

better speak to one of the leaders?-- No, I did not think it necessary.

Why not?-- I thought it was just a small message to pass on to the crowd.

But the message to the effect that the crowd has to disperse is virtually an admission that the campaign had failed and is no small matter?-- That is your view but I don't think it is my view. It was the most reasonable thing to do at the time.

Not the way I read your pamphlets? Your pamphlets are most emphatic - they say you are going to demand your arrests? In your knowledge of the English language is there a difference between demand and ask?-- Yes.

Your pamphlets also say you demand a certain salary, what did you expect to get from your demands?-- We expected to get what we demanded.

And if you don't?-- That's ^{Not} for me to decide.

Demands hold a threat - don't they? -- Yes.

Your pamphlets say further "we go home and don't go to work, we stay at home" until when?-- Until our demands are met.

Your demands weren't met so why didn't you stay away from work altogether?-- It would have been foolish.

But I don't follow, you said if you were not going to be arrested, you were going to stay away from work?-- Yes.

For how long?-- Until the President called off the campaign.

Did he call off the campaign?-- No.

People were prevented from going to work?-- Not to my knowledge. Everybody acted on his own.

What were you going to gain by staying away from work?-- Certain amount of pressure was brought about.

What kind of pressure?-- Well passes were suspended for some time.

To my knowledge the reference book was never suspended?--
It was.

The only thing as far as I know was that you were not called upon to produce your reference books?-- That's what we call suspension.

In view of your announcements on that day, the 21st March, I would expect you to agree that as far as the crowd was concerned they accepted you as the leader?-- I spoke to the crowd conveying the message that I had received from the police.

Did anybody else, bar you, address the crowd?-- I spoke to the crowd.

Did anybody else address them?-- Not that I have seen.

Did anybody address them while you were inside the police station?-- I don't know.

How did it come about that you found No. 2 accused twice in succession in that crowd?-- I was in the crowd and remained there all the time. I did not find him.

So you were there all the time, bar the once you went into the police station?-- Yes.

You stayed in the same spot?-- Yes.

When No. 1 said you went in twice, that is not so?-- I did not hear him say that. If he did say that, it is incorrect, I only went in once.

Furthermore, where did you get the message from on the second occasion?-- From No. 2

Was he a member of the P.A.C.?-- No, I don't know.

He wasn't a local leader?-- I cannot say.

Did you know him at the time?-- I had seen him.

Did you know his name?-- Yes.

And No. 1?-- I know him and he knows me.

On that day you knew him?-- I knew him by sight but I did not know his name then.

Is there any reason why you should have

trusted him?--Well he had been with me at the police station.

Any other reason why you should trust him?-- The fact that he had been with me and he heard what the lieutenant said.

I'm talking about No. 2 now, how is it that you just accepted as the truth what he said the officer had told him? I am talking about the second occasion?-- He was the only man with me right inside the office.

On the second occasion he went in alone, he told us, was there anything that made you trust and believe him when he told you the officer said the crowd should disperse? Were you prepared to listen to anybody?-- He was a man who had been with me when I interviewed the officer and he also told the officer he had come to surrender. He heard what instructions the officer gave us.

What instructions did he give you on the first occasion?-- He said I must tell the crowd not to do anything to their passes.

And on the second occasion?-- No. 2 said Mr. van Eeden said the crowd should disperse.

So he actually acted as intermediary between you and the police?-- He did not.

Did he act as a messenger?-- He wasn't a messenger either.

Why didn't you go in the second time? It seems to me there was a bit of a rival between you - each one wanted to address the crowd?-- That is not so.

Well the local leaders did not even get a chance to address the crowd? No. 2 and you said everything that there was to be said?-- There were no speeches - only announcements.

What is your job?-- I was doing my articles.

How did you keep yourself?-- I got an allowance from my principal.

You don't call it a salary but an allowance?--

Its not a salary, it is an allowance.

Was this allowance big enough to meet your needs?--
I managed somehow - its only a little.

Did you get anything from the P.A.C.?-- No.

What happened to their money?-- It has no money.

Were the members not asked to donate?-- There was
conference money which was being used to pay for various
things, like the books, maintenance, printing etc. etc.

BY COURT: Was there P.A.C. money?-- There was no
money to pay the office bearers.

CONTINUED: I want to know what happened to the P.A.C.
money?-- Money that was contributed was used for specific
reasons.

Were there monthly subscriptions?-- That belonged
partly to the branch and partly to the head office to de-
fray expenses.

What expenses?-- Office rent, stamps, printing etc.

