

under Nazism. Today Western Areas remains the active battlefield, for our non-violent army, fighting the battle against apartheid. When we meet in Conference we salute Father Huddleston and the brave leaders of this army and the thousands of ordinary men and women of the Western Areas who form the rank and file of members."

5

Now Mr. Truter, there is the mention there of "Non-violent army", and "non-violence". What would you say about that in the various Congress Campaigns in Natal?

10

--- As far as I know there was no violence at all. I

I am trying not to lead you on this. What did people say about non-violence? --- I don't think that any of the speakers ever advocated violence.

Leave that out for the moment. There may have been and you may have heard an occasional violent speech, but did people speak about non-violence? --- Yes, My Lord.

And did they do that frequently? --- Yes, they spoke of non-violence frequently.

What I was asking you is whether they often spoke in that way? --- Yes.

20

And moreover, did different people speak of that? --- That is so, My Lord.

It was not only Dr. Naicker? --- Yes.

Or Mr. Lawrence. There were others as well? --- Yes, My Lord.

25

In fact might it not be fair to say that one would have heard non-violence preached in one form or another from almost every platform? --- I think it would be correct to say that.

30

Because I want to put this to you, because fundamentally that was the basis of all the campaigns that were conducted by the Congresses? --- That is so.

And there was a good basis for that, was there not? The organisations which you have been observing were organisations consisting of branches, a central office, a national organisation - a central provincial office and then a national organisation, which conducted their affairs 5 just like any legal and ordinary political organisation would? --- Yes, My Lord.

May I take you to the last of the three Addresses, and this is the Exhibit N.I.C. 86, and I am reading from page 20, which is the Presidential Address 10 to the 9th Provincial Annual Conference of the Natal Indian Congress held in June, 1956. At this stage, as appears from the heading to the Address, the - Dr. Naicker was banned from participating, and his speech was again read by Dr. Padyachee. Now at page 20, the third para- 15 graph reads as follows :

"We do not talk of apartheid, of division of race oppression and of race hatred. We speak of racial harmony; the brotherhood of man and of equalities of opportunities for all peoples regardless of race, 20 colour, ideology or creed. It is this inspiring message which has come down to mankind from time immemorial which is an inspiration to us all in these dark days when almost all the lights of liberty have been extinguished in South Africa, the 25 land we so dearly hold to our heart."

And then at page 22, the first paragraph reads as follows :

"Conference knows to well my fervent belief in non-violence and knows my great abhorrence for violence".

I won't read that further, that was read by the Crown 30 yesterday. But in the fifth paragraph, the President says this :

"Last year we have the proud privilege of having Father Huddleston declare open our Conference. He was then one of our bravest non-violent soldiers for freedom on the battlefield of apartheid in the Union. Today this great South African is no more with us in our midst. He is abroad physically, but in spirit Father Huddleston will for all times remain a part of the Freedom Movement of the Union." 5

Now, we have had evidence here that African National Congress Conferences and meetings are frequently opened by 10 a prayer or a short service. Have you observed that? ---

Yes, My Lord.

Have you observed the same features, the same type of thing in Indian Congress Conferences? --- Yes, My Lord. 15

For instance, one of the Vice-Presidents is Mr. Lawrence, a man very deeply respected in Natal? --- That is so.

Who is a very deeply religious man? --- Yes.

He is a Christian, is he not? --- Yes, My Lord. 20

Now I have read you the various extracts from Dr. Naicker's speeches and you say that you know him personally. I want to put you this question. Do you regard Dr. Naicker as a sincere person? --- I certainly did.

I turn now to N.I.C.10, the Exhibit put in yesterday, from which the Crown read certain two resolutions relating to political classes and action committees with regard to the Congress of the People. Those were numbers 6 and 11. The first of these resolutions deals with area committees which are again reminded that the monthly subscriptions from volunteers must be sent in to the offices not later than the 10th of each month. 25 30

Have you noticed in the documents, the resolutions and speeches, that there is constant complaint about the necessity for increasing organisational efficiency? ---

That is so, My Lord.

Complaints about the lack of efficiency? --- 5

That is so, My Lord.

Then the second resolution deals with the expenses of the Congress of the People. It says that they will be high. A special appeal is again made to committees to raise funds for the balance of expenses 10
 "treat this as urgent." There are many ways of raising money other than by collection cards. Do you remember how the Congress of the People was organised? Did people in various areas have to collect money in order to send delegates? --- Yes, My Lord. 15

And Volunteers had to pay subscriptions? ---
 That is so.

And all this was done perfectly openly and legally, is that correct? --- That is correct, My Lord.

And then the third resolution again is one 20
 complaining about the lack of reports and so this series of resolutions goes on. In the possession of the Natal Indian Congress was found N.I.C. 23, which is a number of documents pinned together, and one of them is headed on the Congress of the People letterhead, "The Challenge 25
 of our Time", and it is an Opening Address by Luthuli, President-General of the A.N.C. on the occasion of the first National Conference of the Congress of the People to be held in Durban on Sunday 5th September, 1954.
 Now this opening address calls for Freedom Volunteers. 30
 It says that this is a testing time, it talks of "Fitting non-Whites into the rigid mould of apartheid". But

I want to refer briefly to page 4, as numbered by the Crown in ink. The second paragraph says as follows with regard to the Volunteers :

"It is interesting to observe that the memory and fear of that campaign apparently gave the Government and the Police unnecessary sleepless nights when they heard my call for 50,000 Freedom Volunteers; a harmless ..." - he is referring there to the Defiance Campaign when he talks about "the memory of that campaign". Then the address goes on : "...a harmless, army of non-violent voluntary organisers and propagandists whose twin task is to be to interest and enrol people for the Congress of the People meetings and under the call of 'Resist Apartheid' the Volunteers will educate the people on the evils of apartheid. We hope in this way to counter the propaganda of the Government Information Service of the Native Affairs Department which tries through its army of so called Information Officers and African corroborators to sell apartheid to Africans."

May I pause there for one moment. Did the Freedom Volunteers operate in Natal in the same way as apparently they did in the Transvaal, namely to spread the - to discuss the ideas underlying the Congress of the People, to get demands, to get delegates and to collect money

BY MR. TRENGOVE :

My Lord, I must object to the way that question has been framed. My learned friend says that the Freedom Volunteers operated in a certain way in the Transvaal, and he wants to know whether they operated in the same way in Natal. This witness, My Lord, isn't qualified to express any opinion as to the way the Freedom Volunteers

operated in the Transvaal. My learned friend can frame the question and say : Did they operate in the following way in Natal. He can't by implication get this witness to express an opinion as to how they operated in the Transvaal.

