

other oppressive laws have been made to keep your people as a source of cheap labour to work in the mines. Education in the past has improved our Africans to be in the same standard as whites. The aims of this education is to oppress our people. We were the slaves all the time. Today we made slaves by this education which we are not prepared to accept. It is hard to give it a trial. A.N.C. has nothing to do with this education because if we accept it means a national suicide for our African people. I have just read you a resolution -- withdraw your children from schools. Volunteers must not go and take your children out of schools. You shall withdraw your own children from schools. I have opened the matter to you to discuss this matter. Lets carry on so that when Luthuli says all schools must be closed, we should be in front. Then Mahkilo's speech: (P.P. reads from G.121.) Makgothi's speech: (Read by P.P.). Next I read Resha's speech. (Read by P.P.) ("Sons and Daughters of Africa then we will decide what to do.") Is that correct, what I have read ?-- Yes. (No further questions) (Notebook handed in as G.120; Transcript G.121)

CROSS-EXAMINATION RESERVED:

FURTHER EXAMINATION BY P.P. (MR. VAN NIEKERK): (15/5/55.)

On 15/5/55, did you attend an African National Congress meeting at Benoni ?-- I did.

And did you make notes of this meeting ?-- I did.

Are these the notes in your notebook (handed to witness) ?-- Yes.

Were you present when these notes of yours were checked against the typed transcript ?-- Yes.

Is that the transcript of your notes (handed to witness) ?-- Yes.

Who was the chairman of this meeting ?-- C. Ntsibande

Who were the other speakers ?-- The first speaker was J. Makoe; Nobadula; the third was Joubert Kali; the fourth was Hlongwane; the fifth was W. Ngqoi; the sixth was Blijah; the seventh was W. Ngqoi; the eighth was Peterson; the ninth was Motlau; the tenth was Ngoi; the eleventh was Nthite;

Do you know this person that you have described as C. Ntsibande ?-- Yes.

Is he amongst the Accused ?-- Yes.

Do you know the person J. Makoe ?-- Yes.

Is he amongst the Accused ?-- Yes.

And Nobadula, is he amongst the Accused ?-- No.

Matlau ?-- Yes, he is one of the Accused.

Ngqoi ?-- No.

Nthite ?-- I do not know.

You do not know him, or you do not know whether he is amongst the Accused ?-- I do not know whether he is one of the Accused; I do know him.

Will you see if he is amongst the Accused, see if you can identify him ?-- (Witness leaves box.) The man who addressed this meeting is not here.

Will you go and point out a person C. Ntsibande ?-- (Witness leaves box) (Identifies Accused C. Sibande, 69.)

Now will you point out a person J. Mokoe ?-- (Witness leaves box and identifies Accused 28)

And now Matloa ?-- (Witness identifies Accused 38.) (Notes handed in as G.122 and Transcript G.123)

Were certain documents distributed at this meeting ?-- I do not remember.

Will you have a look at these documents (handed to witness). Can you make anything out of those documents ?-- These are the documents that were distributed at this meeting.

What are the titles of those documents ?-- They are written in Sesuto.

Can you give us a translation of the titles or don't you understand them -- do you understand Sesuto ?-- Yes. "We call all the people of South Africa black and white. Let us talk all for freedom." (G. 124.)

And the other one ?-- The other one is "Congress of the People." The third one is entitled "Boycott."

Are these two documents the same ?-- They are the same. (2 pamphlets G.124.)

What is the other document ?-- The other document is entitled "Boycott."

Is that in a Bantu language ?-- It is written in Bantu language, Sesuto and Xosa. (G.125.)

Will you have a look at your notes and the transcript and the speech of J. Makwe: "We have no money. Chairman and audience with all the things the Government did think that Manane is the ringleader. What he did is only to prove that he is a fool. We want freedom so let the boycott go on. Take people of Congress our wheel has all the circulation of congresses, Indian Congress, C. Congress" what does that stand for, 'C. Congress' ?-- I abbreviated coloured congress.