If you would do a little arithmetic you would find
that there should be quite a lot of money - Sobukwe said
your membership was roughly 200,000 and your subscription
was 2/6 monthly?-- Yearly

That's a new one on me. Didn't you receive
anything from the P.A.C. travelling allowance for instance?--
Sometimes they would provide transport.

Do you know whether the P.A.C. provided you with
travelling expenses and out of pocket expenses?-- No, not
always.

Even if your allowance was very small? Would you
say you had enough to carry on?-- Very little.

How did you get to your work?-- By bus.

From Evaton?-- Yes.

Were you quite prepared to stay away from your
office while the campaign lasted?-- Yes.

Even though you were a clerk?== Yes.

Why did you stay away?-- I was a member of the
organisation...

organisation and I was bound to obey the instructions. It wasn't only my interest. I was in the first instance a member of the organisation and in the second place I was directly affected.

How far did you get?-- I have completed my period of articles.

Were you qualified as well?-- I have not finished the examination.

You actually completed your period of articles before you qualified?-- Yes.

You did not think it necessary to go back to your principal?-- I was arrested.

You weren't in gaol all the time?-- Until September.

After that you were not employed?-- No.

Has the P.A.C. been looking after you and your family?--No.

You have been suffering up to now?-- Yes.

And the other members of the P.A.C. movement, did they help you in any way?-- No.

I find it rather strange, why didn't you plead?-- In terms of the instructions we do not plead. This was decided at that meeting.

You were merely following conformity of the P.A.C.?-- Yes.

Am I right in saying that applies to accused 1 and 2?-- I think so.

You understand your charge?-- Yes.

You will agree anybody taking part in that campaign actually committed an offence? and if you did not have your reference book, that too is an offence? And if you conducted yourself in such a way that you encouraged others to do the same then you actually committed incitement?-- *I did not encourage anybody to do anything. I went to surrender myself.*

Didn't.....

Didn't you agree with the views of the P.A.C.?-- I had to accept them.

You could always resign if you did not agree?-- We gave the mandate to the President.

You were quite satisfied with the manner in which Sobukwe conducted the affairs of the P.A.C.?-- Yes.

You knew before the 21st March, in fact you knew on the 18th March what he wanted you to do?-- Yes.

And if you did not agree with that you could have done many things - you could have resigned, you could have protested?-- Yes.

So you reconciled yourself entirely with the way this campaign was being conducted?-- I accepted that.

The moment you accepted that in your capacity as publicity officer for the P.A.C. the responsibility is yours and you must be prepared to take the results?-- That was in the hands of the president.

You reconciled yourself with that - you accepted it?-- Yes.

You accepted it to this extent, you went with the crowd and surrender yourself? Did you regard yourself as a good example of the 20,000 people?-- I cannot say what I thought.

You must have thought something?-- I was not going to be made an example.

Here you were prepared to hand yourself over, what did you think what kind of an example is that?-- I cannot say what I thought.

Did you think at all about the effect it would have had on the crowd should you be arrested?-- No.

If you were arrested what did you expect would happen to the crowd, would they be arrested too?-- It depends what instructions are given to them by their local leadership.

You.....

You were expecting the local leaders to give some instructions?oo According to the pamphlets they were responsible themselves.

On the 21st March did you act strictly in accordance with those pamphlets?-- Yes, also in addition to what I had gathered from my attendance to the Press Conference.

In actual fact you are still busy with this campaign?-- No.

BY COURT: The P.A.C. is banned now.

CONTINUED: This badge (Exhibit "E") was that to be worn on the 21st March?-- No. It just belonged to me and was taken from my home.

These exhibits "G" and the letters "K" "L" and "M" are they yours?-- Yes, I think the police took them from my house.

The reading matter speaks for itself. Tell my accused No. 1 did he actually support you on his shoulder at any stage?-- As I say there were so many people, I cannot deny that he did and I cannot say for certain that he did not.

You are not sure at all?-- No, there were too many people.

Was it easy to make yourself heard?-- Yes, the crowd was quiet.

Did you hear any of the members or anyone in the crowd shout "Afrika"?-- Yes, that is the P.A.C. salute.

What does it convey? What does it mean?-- Well Afrika is a land.

What is the sense in saying "Afrika" without any rhyme or reason?-- They mean by that this is our land Africa.

Those plackards were they all in agreement with the P.A.C. view where they said "Africa for the Africans"?-- Those are slogans or expressions.

Africa.....

Africa for the Africans, is that in agreement with the P.A.C. view?-- Yes.

BY COURT: You said you were a civil servant of the P.A.C.?-- Yes.