5

BY MR. FISCHER :

My Lord, I have tried not to lead as far as possible, but I am entitled to lead. Perhaps I shouldn't make a statement of fact if it is not correct, but with respect, My Lord, that is exactly what Mr. Moeller and Captain Buitendagh have told the Court. However, I shall not do it again if my learned friend objects.

10

CROSS-EXAMINATION BY MR. FISCHER CONTINUED :

I want to refer to - Mr. Truter, I can in support of what you said quote from a speech which the Crown read in Exhibit N.I.C. 35 by Dr Motale, dealing with organisational aspects of the Congress of the People. Do you know Dr. Motala? --- Not very well, My Lord. I have never spoken to him.

15

Have you heard him speak on occasions? --- I have heard him speak on occasions.

20

Would you say he followed the same policy as Dr. Naicker? --- More or less the same policy, yes.

And he is an Executive Member of the Natal Indian Congress? --- That is so, My Lord.

25

And I think also of the South African Indian Congress? --- I am not quite sure on that, My Lord.

You see, he said in regard to Freedom Volunteers "Any individual.." - this is at page 3, My Lords - ".. who subscribes to the ideal of a free and democratic South Africa and is prepared to do his bit can enrol as a Freedom Volunteer. It is immaterial whether he or she

30

is educated or uneducated, literate or illiterate, whether he or she is white or black, whether he or she is a merchant, a worker, a peasant, a farmer, student of a teacher. All that is required is the will to work and a devotion to the cause. Lest there be any confusion in the minds of the people present here, let me make it clear that volunteers are not being called upon to court imprisonment or to defy the law." And that, Mr. Truster, I suggest is quite a correct description of what the Freedom Volunteers did in Natal? What they in fact did? --- 10
Yes, I concede that, My Lord.

To deal with the last of the documents which you handed in, I want to refer for a moment to N.I.C.83, which are the Minutes of the Seventh Annual Provincial Conference of 1954. Now certain resolutions were referred to, namely the first two which dealt with peace and colonialism. In fact a very wide range of subjects was dealt with at this Conference. There is a resolution on the United Nations, on the Congress of the People, on the banning of leaders, on Group Areas, on Coloured People's franchise, on the African National Congress, the Liberal Party, the Natal Indian Organisation and so forth? At page 16, there is a long resolution on Indian education. It deals with the necessity for free and compulsory education, differential treatment which it rejects, pressing demand for accommodation, and so forth. Now may I pause for a moment there. Is it correct that a very large amount of the energy and time of the Natal Indian Congress has been devoted to education? --- I think so. 25

For instance, pamphlets have been brought out on this question, such as - you may remember, it hasn't been put in and I don't think it is necessary, - a pamphlet 30

like this, "Schools for All"? --- That is so, My Lord.

And the problems which beset them there are lack of accommodation, inability of many pupils to get into school at all, and the necessity for having schools in shifts? --- That is so, My Lord. 5

This pamphlet gives many figures and details about these difficulties? --- Yes, My Lord.

And these difficulties are constantly being taken up not only with the Provincial Authorities but also with the Municipal authorities? --- I believe that is so. 10

In fact, the Natal Indian Congress runs a school, does it not? --- I believe they do, My Lord.

Now in all these campaigns for better schools and better accommodation and so on, have you ever come across any illegality in the course of such campaign - any illegality committed in the course of such campaign? --- No, My Lord. 15

In fact would it be fair to say that the only occasion on which any illegality has been committed is when it has been a matter of policy to break certain laws, such as in the Defiance Campaign? --- I think that would be correct, My Lord. 20

And to go a little further, that is the only occasion on which at any stage any illegality has been advocated? --- I think that is correct, My Lord. 25

Would the same thing in regard to education - would the same thing apply to the campaign against Bantu Education? --- Yes, My Lord, we never had any violence. 30

No violence and no illegality. It was always perfectly legal to withdraw children from school, was it

not? --- That is so, My Lord.

May I turn to one of the resolutions in this volume, which deals with the franchise. This deals - this reads as follows :

"This Conference is conscious that Non-European people 5
in bondage can play no effective part in the true
national, political, social, economic, scientific
and cultural life of the country, and that the only
ultimate and effective solution to racialism and
oppression facing them, is a clear recognition by 10
those in power of the municipal, provincial and
parliamentary vote to all, irrespective of race,
colour or creed. Conference hereby most strongly
condemns the continued denial of the franchise to
the non-European peoples in the central, provincial 15
and municipal governments of the country.

(b) The Nationalist Government's determined intention to remove the Coloured peoples from the common Roll;

(c) Its perpetual interference and removal of the 20
parliamentary representatives of the African people
under the pretext of Communism.

Conference calls upon the authorities to grant
immediately full municipal, provincial and parliamen-
tary franchise to non-European people." 25

That has always been a demand of the Congresses as you have
know them, has it not? --- That is so, My Lord.

And have you noticed that in many of the cam-
paigns conducted, those campaigns are conducted in order
to endeavour to persuade parliament not to pass a Bill 30
which is then before parliament or which is going to be
put before parliament? --- Yes, My Lord.

That was the case here with the Coloured franchise? --- That is so.

And the same policy was followed with the Group Areas Act, with the Act dealing with Western Areas Removal? --- That is so, My Lord. 5

With the Bantu Education Act? --- Yes.

And indeed with all the acts to which the Congresses have objected? --- That is so, My Lord.

Perhaps we could move a little more specifically to the African National Congress in Natal. Now, the 10
South Africa - the President of the Union wide African National Congress was Luthuli? --- That is so, My Lord.

Do you know whether he is a man who is respected by members of Congress and by the African people? --- Yes, he is respected. 15

Do you know whether he is respected by members of the Indian Congress? --- Yes, My Lord, I think it is correct to say that.

He has frequently been asked to open Conferences of the Indian Congress? --- Yes, My Lord. 20

And have you heard him speak on many occasions?
--- I have, My Lord.

Is he also a man who advocates non-violence?
--- Yes, My Lord.

He does that positively? He gives that lead 25
to his followers? --- He does.

Might it be fair to say that he is one of the most respected men in South Africa amongst the Congress members? --- I think it is correct to say that.

Do you know whether he is a religious man? 30
--- He is a very religious man.

He was a teacher was he not? --- He was, at

one stage, My Lord.

May I ask you the same question about him that I asked you about Dr. Naicker. You listened to him, - would you say that he was sincere? --- Yes, My Lord, I think he was quite sincere. 5

And do you think that the people who listened to him believe him to be sincere? --- Yes, I do, My Lord.

No reason to doubt that at any rate? --- No, My Lord.

