No.

You never asked why? -- I didn't. I was asked if I wanted to go to St. Matthews by my Bishop and I agreed.

But you don't know why this request was made of you? Pardon?

You don't know why this request was made of you? -- No, I don't. Missionaries are always transferred when a Mission falls vacant.

Were you not happy at New Brighton? -- I was happy.
But you were anxious to go to St. Matthews? -- I
didn't say I was anxious. I was transferred.

You were asked whether you would like to go to St.
Matthews and you said you would? -- Yes.

Did you prefer St. Matthews to New Brighton? -- I
had been working at New Brighton long enough.

Why don't you answer my question? I asked you
whether you preferred it? -- It was not a question of pre-
ferring, I think. I was being transferred and I agreed to
take the transfer.

You were being transferred and you agreed to take the
transfer? -- Yes.

Now, I want to know still from you whether you pre-
ferred being at New Brighton or preferred being at St.
Matthews? -- Well, I preferred being at St. Matthews because
I agreed..

I can't hear? -- I preferred being at St. Matthews.
Do you know a man by the name of Bennet Mgxwalila?
-- Yes.

Did you ever discuss Church matters with him? --
Well, yes, I think we did.

You are not sure? -- Well, Church matters are many.
I think we must have discussed them. He was a Church Warden
at Vierplaas.

Did you ever discuss with him a certain dissention
that had occurred between the members of the congregation?
-- Certain what?

Certain dissention? -- I don't remember that.

Was there any dissention between the members of
your Church? -- At Vierplaas - I don't know.

And New Brighton? -- Yes.

There was? -- Yes.

It was centred round you wasn't it? -- Yes.

And there was a certain body of the congregation who had - there is evidence - a certain degree of ill-feeling towards you? -- Yes.

And did you mention this to Bennet Mgxwalili? -- Yes, we spoke about that many times.

What was this dissention about? What did it centre around? -- It began at the Vestry. It was about Church Wardens and the Vestries.

Was it in connection with certain financial matters? -- No. I don't know. I just noticed that certain people didn't want me to carry on in the Vestry.

Why? -- They knew - I didn't.

But if certain members of your flock don't want you to carry on I would have imagined that the first thing you would have asked was "Why not"? -- Yes.

Well, did you ask "Why not"? -- Yes.

And were you told what the reason was? -- Yes, they said that their Church Wardens were not in the Vestry.

And this caused not only dissention but there were several very unpleasant and unhappy meetings were there not - rowdy meetings, in fact? -- Where?

It doesn't matter where they were. Were there certain rowdy and unpleasant meetings as a result of this dissention. If you know about them then you might tell us about it and I'll ask you then where they were? -- Our meetings are always in the Church.

Now do you mind answering my question? Whether there were several meetings of a rowdy nature arising from this dissention. This is the third time I have put the question to you? -- I remember one on the Vestry Day.

Was that rowdy? -- Yes.

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