".... Congress of Democrats. In 1953 there was a Congress in the Cape. All who don't want apartheid let them come to this meeting. The boycott is not finished yet..... We want our education. There are people who want balls and so on..." (P.P. reads from G.123)

What does 'C.O.T.P.' mean ?-- Congress of the People.

(P.P. continues reading.) (Matlou's speech read) Is that right ?-- Yes.

(No further questions)

Before proceeding with the next meeting, there were

some documents omitted from the meeting of 17/4/55. Will you look at these two sets of documents (handed to witness). Did you receive those documents at that meeting of 17/4/55 ?-- These notes are 15/5/55.

I'm talking about those two pamphlets that I gave you -- do you know those documents ?-- I do.

Where do they come from ?-- I did not get these documents from this meeting.

We are talking about the previous meeting of 17th April ?-- Yes, I got them at that meeting. Document "Boycott Bulletin" was being sold and the other one was being supplied. (G.126 and 127.)

What is the other document ?-- "African Textile Workers Industrial Union (S.A.)" Witwatersrand Branch.

How did it come into your possession ?-- They were supplying people and I got one, at the meeting of 17/4/55. (No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

After you had finished giving your evidence about this meeting on 15/5/55, my learned friend Mr. Van Niekerk asked you a question in the following terms: He said 'Do you know whether any documents were distributed at this meeting' and your reply was 'I don't know' -- do you remember that ?-- I said I do not remember.

MAGISTRATE REBUKES No. 2 ACCUSED:

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:
(Complaint lodged about chairs.)

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You said you didn't remember, and then my learned friend passed you these three documents, G.124 and 125, and having looked at them you then said that these documents had been distributed at the meeting held on 15/5/55 ?-- Yes.

Now, what was it that suddenly made you remember that these documents had been distributed at that meeting ?-- I remembered because the chairman was Sibande.

Is that why you suddenly remembered when you saw these documents that they had in fact been distributed at this meeting. Is the chairman's name on these documents ?-- No.

Then why do you say that you remember these documents having been distributed because the chairman was a certain individual ?-- I remembered because Sibande was the chairman.

BY THE COURT: Tell me, this is a most extraordinary answer; I can't see the association between what you suggest as a reason and, shall I say, the question as put by Mr. Berrange, counsel. Did you understand the question ?-- I do understand it.

What is the question ?-- The question is, how did I know that I received these documents at the meeting of 15/5/55.

Yes, but what can the fact that Sibande was the chairman have to do with that ?-- And furthermore when I write out my report I put these documents inside my report.

But how do you know that these documents were in your report, that they were taken from your report ?-- No, I cannot give an explanation.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Did you see your report when you answered that question, was your report in front of you ?-- No.

Then what do you mean by that reply ?-- It's the usual practice when we leave a meeting if you have received any documents from that particular meeting, you put those documents in your report.

Look here, where did you go to school ?-- In the Free State.

What Standard did you reach ?-- Std. VI.

Are you able to speak and understand English ?-- Yes,



I do, but not so much.

Are you able to spell English ?-- Yes.

I want an answer to my question, please. His Worship has put it to you as well. What has the fact that Sibande was chairman to do with your suddenly being able to remember that these three documents were put in at that meeting; what has that got to do with it ?-- I remember I inserted those documents in my report, when I handed in my report of this meeting.

What has that got to do with the chairman ?-- Because he is not generally the chairman at the meetings.

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

I want to put it to the witness that he is prepared to say 'Yes' to anything that the Prosecutor suggests to him ?--
BY THE COURT: Is that the reason: You say these are the documents because the Prosecutor is producing them ?-- No.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

In what language did the speakers speak ?-- Zulu and Sesuto.

And then you wrote in English ?-- Yes.

So it is your translation of what they said in Zulu and Sesuto ?-- That is correct.