NO FURTHER QUESTIONS. 10

RE-EXAMINED BY MR. TRENGOVE :

You say that you have been in the Special Branch for eight years. Will you just tell the Court during what period you were in the Special Branch? --- From approximately 1950 to 1958. 15

You have been asked as to whether in speeches that you have listened to at meetings of the Indian Congress in Natal, that speakers often spoke of non-violence? --- Yes, My Lord.

Are you thinking of any specific speech, or are you speaking in general? --- I am speaking in general, My Lord. 20

Do you know - did the speaker say what they mean when they say their policy is one of non-violence? --- No ... 25

Did they explain it to the people? --- No, they did not explain it.

Do you remember whether in speeches, when they speak of non-violence, do they also speak of the liberatory struggle? --- Yes, My Lord. 30

Do they in those speeches also speak of the

achievement of freedom? --- That is so, My Lord.

Do they in the speeches speak - Mr. Truter please tell the Court whether what was said in speeches about the achievement of freedom and liberation - you say that they spoke about it? --- At all these meetings they 5
spoke about it, they all advocated it.

BY MR. JUSTICE BEKKER :

Can you remember any particular speech? --- No, My Lord, unless I refer to my notes taken at these meetings I wouldn't be able to. 10

BY MR. JUSTICE RUMPF :

You are dealing with the position generally?
--- Yes, My Lord.

RE-EXAMINATION BY MR. TRENGOVE CONTINUED :

In connection with the achievement of freedom 15
and liberation, did the speakers in any way tell the audience what was expected of them to achieve that? ---
Yes, My Lord. They asked people to sacrifice.

What form or to what extent would they have to sacrifice? Was that said? --- That was said at 20
meetings, but unless I refer to my notes I wouldn't be able to answer that question, My Lord.

You can't say generally what was said as to the extent to which people would have to be prepared to sacrifice? --- No, My Lord. 25

You say if you consult your notes you would be able to say? --- I will be able to say.

Are those notes available? --- They are available, they are somewhere.

Now was anything said in these speeches 30
- you say they spoke in the speeches about achieving liberation and freedom. Can you remember what was said

3757

3758.

(W.BL TRUTER)

about these things? What liberation and freedom meant?

--- No, My Lord. I took notes at these meetings. I wouldn't be able to say offhand what was said at any particular meeting or even generally.

You can't even generally say what was said? 5

--- I know they spoke a lot about freedom.

Can you give any further information about speeches made by Luthuli, in connection with which he spoke about non-violence? Can you give the Court any information about those speeches? --- As far as I remember, My Lord, Chief Luthuli at every meeting I attended - he usually referred to non-violence. 10

In what connection? --- In connection with the liberatory movement as they call it.

And what did he say about the liberatory movement? --- No, My Lord, unless I have my notes I wouldn't like to answer that question. 15

NO FURTHER QUESTIONS.

CAREL FREDERICK MARITZ, under former oath;

CROSS-EXAMINED BY MR. FISCHER :

I want to deal briefly with some of the documents which you put in and which you took from Dr. Naicker - I am sorry, just remind me, did you go to his house or to his consulting room? --- To his house, My Lord. 20

I take it Dr. Naicker has quite a large library? --- Yes, he has got quite a large library. 25

Unfortunately I have no instructions from him, but I imagine that there must be many books on

India? --- Well, he has got various books, but what they are all on, I wouldn't know.

You didn't notice books by Nehru and about Gandhi? --- No. - he did have some about Gandhi too, yes.

He may have had quite a lot I should imagine. 5
 Just briefly, the first Exhibit was G.M.N. 1, called "The Struggle for Full Independence and a People's Democracy". This was a booklet published in 1947 in Bombay. I just want to record that. Then your second Exhibit, G.M.N. 2 was a "Little Lenin Library Volume" called 10
 "Lenin and Stalinh on Youth". I happen to notice that this was purchased in Cape Town, and that inside on the first page there is an inscription "27.3.46, Rahima Ali, with love to M.D." You don't know who those people are?
 --- No. 15

The third was 's "Anti-Communist Bogey". This I see was published by the Johannesburg District Committee of the Communist Party, P. O. Box 4179, Johannesburg, and it is quite clear from the first words which my learned friend read out that this was 20
 published round about July, 1941, because it speaks of "after nineteen months of war"? --- Yes.

Incidentally, G.M.N. 5, "Articles on India" by Karl Marx was also published in India, in I think 1945. Now I don't want to put these in, but you also 25
 took some other pamphlets, "Natal's Indian Problem" by Mabel Palmer; "Conflict of Races in South Africa" which was published in Durban and written by P. S. Ayar; a pamphlet "Was this the Ghetto Act"....? --- I took some books, My Lord, but I wouldn't be able to say - they were 30
 all bundled up and handed...

May I just give the two other titles, "Asiatic

Act" that is the 1946 Act written by George Singh; and "The Treatment of Indians in South Africa" by Kajee and Katho. Those were leading members of the Indian Congress in the 'forties? --- Yes, My Lord.

And then you say there are a number of books 5
which you left at his house. There was a big dispute in the Court below about G.M.N. 9. Do you remember the question was raised as to whether it was on a list or not on a list?

BY MR. TRENGOVE : 10

My Lord, this witness didn't put in G.M.N.9.

BY MR. FISCHER :

I beg your pardon, you are quite right.

CROSS-EXAMINATION BY MR. FISCHER RESUMED :

I do want to put in one other document taken 15
by you, and that is a document headed "What I Owe to Mahatma Gandhi". I understand this comes from your bundle? --- Yes, My Lord. G.M.N. 24

Now apparently this is a speech or an
article by Dr. Naicker on the death of Mahatma Gandhi. 20
It concludes this way :

"By his death Gandijee (?) has come nearer to us.
It is not in a spirit of mourning that we must
honour the memory of the great departed. It is our
pride and our delight that he was born on Indian 25
soil. It will be our privilege to follow his
teachings. In the realisation that our outlook will
informed by his ideals lies the hope of the whole
Indian race. Let us strive so that his message may
find practical application in the heart of all 30
mankind."

I just want to summarise some of the passages and read one

or two sentences. This article starts "I was eight years old when Gandhi left South Africa. I could not understand then the intricacies of politics of the meaning of the struggle which for two decades he had to wage against the authorities. But I have a very distinct recollection of 5 the image that was stamped upon my youthful mind, the National hero whose name was a household word among the Indian community." Then he speaks of the growth of the influence of this man, and says as follows :

"As the years went by I was able to assess the full 10 power of the weapon of Satyagraha , which Gandhi had perfected during his career as a public man in South Africa. When I reached the age of reason I began to make a deep study of the writings of Gandhi and although I became an adherent of his great 15 principles, little did I think that it would fall to my lot to take up the flaming torch he had left behind."