What does that mean? Are you an employee?-- Yes.

You weren't a paid official?-- No.

You stressed the point that the local leaders are the people who should organise and lead the people to the police station?-- Yes.

You say when you arrived at the police station you found about 20 people inside the police station yard and yet strangely you and No. 2 went to interview the officer in charge?-- I don't think it is strange - as they wanted to come in as well they were stopped and told that only two would be allowed inside the office.

There were 20 but out of the 20 you and No. 2 went in?-- We were right in front.

Why did you go like a lamb, why didn't you wait for the leaders to go in first?-- We were all going in but we were stopped at the door and told that only two could go in.

Wasn't it your duty to say "I'M not a leader, the local leader should go in."?-- I don't think that is important.

Now you also said the local police officer said there was no accommodation? That must have been known to you before hand?-- I did not expect so many people.

You said you expected all your members atleast to turn up? You live in Evaton and you know the size of the police station, you know it could not accommodate 200 people, leave alone 20,000? The idea was to fill up the cells and to have more people in the cells and gaols than they can hold - flooding them?-- If all the people were arrested yes.

It did not matter to you people whether

the children.....

the children and women starve because the men are not at work?-- Each man had to decide for himself.

Busses did not run because they were told not to run their busses by the P.A.C.?-- I do not know that the P.A.C. stopped busses.

Didn't they ask people not to go to work?-- In their leaflet yes.

When they ask people not to go to work, they obviously must mean that busses should not run in order that people could get to their work?-- It was left to every individual himself.

---oOo---

CASE CLOSED.

REMANDED TO 12th DECEMBER, 1960 at 9 a.m. for addresses and judgment. Bail to stand.

COURT ADJOURNED at 4 p.m.

---oOo---

COURT RESUMES at 9.30 a.m. on MONDAY, 12th DECEMBER, 1960.

PUBLIC PROSECUTOR ADDRESSES COURT (9.30 - 10.10 a.m.)

No. 1 accused addresses Court (10.10 - 10.25 a.m.)

No. 2 accused addresses Court (10.25 - 10.35 a.m.)

No. 3 accused addresses Court (10.35 - 10.55 a.m.)

TEA BREAK.

JUDGMENT:

Accused No. 1 Guilty - Counts 1,2 and 3.

Accused Nos 2 & 3 Guilty - Counts 1,2,3 and 4.

No. 1 Accused admits previous convictions.

Nos. 2 and 3 have no previous convictions.

SENTENCE : Nos 1 and 2 Fined £30 or 3 months imprisonment.

No. 3 accused fined £60 or 5 months imprisonment.

---oOo---

All three accused apply verbally for leave to appeal.

BY COURT: Application must be made in writing in accordance with the Magistrate's Court Act. Pending receipt of such application, all three accused will be allowed on bail.

---oOo---

C E R T I F I C A T E.

I, the undermentioned, do hereby certify that the foregoing is a true transcript of the evidence taken by me in the above case to the best of my knowledge and ability.

STENOGRAPHER.

VERSEENIGING,

12.12.1960.

HAYMAN & ARONSOHN
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JOHANNESBURG

OUR REF. MISS HAYMAN
YOUR REF.

25th AUGUST 1961

Adv. J. Lazarus,
Chambers,
JOHANNESBURG

Dear John,

RE: REGINA vs OBED MAJAKE and TWO OTHERS:
APPEAL: CASE NO. 556/1960

We hand you herewith :

1. Record;
2. Notice of Amendment;
3. Copy of letter which we addressed to the Additional Magistrate Residencia, and;
4. Notification of date of Trial;

We beg to advise you that we have not as yet received any notification from the Additional Magistrate Residencia, and it is our intention to telegraph him on Monday. From experience we know that it is quite hopeless attempting to get into touch with him on the telephone.

We shall advise you of any further developments next week.

Yours sincerely,



/RS
ENCLS:
BY HAND:

Reference No 85/61

Telephone No. 24231 x13.

Office of the Attorney-General,

PALACE OF JUSTICE,



PER REGISTERED POST:

..... Messrs. Hayman & Aronsohn,
..... P.O. Box 7390,
..... Johannesburg
.....

Sir/Gentlemen,

CRIMINAL APPEAL: Obad Njike, Vallance Ngomane and Z.B. Molete

I am directed to inform you that the above appeal has been set down for argument in the Supreme Court, Pretoria on the 5/9/61 at 10 a.m.

Yours faithfully,

Thandi!

CHIEF CLERK TO THE ATTORNEY-GENERAL.

John Lazarus

15th
18th

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