Did you understand everything that you wrote ?-- Yes, I did.

You understood everything the speaker said ?-- Yes.

Would you kindly tell His Worship how you spell the word 'languishing' ?-- L-a-n-g-u-i-s-h-i-n-g.'

Would you tell His Worship what the word means ?-- I do not know.

I thought you said you understood everything that the speaker said and everything that you wrote ?-- Yes.

But you don't know what the word means. Then let me ask you what this word means 'l-a-g-u-e-n-s-h-i-n-g.' What

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does that word mean ?-- I do not know.

But you have written it down in your notes ?-- I must have had in mind writing another word not that one.

What word ?-- "Anguishing."

So instead of writing 'anguishing' -- how do you spell 'anguishing' ?-- 'A-n-g-u-i-s-h-i-n-g.'

So instead of putting that word down, what you wrote was 'l-a-g-u-e-n-s-h-i-n-g' ?-- I think what caused me I was in a hurry.

So because you are in a hurry you write down a word which is nonsense ?-- That is correct.

Perhaps you can tell us what the word "emanicipated" means ?-- To be set free.

And "ethnic grouping" ?-- Separation of tribes.

In making your notes, did you or did you not, after you had left the meeting, make certain alterations to them ?-- No, if there are alterations, then those alterations I did at the meeting.

Is there any reason why you should make alterations at the meeting ?-- Yes.

We'll start with the meeting of 15/5/55. In what did you make your notes, pencil or ink ?-- Pencil.

Did you put the date there, at the meeting ?-- Yes.

At the meeting you inscribed the date ?-- Yes.

If I was to suggest to you that what happened is this, that at the meeting you did not put any date, but thereafter you put a date, after you left the meeting which you later on changed to another date, to another date -- would that be true ?-- No.

Now, remembering that you've told us that at the meeting you made your notes in pencil, would you kindly look at page 65 of G.122, and tell us whether the date there is in ink

?--- It is in ink.

And tell us when you put that date in ?-- If counsel would look carefully counsel will note that it was first written in pencil, and I just wrote with ink on top of the pencil writing.

Would you tell us when you did that ?-- The following day when I prepared my report.

(Notes handed to counsel). And what date did you put in on the following day, in ink ?-- The date of the 15th.

And what about the date of 8th May, 1955, which has been carefully scratched out in pencil and in ink -- is there a date before the 15th May; is there a date the 8th May, 1955, been crossed out in pencil and in ink ?-- Yes, it is there.

You say that on the 16th May you wrote in the date of the 15th May ?-- With ink.

When did you write the date of the 8th May ?-- I had written the 15th May, the day before, then the following day I wrote with ink on to the same letters.

Will you tell His Worship when you wrote the 8th May and why ?-- There was supposed to have been a meeting on the 8th May, but that meeting was not held.

So on that occasion you in ink wrote the letters 8/5/55 before the meeting, which was never held, but in regard to the meeting of the 15th May you write with ink on the 16th May the word 15/5/55 -- after the meeting ?-- I wrote 15/5 on the day of the meeting in pencil.

Now just answer my question. You wrote in ink the date 8/5/55 before the meeting ?-- Yes, on the 8th.

And on the 16/5/55 you wrote 15/5/55 after the meeting ?-- Yes.

That is what you would have us believe happened ?--

It did happen.

Now look at the first speaker -- who is the first speaker after Sibande ?-- J. Makoe.

Did you scratch anybody's name out ?-- Yes.

Why ?-- The Chairman called him first.

Who ?-- This name that I have scratched out.

What is it ?-- W. Ngqoi.

You have told us that you understood everything that was said, at this meeting, and you've told us that you understand everything that you have written; and I suppose you will also tell us that you wrote down everything that was said?-- Not everything that was said.

Did you leave a lot out ?-- You leave out certain things whilst people are talking.

Why ?-- I haven't got that speed to write up everything.