Then he goes on to describe with fervour how Gandhi influenced him, speaks of his period of imprisonment at New- 20 castle where he says :

"I spent my time reading "My Experiments with Truth". I had read this book many times before, but inside the prison walls the words came to have a different meaning for me. It was in Newcastle that he started 25 his epic march, with thousands of men and women and children, and somehow I felt that I too was in the crowd, that marched past across the Transvaal border."

Thereafter he describes a journey which he and Dr. Dadoo 30 took to India which becomes relevant with another document I shall put in, and then describes his meeting with

Gandhi and describes the man himself. I would like to put that in, My Lords, as Exhibit G.M.N. 24 I think it would have to be.

NO FURTHER QUESTIONS.

BY MR. TRENGOVE :

5

My Lords, this last document, G.M.N. 24, the Crown, subject to a statement by my learned friend as to how this document is relevant, the Crown objects to the document's admissibility. My Lords, my learned friend has read 'I' as if this was a document which was prepared 10 by Dr. G. M. Naicker. The only evidence, My Lords, is that this is a document which was found in his possession. There is no statement in the document as to who the author is and My Lords...

BY MR. JUSTICE RUMPF :

15

If the Crown brings in documents whose authorship is not known, found in possession of the Accused, dealing with any topic referred to in the particulars, surely the Defence can bring in a similar document.

BY MR. TRENGOVE :

20

Yes, My Lords, then the Crown says that it is handing in the document because it is a document possessed by the Accused, and it may be relevant as to his state of mind. Or the Crown says, we put in this document because the Accused is the author of the document. But unless my 25 learned friend...

BY MR. JUSTICE RUMPF :

Surely not. You have put in hundreds of documents without an allegation that the Accused is the author of the document.

30

BY MR. TRENGOVE :

Yes, My Lords, for the possession and state of mind.

BY MR. JUSTICE RUMPF :

Yes. Now isn't the defence tendering this document as a document found with the other documents? 5

BY MR. TRENGOVE :

My Lord, my learned friend read this as if it is a document of which Dr. Naicker is the author.

BY MR. JUSTICE BEKKER :

10

Assuming you get a man with two documents in his possession and the one document reads "I am a violent man", and the other document reads "I am a peaceful man". The Crown puts in the document "I am a violent man", and why is the Defence not entitled to put in a document "I am a peaceful man" to destroy whatever inference you want to draw. 15

BY MR. TRENGOVE :

My Lord, the Crown can put in a document "I am a violent man" because that is an admission by the person in whose 20

BY MR. JUSTICE BEKKER :

A document is found merely reading "I am a violent man". But that doesn't mean he is the author.

BY MR. TRENGOVE :

25

Then My Lord we put in the document merely because he had in his possession a document of that nature. Now my learned friend may be entitled to put this document in as a document which was in the possession of Dr. Naicker. If that is so, the Crown 30

BY MR. FISCHER :

My Lord, if my learned friend would just hand

me back the document, I'll read one more passage from it.

BY MR. JUSTICE RUMPF :

I thought this was a document from which it appeared ex facie that that was a speech by Dr. Naicker. I don't know, I may be wrong. 5

BY MR. TRENGOVE :

My learned friend can just say whether their evidence will be that this Dr. Naicker was the author of this document and that they put it in for that purpose, and then the Crown is perfectly satisfied. 10

BY MR. FISCHER :

My Lord, it does appear from the document that this is a speech by Dr. Naicker. I was trying to cut it short and so I hurried somewhat. On page 2, just above the middle of the page, there is a paragraph where it describes where Dr. Naicker meets Gandhi, and Gandhi says : 15

"Do you speak Gujerati, Naicker? he enquired. I had to confess my ignorance of this language. I understand your difficulties, he replied. Besides your own Tamil you have to study English and therefore there is not much time left". 20

BY MR. JUSTICE RUMPF :

Is that the only reference to Naicker?

BY MR. FISCHER :

I think that is.... 25

BY MR. JUSTICE RUMPF :

You really assume that

BY MR. FISCHER :

I assume it is, My Lord, because I am without instructions, but the probability is that I will be calling someone who can prove this, and in any event My Lord I put it in for possession at this stage, if for no other 30

reason.

RAWLINS

PHILIPPUS JOHANNES ROWLANDS, under former oath;

CROSS-EXAMINED BY MR. FISCHER :

Captain, I want to ask you a question I erroneously asked the previous witness. Do you remember G.M.N. 9 is a little pamphlet without a cover? --- Yes, My Lord. 5

There was some dispute in the Court below as to whether this appeared on the list of documents you had taken. Do you remember you were cross-examined about it? --- Yes, My Lord. 10

I'll have to leave that open, because I have no instructions on the matter. May I just point out through you that this is a Communist Programme which was published in Cape Town during the War. It is clear from the introductory words which say what is going to happen after the war. I want to refer in somewhat greater detail to an Exhibit which you put in, G.M.N. 13. This you will remember is apparently a copy of a speech, because it starts "Ladies and Gentlemen, Delegates from 32 countries of Asia met shoulder to shoulder to participate in the historic conference which was a momentous demonstration of the Unity of Asia's Freedom loving people". Now I just want to put it to you that that conference was the - although it doesn't appear from this, was the Asian Peoples' Solidarity Conference which was held in Bombay in 1947. Have you any knowledge of that?--- No, My Lord. 15 20 25

You wouldn't deny it of course? --- I have no knowledge of it, My Lord.

At the foot of the first page in the last paragraph but one, the following appears :

"The Freedom envisaged is not to be confined to this nation or to a particular people or race but to speak out over the whole human race. Universal 5
human freedom cannot be based on the supremacy of any particular class or race. It is to be freedom of the common man everywhere and full opportunities for their development.

Not discouraged by disaster, undefeated by failures 10
of the past, with no sense of revenge or grievance against those evil forces which have not only dragged the people of Asia down to the lowest level of existence, and which have led to two mighty and bloody wars within a generation, unanimously declared 15
under the banner of the Conference against war and for a just and democratic peace. The delegates further declared that the only way to achieve lasting peace is by strengthening the UN."

Then at page 3, after describing the persons whom he met 20
and whose names have been read out by the Crown, the speaker, apparently Dr. Naicker says :

"Mother India in all probability is going to be split into two or three...." - so this is before the establishment of India and Pakistan - "... into 25
two or three different states... but however the division and whatever the internal differences may be, India is as one behind the struggle of their compatriots for honour and dignity.