I want to read you a few things, first of all from Sibande's speech. Take your transcript, it will be easier. The fourth line: "The Government have taken our leaders from us. I don't know the eighth malines which were not born in Africa. The animals that were born in Africa are not the children." What does all that mean ?-- I do not know.

I thought you understood everything that was said. All right, let's go on. "Ethnic grouping has come to create our fight amongst the people. Close the schools as said by the Congress of the People. When Monare is while away get the Jansens because he realise that his own people will follow him and he will establish Congress branch." What is all that about -- do you understand it ?-- It's like this, when I write in a meeting I write as the speaker speaks. I write that small sentence and after I have finished writing out that small sentence I write out a part of the sentence

what the speaker says, and then I write down something else,
and then after the meeting the following day when I come to
read this, I now remember what the speaker had to say fur-
ther.

Why don't you answer my question; my question is a
simple one. Do you understand it; I never asked you what
you did ?-- I do not understand.

You say the next day you then having made a short
sentence, and you read it again, you then understand it --
you know what the speaker has said ?-- The following day
when I read that portion of the sentence I'd written down,
I then remember what the speaker had to say further.

And then you remember it and understand it ?-- Yes.

And then you draw your report ?-- Yes.

And then you put in your report what you have remem-
bered and understood ?-- Yes.

Even though it is not in your notes ?-- Yes.

So your report does not follow your notes; it is
not an accurate transcript of your notes ? -- The report
comes out of the notes.

Now answer my question ?-- That is correct; it is
so.

Perhaps you can tell me what these words mean at the
end of Elijah's speech "Don't put yourself in a doomed thing
and think of the world that is coming; there is no world
coming and I feel prepared for a Paradise." What is all
that about ?-- No, I don't know.

So will you then agree that there are many things
written in your notes which you cannot understand and can-
not explain -- do you agree or don't you ?-- I agree.

And do you agree then that you were not being truth-
ful when you said that you understood everything that was in

your notes -- do you agree or don't you ?-- I do not agree.

Do you agree that you said you could understand everything that was in your notes ?-- Yes.

What do you say now ?-- No, I say and I remember now, the following day when I prepare my report, going through my notes, I remember what the speaker has said.

Do you say you understand everything that is in your notes ?-- The last thing that you asked me I do not understand.

Do you say you understand everything that is in your notes -- answer my question; you know what the word everything means, don't you ?-- I did say so.

Is it the truth ?-- No.

I would like you to turn to your notes in regard to the meeting of 17/4/55, Kalipe's speech. It starts off in the following way, I will read it to you: "I thank the Benoni Location for all what they did. It was a non-violent activity. Don't be afraid of the Boers with their guns." Is that written there ?-- Yes.

Is that what was said ?-- Yes.

I want you to go further in this speech ?-- Freedom is hard, you must first suffer. Jesus said you must forgive them, the detectives because they don't know what they do." Is that there ?-- Yes.

And in the next speech, Kiewiet's speech, whose name was superimposed on Dhlamini's name "The second step youth tell us we shall help you but not to say we must do crime." Is that there ?-- Yes.

"If this education is changed back to the old standard we shall send our children back. Don't throw stones to the cars and the vans" ?-- Yes.

Is that that the speaker said ?-- Yes.

Do you often find speakers at these meetings saying that

the people must not be violent ?-- Yes.

That's more usual than not, is it not ?-- Yes.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

JOEL CAMANE, duly sworn, (Zulu/English - Mazwai)
EXAMINED BY P.P. (MR. VAN NIEKERK) (29/6/55.)

Did you attend a meeting of the African National Congress at Western Native Township on 29/6/55 ?-- Yes.

Will you have a look at a document purporting to be a report put in on 30/6/55. (Handed to witness.) Did you attend that meeting ?-- I did.

Did you make notes at that meeting ?-- No.

When did you prepare that report ?-- On the 30th, the following day.

Is that in your report, when you compiled this report ?-- Yes.

What does it say ?-- "The above report completed by me at The Gray's Buildings Johannesburg 30/6/55, 9.25 a.m. "

When you compiled this report were the facts still fresh in your memory ?-- Yes, and furthermore there was a piece of paper on which I had jotted down somethings.

What happened to that piece of paper ?-- I destroyed it.

Who were the speakers at this meeting; who was the chairman ?-- P.Q. Vundla.

And the speakers ?-- Joseph Matloun; Ida Mtwana.

Do you know this person Ida Mtwana ?-- I do.

Can you identify her; is she here ?-- Yes.

Is she amongst the Accused ?-- Yes. (No. 49.)

(No further questions)

(Report handed in as G.128)

CROSS-EXAMINED BY MR. BERRANGE:

I have already tested your memory once before, haven't I ?-- Yes.

I won't do it again. This meeting that you attended lasted how long ?-- 8.10 p.m. to 10 p.m.

Nearly two hours ?-- Yes.

And you have about 35 to 40 lines for the whole meeting; that is all you were able to get down ?-- Yes.

Were you very tired at the end of that meeting ?-- Yes I was, because I had been on duty during the day.

Can you remember how tired you were ?-- No, I do not remember how tired I was but on looking at my report I can see that I was tired.

Your report finished up saying: 'I'm very tired now and I'm going to bed' ?-- I was meant to be tired, and I had been doing work all day.

Does your report show that you are tired ?-- Yes, it is the size of my report; its contents shows that I was tired.

The size of your report makes you think you must have been tired ?-- Yes.

I wonder whether you would be so good as to show me in your report -- I would like you to refer to the first speaker, Joseph Motloun, half-way through his speech, I will read it out to you: "The subject was about the Freedom Charter. On Sunday again we went to Kliptown in the morning of the 26/6/55. The word was resumed and at about 3.45 p.m. the Satan appeared. The Dutch people were all armed with guns. They surrounded us and we were searched there. What pleased me is that the delegates did not do any harm to the police." Is that right ?-- Yes.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

FURTHER EXAMINATION BY P.P. (MR. VAN NIEKERK): (19/10/55)

On 19/10/1955, did you attend a meeting of the African National Congress at the Communal Hall, Western Native Township ?-- I did.

Did you make notes at that meeting ?-- I did.

And are those the notes before you ?-- Yes.

Were you present when those notes were checked against a transcript ?-- I was.

Is this one of the copies of that transcript ?-- Yes.

Who was the chairman at this meeting ?-- I did not write down his name. I do not know.

Who were the speakers ?-- James Kote; J. Matlou; Robert Tunzi.

(P.P. reads Chairman's speech G.130, James Kote's speech; Matlou's speech;) Please look at the notes and the name spelt there as John Nkading ?-- It should have been Nkadimeng.

Philemon Mathole and Mavuso ?-- Yes.

And then Robert Tunzi spoke. (Reads speech.) Is that right ?-- Yes.

Do you know this person Matlou who spoke at this meeting ?-- I do.

And Robert Tunzi ?-- I do.

Are they amongst the Accused ?-- Yes. (Matlou 38 and Tunzi 76).

Do you know the person referred to here as President, E.P. Moretsele ?-- Yes, I know President Moretsele. (No.46.)

Do you know Bob Ngwendu ?-- Yes. (No. 53.)

Do you know Lady President Lilian Ngoyi ?-- I do.(52.)

Do you know the Sibande referred to here ?-- Yes.

(71.)

What Sibande is that ?-- Gert Sibande, the Accused.

Do you know Lawrence Nkosi ?-- I do. (55.)

Piet Makgofo ?-- I do (26.)

Fish Keitsing ?-- Yes. (15).

John Nkadameng ?-- I do. (54.)

Philemon Mathole ?-- Yes. (37)

And Mavuso ?-- I do not know.

Can you identify all those you know ?-- Yes.