They are well aware of the new Imperialist tactics 30
- The Imperialists are leaving India and the East, not of their own will. They are not presenting

freedom to India and other Eastern countries because
 of some noble idea and gesture - They have been
 forced to leave because of the strength and deter-
 mination of resurgent Asia to free herself from
 the shackles of Imperialism. While the Imperialists 5
 are forced to adopt this new technique of retreat
 they hope to leave behind a country torn by civil
 strife."

That is all I wish to read from that document. I wonder
 whether you know whether you took this exhibit? I can't 10
 make out from the mark on it whether it was yours? ---
 My Lord I can't identify the documents or exhibits I
 took possession of. They were listed and handed in.

I wonder if my learned friend would agree to
 my reading one or two passages. It is probably then Mr. 15
 Maritz if it is not this witness. It is the 1948 Second
 Provincial Conference of the Natal Indian Congress.

BY MR. TRENGOVE :

My Lord, seeing that this witness can't iden-
 tify this document, my learned friend can read it in, at 20
 a later stage we will just see whether we can identify
 who took this document. My Lord, I understand this is
 a document which was taken from a number of documents
 which at some time or another were found in the possession
 of Dr. G. M. Naicker by the previous witness Maritz, and 25
 in these circumstances, My Lord, my learned friend can
 read in any portions he wishes.

BY MR. FISCHER :

I want to be very brief, because this goes
 back to 1948, and is the Agenda Book of the Conference 30
 of that year of the Natal Indian Congress. It hasn't
 got an exhibit number, and I shall have to give it the

Exhibit number G.M.N. 25. My Lord, I am putting this before the Court to give the Court just very briefly a picture of a Conference Agenda Book of that year, which is strikingly similar to the Agenda Books which are before the Court. It starts with messages from such people as 5
 the President of the Indian National Congress in India, the President of the Indian Merchants' Chamber, Bombay; the World Federation of Democratic Youth; the International League for the Rights of Man; the Education Minister in India; the All Indian Women's Conference; the All-India 10
 Socialist Party; the following M.P.'s from Great Britain, R. Scrrenson, William Gallager, and Pritt; Various other Indian organisations and Congressmen, and from Chief Albert J. Luthuli, and Betty Radcliffe, the editor of the Guardian. I think I have given a very fair selection. 15
 On page 2 of the Presidential Address which was delivered by the Acting President, Dr. B.T. Chetty, the following appears :

"I have to make reference to an event that came as a profound shock to the civilised world, especially 20
the Indian world. I refer to the assasination of our revered Mahatma Gandhi, whose death has robbed India of her guiding star in the struggle for free-
dom and independence. We have lost the originator of our method of struggle, gaty a graha ? . Even more 25
 important, we have lost tremendous value of his wisdom and guidance. To mark the respect of Congress, I ask you to rise..."

And then just one passage from the Secretariat Report, My Lords, page 1, paragraph 4. It states that to attain 30
 our proper status "we ourselves must first of all be clear about our goal. It is for this reason that we lay the

greatest stress on our historic dates, the 21st October, 1945. This memorable date is of supreme importance to our people in Natal, for on that date for the first time 7,000 men and women assembled at the open air meeting and gave their unanimous approval to a policy and programme." And this was the programme, the ten point programme determined at the time :

- "1. Adult franchise on the common roll;
2. Unconditional repeal of the Peggin (?) Act;
3. Abrogation of the Housing and Expropriation Ordinance; 10
4. Removal of the Provincial barriers;
5. Free and compulsory education up to standard 8;
6. Trading rights without discrimination;
7. Removal of the industrial colour-bar; 15
8. State subsidies to market gardeners and farmers;
9. Provision of adequate civic amenities;
10. Co-operation with other Non-European national organisations".

And as a matter of some very considerable interest, My Lords, on page 12 of this Report there is a description of the passive resistance campaign of 1946-47, and paragraph 3 reads as follows :

"During the first year of the campaign the Council had nine fulltime volunteers. Most of these, for various reasons, not being in a position to give all their time to Council during the last year." - 25

Just to indicate that eleven years ago that phrase was already introduced. I put that in, My Lord.

NO FURTHER QUESTIONS.

3770.

BY MR. FISCHER :

My Lord, just before the new evidence commences, there are two witnesses - three witnesses, Geyzer, Zietsman and Swanepoel, and I understand all three are very anxious to get back to Natal. If my learned friend would agree to my reading in any documents that need to be read in, then they could be excused, if Your Lordship pleases. 5

BY MR. JUSTICE RUMPFER :

I take it the Crown has no objection. Yes, very well. 10

ANDRIES JOHANNES KRUGER, duly sworn;

EXAMINED BY MR. TRENGOVE :

You are a Detective Sergeant in the South African Police? --- That is so, My Lord. 15

And at the Preparatory Examination in this case you were present in Court? --- Yes, My Lord.

When Exhibits were handed in? --- Yes, My Lord.

And the Exhibits that were handed in at the Preparatory Examination were under your control and custody? --- Yes, My Lord. 20

And those that have not been put into Court in this case are still under your control and custody? --- That is correct, My Lord.

At the Preparatory Examination, documents bearing the following exhibit numbers were put in. I'll refer to the exhibit numbers of the documents, and I'll ask you to produce them. The documents marked T.E.T. 1, 2, 3, 4, 5, and 6. You produce those documents? --- Yes, My Lord. 25

T.E.T. 8 to 16, 18 to 26? --- Yes, My Lord.

My Lord, I may just explain, we are asking this witness to produce a large number of documents which were put in at the Preparatory Examination in connection with which other witnesses will be giving evidence, and this witness is merely being called for the sake of producing the documents as being the documents handed in at the Preparatory Examination. 5

Sergeant Kruger, will you produce T.E.T. 42, 45 to 48, 50 to 52, 55 to 61, then a document marked T.E.T. 69 and 70, then T.E.T. 62 to 68, 71 and 72, 73, 74, 76 to 78, 80, 83, 85 to 90? --- My Lord, I haven't got 85. 10

But you produce 86, 87...? --- Up to 90, My Lord, I have. I see now I have 85, My Lord.

My Lord, could I ask your Lordship's a question of convenience. This witness would be called to produce a large number of other documents on the same basis. We could ask him to produce all those documents now, or we could ask him to produce them immediate prior to the particular witnesses giving evidence in respect of those documents. 15 20

BY MR. JUSTICE KENNEDY :

Mr. Trengove, why are you departing from your usual practice? Is there a reason?

BY MR. TRENGOVE : 25

Yes, My Lord, the reason is this, that in respect of these documents it obviates calling a large number of witnesses. The Crown will, up to a point, be relying on admissions made in respect of these documents, at the Preparatory Examination, and in order to identify these documents we will be asking Sergeant Kruger to produce the documents. 30

BY MR. JUSTICE RUMFFF :

Well, I think it will be convenient to do it now. Have you got lists in connexion with each of these? We would like a copy.

BY MR. TRENGOVE :

5

Yes, My Lord. The next document relates to a series marked T.T. Sergeant Kruger, will you produce exhibit numbers which were marked at the Preparatory Examination T.T. 1 to 5? --- Yes, My Lord.

T.T. 12 to 18 - I am sorry, T.T. 6 as well. 10
T.T. 6, and T.T. 12 to 18? --- I haven't got number 14, My Lord, and I have got No. 17.

I leave out Nos. 14 and 17 for a moment.
No. 18? --- Yes, My Lord.

20 to 24? --- Yes, My Lord. 15

Will you now produce T.T. 14? --- Yes, My Lord.

25 to 31? --- That is correct, My Lord.

33, 34, 35, 36, 37, 38? --- Yes, My Lord.

T.T. 42 to 44? --- Yes, My Lord.

46, 47, 49 to 55, 58 to 60, 62, 63, 67 to 69?
--- Yes, My Lord.

71, 72, 74, 77, 79 to 88, 89 to 95, 98 to
102, 104 to 107? --- Yes, My Lord.

Now I call upon you to produce documents
marked C.M. Have you C.M. 1 to 9? --- Yes, My Lord. 25

C.M. 13 to 15, 17 to 21, 23 to 26? --- Yes,
My Lord.

C.M. 30, 31, 34 to 36? --- Yes, My Lord.

The next series are documents marked W.M.
I call upon you to produce the documents which are 30
marked - which were marked at the Preparatory Examination,
W.M. 1 to 6? --- Yes, My Lord.

W.M. 8, 14, 16, 19 to 22? --- Yes, My Lord.

W.M. 28, 29, 30, 32, 33? --- Yes, My Lord.

And 36 and 38? --- Yes, My Lord.

W.M. 41 to 46? --- Yes, My Lord.

The next, My Lords, is series S.M. I ask 5
you to produce the documents marked at the Preparatory
Examination Exhibits S.M. 1 and 2? --- Yes, My Lord.

And S.M. 5 to 9? --- Yes, My Lord.

The next series are documents marked B.E.N.
I ask you to produce the Exhibits which were marked at 10
the Preparation Examination B.E.N. 1 to 4 and B.E.N. 8?
--- Yes, My Lord.

The next series are documents marked J.J. I
ask you to produce the documents marked at the Preparatory
Examination J.J. 1 to 12 and 16 to 24? --- Yes, My Lord. 15

You hand in those documents? --- Yes, My Lord.

NO FURTHER QUESTIONS.

NO QUESTIONS BY THE DEFENCE.

CHARLES ESSEX BOUWER, duly sworn;

EXAMINED BY MR. TRENGOVE : 20

You are a Head Constable in the South African
Police and you were stationed at Queenstown? --- Yes, My
Lord.

Do you remember the 27th September, 1955? ---
I do, My Lord. 25

And did you on that date conduct a search
at a place Mkongani in the district of Glen Grey? ---
Yes, My Lord.

Was it at a house? --- It was a house.

Whose house was it? --- Enoch Teshunungwa.

Do you know Enoch Teshunungwa? --- Very well.

Is he an accused in this case? --- Yes.

Can you identify him? --- Yes, My Lord.

Will you do so? --- (WITNESS IDENTIFIES ACCUSED No. 29) 5

On that occasion when you searched the house of Enoch Teshunungwa, who was present? --- He was present.

And did you take possession of certain documents? --- Yes, My Lord. 10

You have before you certain documents, and they are marked as follows : T.E.T. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26? --- Yes, My Lord.

Where did you get the documents marked with these numbers? --- In this room. 15

In his room on this occasion? --- Yes, My Lord.

Did he make any comment about the documents? --- He claimed them as his property.

T.E.T. 1 My Lords is a Croxley exercise book, 20 on the cover page it bears the name of T. E. Tshunungwa, African Art House, Report on Conference, A.N.C. 7th July, 1954. On the inside, the first page it says :

"Conference held at Kabak Location, Uitenhage, 26th and 27th June, 1954. 25

Professor Z.K. Matthews presided - Speaker of Conference.

Dr. J.Z.L. Njongwe - Acting President.

Visitors - Secretary-General of the A.N.C. Mr.

Sisulu. 30

Members of the Congress of Democrats.

President-General of the A.N.C. Chief Luthuli.

My Lords, the paragraphs in this report are numbered, and I refer to paragraph 6 :

"Speaker introduces the President-General".

The Speaker also introduced Mr. Sisulu as a man "who has given up his whole life to the service of the African people. Mr. Sisulu had come to open the National Conference of the Youth League." Paragraphs 7 :

"Speaker calls upon Chief Luthuli to address the Conference - refers to his address in the copies cyclostyled - the theme of the address is "There is no going back, for we are on the right road, the road to Freedom - There shall be no slackening until victory is won".

And it says "The whole address could be read out to our local branch at some other time".

Then I refer My Lords, to paragraph 9 which states :

"Speaker adjourns the Conference for a while after which the Secretary-General, Mr. Sisulu would open the Conference of the Youth League".

Paragraph 10 refers to Mr. Sisulu's address. Paragraph 12 says :

"Speaker calls upon Dr. Njongwe to give the Presidential address."

Paragraph 19 deals with the Secretary's Report and then there is a discussion on the Secretary's Report, in sub-paragraph 3 of which - sub-paragraph 3 of which reads as follows :

"The Confusion in the Western Province - A delegate from this area told conference about certain characters in their area whose actions are very doubtful. Whilst there is Confusion among the Congress people, the Unity Movement is giving them

hard time and the Liberal Party".

Then it refers to the Programme of Action of 1949.