Are they amongst the Accused ?-- Yes.

And you can identify them all with the exception of
Mavuso ?-- That is correct.

(No further questions).

NO CROSS-EXAMINATION:

COURT ADJOURNS:

TUESDAY, 19th MARCH, 1957.

COURT RESUMES:

BY MR. COAKER: May it please Your Worship. Accused No. 38, Jonas Matlou, is absent from Court this morning. He was seen by Accused No. 51, along with a number of other Africans, being arrested, evidently for some pass matter, this morning, in Twist Street. Apart from that, Sir, Accused No. 50, Suliman Nathie is ill and I beg leave to hand in a certificate in regard to him and Accused No. 19, Joseph Kumalo, has been sent to hospital and I beg leave to hand in a certificate with regard to him as well. Accused No. 52 and 55 are still away ill.

BY MR. VAN NIEKERK: Your Worship, as regards Accused No. 38, Jonas Matlou, investigations are being made to find out what the position is.

THE CROWN CALLS:

JOEL CAMANE, Sworn States: (Speaking Zulu - Interpreter E. Mazwai

EXAMINED BY MR. VAN NIEKERK:

You gave evidence yesterday in this matter regarding the meeting of the 19th October, 1955? -- I did.

And you have in your possession your notes and the transcript? -- Yes.

Will you please hand in the notes and the transcript - NOTES - EXHIBIT "G. 129". TRANSCRIPT - "G. 130".

That concludes the evidence of this witness, Your Worship, as far as the meeting held on the 19th October, 1955, is concerned.

BY MR. COAKER: NO CROSS-EXAMINATION AT THIS STAGE.

BY MR. SLOVO: NO CROSS-EXAMINATION AT THIS STAGE.

BY P. P. I am dealing with the same witness. Now, on the 22nd of May, 1955, did you attend a meeting of the African National Congress, held at Sophiatown? -- I did.

Did you make notes at this meeting? -- I did.

And did you, in the presence of a representative of the Crown and a representative of the Defence, check these notes against a typed transcript? -- I did.

And have you got your notes in front of you? -- Yes.

- And -

And is this typed transcript? -- Yes.

Now from your notes - from the transcript - can you say who was the Chairman at this meeting? -- I have not written it down in my notes - but I have it in my report.

Who were the speakers? -- The first speaker H. TSHABALALA.

Now behind Tshabalala's name appear the letters "Sp." is that right? -- Yes.

What does that stand for? -- 'Speaker'.

Who were the other speakers? -- The second Speaker - RAMPOPOLANE.

Yes, and the next speaker? -- The third Speaker J. MASHILE.

And the next one? -- The fourth Speaker P. MOLAOA.

Now, referring to the speech of Tshabalala, his speech starts as follows:- Africa! Freedom in our lifetime. Thank Mr. Chairman, Sons and Daughters of Africa, I want to expose the dirtiness of Government of this country and I am not apologising. Every person, child in this Square is to talk about freedom and how to achieve freedom. That is why A.N.C. alone cannot do it. Therefore it is why they have Youth Leagues. Chairman, Sons and Daughters of Africa, I want to expose the dirtiness of this white men and Government. It is not my intention to attack the Police Dutch boys but the Government - the Government of Facisism. During the World War Two the heads of soldiers were robbing the public of their properties. After 1948 after Government taking up this country the Dutch boys were busy raiding women (rading women) and were sentenced heavily. Not long ago during the first removal the houses of people were demolished like the Government of Hitler. Sons and Daughters of Africa, when I say I am going to attack these Houses of Parliament there is nothing done on crime and we have less crime when black man takes over. Since the white man came

in this country we cannot even buy a 'lamb'. Today they say you educated people therefore you are clever therefore you must get South Africa (get B.E.) so as to admit that you are inferior. There is no white man to my knowledge who has done good to an African. Why all white people go to Parliament and not allow the black man to represent the 10,000,000 Africans."

Then the speech of Rampopolane:- Half-way down the page "This B.E. teaching is only teaching our children to be criminals. We see today our fathers are being arrested for these passes and bought by these Dutchies from Rustenberg and Bethal farms. This shows they Dutch people are cowards. They know only revolvers. The day we take these guns the truth will be known. Where are 2,000 police. I only see 50,000 volunteers today. They have tried to oppress us with these passes but some of you accepted them. We want these Dutch people before finish us must finish them. Today they build - the big building concentration camps and Meadowlands wherever you go you are being demanded pass. These Flying Squads and that uniform is our money. The Dutch people as they are not prepared to stay with us they are free to pack and go. Unite and know that you will not get your freedom without fight. There is nothing done in Parliament - is only to dream. What happened to people carrying exemptions are being taken away. Let us unite and talk in one word and say 'We don't want pass'. 'We don't want concentration camps in our lifetime'. 'We want freedom'. We do not want this B.E. It can keep with Dutch people. Africa is our lifetime."

We come to the speech of MOLAOA. (Second page of his speech - third line). "The Government if you try to stand for Africans you are no good. As an African youth you never took an initiative. Sons and Daughters of Africa it is not late to mobilise and march towards the facisism Government. The facist Governmēt is sending people all over the land so the Government

is helping with our people by sending them to different parts of country. Sons and Daughters of, it is time to see that our children get better 'Educ' (education). Today the facist Government is seeing that the Church education interprets better to us and say is not good. Today we have brothers working in farms Bethal because of this paper they call a pass. Today we have our people dying 'under this ground' and yet get no reward. Why sons and daughters of Africa why should you be prepared to be perpetual slaves. One thing I must appeal to you sons and daughters of Africa is that God help those who help themselves. I say to that - that is a sell-out. 'Ho' unto him. When we are about to attack the Facist Government there are others amongst us who receive the fire from Facist Government. I appeal to the youth to themselves roll up to 50,000 volunteers. I see South Africa has no youth. The teaching of South Africa youth is bad, for youth of South Africa taught by their parents that Europeans is superior. It is time the deported people feel the struggle goes on. Mayibuye! Freedom in our lifetime!

Then at the bottom of your notes you have certain names. What does that indicate? -- Members of the Congress.

Yes, what about them? -- Who were present at this meeting.

Now, I am reading - SIMON TYIKI? -- Yes.

Johannes Modisa? -- Yes.

Patrick Malaoa? -- Yes.

Peter Nthithe? -- Yes.

Henry Tshabalala? -- Yes.

Piet Makgofe? -- Yes.

Now, these people who spoke at this meeting, those people that you noted down as being present, do you know them all? -- Yes.

Those names that I have read out to you, are they amongst the Accused? -- Yes.

- And -

And you can identify them? -- Yes.

Henry Tshabalala - Accused No. 77.

Patrick Molaoa - Accused No. 42.

Peter Nthithe - Accused No. 57.

Simon Tyiki - Accused No. 75.

Johannes Modise - Accused No. 41.

Piet Makgofe - Accused No. 26.

Do you hand in the notes - EXHIBIT "G. 131" and the Transcript is EXHIBIT "G. 132"? -- Yes.

Patrick Molaoa, you have got him down as being present, is he also the man who spoke? -- Yes.

Now, on the 23rd May, ¹⁹⁵⁵ did you also compile a report of this meeting? -- Yes.

Will you just have a look at this report and see whether that is the report that you wrote? -- Yes.

Will you turn to the last page - right at the bottom - have you got a note there when that report was completed? -- It has got 23rd May, 1955.

Have you got the time there? -- 12 midday.

Now at the time when you made that report were the facts still fresh in your memory? -- Yes.

And have you got a note on that report who was the Chairman at this meeting? -- PETER NTHITHE. (Accused No. 57).

The number of the Report will be "G. 133".