"The Secretary led the discussion by reading the Resolutions adopted by the Cape Conference at Cradock last year". Then My Lords, in paragraph 20 it relates to the election of the Officials for the year 1954-1955 June. 5

The following persons are elected :

"Professor Z. Matthews - President. Dr. Ngjongwe," and they also include Mr. Mayekiso, Mr. Jack, Mrs. Matomela, Mr. Ngotyana." Then My Lords, after the report of this meeting, in the middle of the page, there is a statement : "Working Provincial Committee, 5/1/55. 10

"Present : Dr. Z.K. Matthews" and some other persons. Then My Lords, there is the 8th paragraph of that which refers to the postponement of the date of the Congress of the People in view of the present Bantu Education Campaign. Then My Lords, the last four pages of this book is : "Joint Executive of the Queenstown A.N.C and C.Y.L." There is a reference in these minutes, My Lords, on the last page to a Mr. Makiwane "who explains the policy of the Congress which should be followed, but at this meeting this was not the case". I hand in this, My Lord. 15 20

T.E.T. 2 is a National Action Council of the Congress of the People letter dated the 4th February, 1955. It is addressed to "Dear Friend" and signed "M. Molla, for the National Action Council", and it deals with the date of the Removal of the Western Areas, 13th February, as a national day of demand, and that that day has been postponed to the 20th February. 25 30

T.E.T. 3 is a letter, National Action Council of the 13th

April, 1955, "To All Regional Committees", and signed "Moosa Moolla, for the National Action Council", and it is addressed to the "Secretary of the Cape Provincial Council", and it deals with the distribution of the first two lectures and studying and discussion circles amongst Congress members and Volunteers, and it calls for information as to how the lectures were received. 5

T.E.T. 4 is a letter of the National Action Council of the 7th June, 1955, by - signed by Moosa Moolla for the National Action Council. It calls on all Regional Committees to make the Congress of the People at Kliptown on the 25th June a success. 10

T.E.T. 5 is a letter of the National Action Council of the Congress of the People, West Street, Johannesburg, 30th May, 1955. It is addressed to Mr. T. E. Tshunungwa, Queenstown, signed Moosa Moolla, Secretariat of the Congress of the People, and it states : 15

"The National Action Council has decided to nominate you as one of the Chief speakers from the platform at the Congress of the People on the 25th- 20
26th June, 1955 and extends an invitation" to the addressee in connexion with that matter.

T.E.T. 6 is a printed Freedom Charter,

T.E.T. 8 is a document "Basic Policy of the African National Congress Youth League", and it is the same as O.R.T. 45 which was handed in by the Defence. 25

T.E.T. 9, My Lords, is a A.N.C. Membership Card, in the name of Sembekili Tshunungwa, 845 Location, Queenstown, for the year 1955. My Lords, there is another membership card attached to it, and it doesn't refer to this accused and we are not putting that in. We are only handing in the one portion of T.E.T. 9 which refers to 30

T. Tshunungwa.

T.E.T. 10 is the roneod lecture "Change is Needed", the same as A. 86.

T.E.T. 11 is The South African Congress of Democrats Agenda, the same as E. 5. 5

T.E.T. 12 is the Organisational Report of the South African Congress of Democrats, National Congress, 1955. It is the same as C. 27.

T.E.T. 13 is South African Congress of Democrats "Notes on the Political Situation" by National Executive Committee 10 for Discussion at the Conference. It is the same as C. 41.

T.E.T. 14 is a letter from the African National Congress, 6th July, 1955, a circular letter to All Provinces. It is signed by R. Resha, for O. R. Tambo, Acting Secretary-General, and it deals with the Congress of the People and 15 the Freedom Charter which was adopted on the 25th and 26th June, and the necessity of placing this document before the people.

T.E.T. 15, My Lords, is an African National Congress letter coming from the head office. It is dated the 1st April. 20 It is addressed to The Provincial Secretary of the African National Congress, Queenstown, signed A. Hutchsinson, for O. R. Tambo on behalf of the Secretariat, and it contains a Press Release issued by the National Action Council of the Congress of the People, dealing with the calling of 25 the Congress of the People on 25th and 26th June, 1955. Attached to it there is also a circular letter "What is the Congress of the People", and dealing with various organisational matters in connexion with the Congress of the People. 30

T.E.T. 16, My Lords, is an African National Congress letter of the 14th July, 1955, to members of the National

Executive Committee of the African National Congress, signed by R. Resha. It deals with the meeting of the National Executive on the 30th July, 1955 at Groutville, Natal. Matters on the Agenda are the - they include Bantu Education, Freedom Charter and the Draft Constitution. 5

T.E.T. 18, My Lords, is a letter from the Secretariat, signed by Mosa Molla, addressed to the Secretary of the Cape Provincial Action Council, and it says that by decision of the National Executive of the Sponsoring Organisations of the Congress of the People, "I have to inform you that your Congress of the People Committee should not be dissolved, but should be - but should continue to function as a Joint Congress Committee in order to organise Report Back Meetings on the Freedom Charter and to wind up its affairs". "It is imperative that the C.O.P. Committee continues to work as in the past for a detailed plan on the implementation of the Freedom Charter is being drafted and will be posted to you in due course. " 10 15 20

T.E.T. 19 is a roneod document, Draft Freedom Charter, T.E.T. 20 is a letter from the African National Congress, Johannesburg, 20th August, 1955. It is addressed to the Provincial Secretary of the African National Congress, Queenstown, and signed by A. Hutchinson, for O. R. Tambo, Acting Secretary. It deals with the question of the Million Signatures Campaign to culminate on the 26th June, 1956 in connexion with the Freedom Charter. 25

T.E.T. 21 - My Lords, I am not putting in this.

T.E.T. 22 is the document, a roneod document "Welcome Freedom Volunteer", and similar to B. 31. 30

T.E.T. 23 is a letter dated the 9th November, 1954. It

3780.

(C.E. BOUWER)
(T.E.T. 23)

is signed on page 2, "Joe", and it is addressed to Mr. T. E. Tshunungwa, Queenstown, it is dated the 9th November, 1954 from 19 Nquadini Street, New Brighton, Port Elizabeth :

"Dear Son of Affika,

5

After writing a letter to you at the office yesterday I got home and found a copy of Inyaniso which had been sent to me. It was really good. I think you should have been a journalist from the beginning. I know the tremendous work involved in producing a thing like Inyaniso, with your other numerous duties. Do not let the National kill you by giving you too much work."

And then there is a request that Inyaniso should be sent to various people, in paragraphs 2 and 3 of the letter. I read the last two lines of paragraph 3 :

"In your work as National Organiser gestures like that will open doors that are closed."

Then I read the fourth paragraph :

"There is just one other thing. You make a quotation on African Nationalism in this issue. I notice it is not taken from the basic policy, but from a statement issued about 1945 or 46 entitled "The position of African Nationalism" which was attached to some copies of the basic policy by us at Fort Hare in 1949. It is a pity that we did this. Now Tshungs, that statement is out of date and is being amended by a committee consisting of veteran Youth Leaguers and a sub-committee of the National Executive. The basic policy itself which is an excellent summary of our policy is contained in a slightly amended form as an annexure to the new

A.N.C. draft constitution due to be adopted at this year's national conference. Actually the Transvaal annexure is the better version insofar as the basic policy is concerned. I think it is not wise for you to issue the old versions except for the sake of 5 information, because the authorised edition will be coming out soon, this applies especially to the statement entitled "The Position of African Nationalism". It is wholly out of date. Even the portion that you quoted to the effect that we reject the 10 slogan "Africa for the Africans" is wrong. We do not reject it at all. That was altered in 1949. We are only keeping the slogan in reserve whilst we build our strength." Then a few words in a Bantu language. "But it is our slogan. A copy of 'Afrika' of last 15 year has got the correct statement on that slogan and what it means. You see the statement dealt with the position of African Nationalism in 1945. We cannot continue with our African Nationalism standing still and having gained nothing from our experience, so we 20 have to bring the statement up to date. The basic policy, however, which is fundamental has not changed at all, naturally. The only changes required there were changes in the formulation of the policy, certain words and phrases that make the meaning clearer, 25 but basically there is no change. The basic policy only refers to the part divided into 7 paragraphs which runs into three pages of type. This quite distinct from the statement from which you quoted. A change that had to be made in the basic policy was 30 this one, for example, which occurs in the first line of the chapter entitled 'African Nationalism'.

This line reads as follows :

'The African people in S.A. are oppressed as a group with a particular colour'.

Now this is wrong. Our nationality is not based on the fact that we have one colour - black - or certain 5 physical characteristics. Our nationality is based on our common cultural heritage, traditions, characteristics, languages, origin etc. You see, there...."

And then I omit the rest of that paragraph, that is paragraph 3 on page 2. I then go on to the next paragraph : 10

"Then in chapter 3 we had to cut out the whole of part (c) dealing with trading, business etc. That is not our policy now. Then chapter 5 - Cultural policy, there is a sentence reading 'Africa has her own contribution to make'. We cut that out because it gives 15 the impression that Africa has made no contribution at all to culture. Whereas it is more accurate to say that Africa still has to make its modern contribution to culture. Then a part was added dealing with our international policy. Otherwise it is just 20 as it was published in 1949. Just those few changes."

Then I read the last paragraph :

"This is a matter of vital importance because a great deal of confusion arises from ignorance of our basic 25 policy. I Used to laugh when Youth try to teach me the basic policy of the League when they do even know where it comes from. But this fact that we do not issue literature constantly makes our chaps blunder. Do not be afraid to study independently Tshungs, and 30 you will not make too many errors. As National Organiser you cannot afford them as you will make

unnecessary enemies. I will try and get Nokwe to send you the draft of changes. We are also preparing a proper constitution for the League. The old one is horrible.

Yours for Afrika, Joe. 5

F.S. You must adopt security measures regarding documents, letters etc. Do not keep a letter and memorise addresses and phone numbers. Only keep records of official documents that are published openly.

Things you wish to keep for historical or other interests put in inaccessible places. Fascism has arrived, these changes that we take are dangerous now." 10

T.E.T. 24 is the Annual Conference of the A.N.C. roneod resolutions, which I am handing in for possession only, 15
My Lords.

T.E.T. 25 is a letter from the National Action Council of the Congress of the People dated the 3rd March, 1955, to All Regions and Provincial Executives of the A.N.C., S.A.I.C., C.O.D. and S.A.C.F.O. My Lords, it is signed 20
on page 2, O. R. Tambo, for the Secretariat. The signature is in ink. It deals, My Lords, with the Congress of the People.

T.E.T. 26 is a roneod document, African National Congress, Cape Province, Queenstown, 30th June, 1955. It is a cir- 25
cular to all Branches of the A.N.C. in the Cape. It is signed T. E. Tshunungwa, Provincial Secretary, and at the top, My Lords, written in ink "T.E. Tshunungwa, Personal use". It deals with the election of officials in the African National Congress. 30

Did you on the 21st of March, 1955 give certain

instructions to a Detective Sergeant Hugo? --- Yes, My Lord.

Did you - My Lords, we will be calling Hugo immediately after this witness - did you instruct him to go to the premises of a certain....? --- Of Ben Twako (?), 5 at 852 Queenstown Location.

And you gave him certain information? --- Yes, My Lord.

And subsequently, ...? --- The same date he handed over to me a carton box containing documents. 10

And he made a report to you? --- He made a report to me.

Will you have a look at the following documents. T.E.T. 42, 45, 46, 47, 48, 50, 51, 52, 55, to 61, and also two documents marked T.E.T. 69 and 70? --- Yes, 15 My Lord.

Now, those documents, where do they come from? --- They were amongst the box containing the documents that was handed to me by Detective Sergeant Hugo.

My Lords, in respect of those documents, 20 except for the document T.E.T. 69 and 70, they are on a different basis, T.E.T. 69 and 70, the Crown is relying on an admission made at the Preparatory Examination at page 1573 of the Preparatory Examination Record, the following passage occurs in Volume VIII. At the bottom 25 of page 1572 there is a statement : "On the 21st March, 1955, the house of a person by the name of Ben Twako at 852 Location, Queenstown was searched by Detective Sergeant Hugo of the South African Police, Queenstown. That was in the absence of the Accused, and documents now 30 handed in as T.E.T. 42 to 61 were removed". Then could Your Lordships turn to page 1586, and a passage starts on

page 1585 :

"By mr. Coaker.." - then Mr. Coaker deals with the search on the 27th September, 1955, on the 5th June, 1956, and then My Lords, on the top of page 1586, there is a statement :

5

"With regard to the search on the 21st of March, 1955, at the house of Ben Twako at 898 Location, Queenstown, by Detective Sergeant Hugo, the Defence admits that the documents T.E.T. 42 to 61 were taken from that house by Detective Sergeant Hugo and that those documents had been taken to that house by the Accused". I am not dealing with 69 and 70 at this stage. Now that admission must of course be read with the general admission and the qualifications which are found on page 1390 and 1401 of the record, so that what the Crown is relying on in respect of these admissions is that on the 21st of March, 1955, Detective Sergeant Hugo found Exhibits 42 to 61 at the house of Ben Twako and that those exhibits had been taken to that house by Accused T. E. Tshunungwa. On that basis the Crown wishes to deal with documents 42 to 61. T.E.T. 42 is a roneod circular, to all Volunteers, signed on page 2, the typed signature, P. Beyleveld for the National Action Council. This has been dealt with under C. 361.

15

20

T.E.T. 45 is a document signed on page 4, T. E. Tshunungwa, National Organiser, A.N.C. and C.O.P., Enoch Tshunungwa, "A Report on my Visit to the Cape Western Branch of - A Report on my Visit to the Cape, Western Region, A.N.C. Branches".

T.E.T. 46 is a Croxley Examination Book, and My Lords, - on the first page it appears to be Minutes of the National Executive Meeting of the African National Congress on the

30

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

©2011

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.