That concludes the evidence of this witness. The man that you have got there as Chairman, is he the same man that you said was present at the meeting? -- Yes.

In your notes? -- Yes.

CROSS-EXAMINED BY MR. SLOVO:

I think you have already told His Worship that your English is not too good? -- Yes.

And I take it that that is why much that is contained in your report in the English language - in your notes, in the

- English -

language, is gibberish - is something which the average person who speaks English will not be able to understand? -- I would like to see the report. Your Worship, this meeting was held outside in the open. There should be notes that I handed in together with my report.

Why are you making that statement? I didn't ask you anything about your notes. I suggested to you that having admitted that your English was not too good, that is a possible explanation - I am putting to you - of the reason - for the fact that there is so much gibberish in your report? -- It is difficult for me to answer that question because I am not having my notes in front of me now.

Have a look at your report. It is in front of you now. Have a look at the Chairman's remarks. The opening of the meeting. Can you tell His Worship what the following speech means. I will read the whole of it:- Would you read to His Worship the Chairman's remarks as appearing from your report - not the notes but your report? -- "Sons and daughters of Africa, when I say at the opening of the meeting I am not a speaker. Our speaker is not here yet. This meeting is called by A.N.C. branch of Sophiatown and we expect to have more young people. We here to hammer on the same nail. We do not want to be oppressed. That is why we are opposing with the Government of this country. We found that we are compelled to leave our places. There is no poll tax here today whether white or yellow or black who does not want freedom.

Just stop there a moment. What does that mean "There is no poll tax here today whether white, yellow or black who does not want freedom"? -- I do not know.

Now, that is a polished version of your notes, is it not? It does not read in the same way as your notes read when you took them at the meeting? Because your notes read - that sentence

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reads....(Witness interposing)? -- It is difficult for me to answer because I am not having my notes in front of me.

Well, let us have your notes in front of you.(Meeting of the 22nd May, 1955).? -- Yes, it is so. I agree with you.

You agree with me. So will you agree with the general statement that - I don't want to go through every sentence of your speech - of your notes - because that will take a long time. Will you agree with me when I suggest to you that the explanation for much of the nonsense which appears to be recorded in your notes, is that you ^{are} deficient in the English language? -- Yes, and also that people at meetings speak very fast.

Now, will you have a look at the transcript of your notes - at the speech of Tshabalala - towards the end, just before the Chairman intervenes again. Have you got that sentence - "In conclusion I say to the millions of people you must look at the white man with eyes of peace" - correct? -- Yes.

BY MR. SLOVO: NO FURTHER QUESTIONS.

BY MR. COAKER: NO QUESTIONS.

RE-EXAMINATION: Just complete that sentence? -- "In conclusion I say to the millions of people you must look at the white man with the eyes of peace. Should be any peace in this country they must stay in peace and give back our country. Let Strijdom continue have his Police '- non and white -' to interfere with our meeting and watch in our houses. Let Verwoerd continue with his B.E. Afrika in our Lifetime!

- SOLOMON DUNGA.....

THE CROWN CALLS:

SOLOMON DUNGA. Sworn States: (Speaking Xosa - Interpreter E. Mazwai

EXAMINED BY MR. VAN NIEKERK:

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

And on the 15th May, 1955, did you attend a meeting of the African National Congress held at Alexandra Township? -- Yes.

Did you make notes at the meeting? -- Yes.

Are these the notes? -- Yes.

And were you present when those notes were checked against a typed transcript? -- Yes, I was.

And is this the typed transcript? -- Yes.

Who was the Chairman at that meeting? -- Abel Meti.

Who were the speakers? -- The first speaker was J. Mazunya. The second speaker was J.J. Hadebe. The third speaker was R. Resha. The fourth speaker was Nzo, and the last one J. Manyathela.

Now will you read your report. You can read from the typed copy? -- CHAIRMAN - ABEL METI: "we are opening this meeting, fellow Africans, to discuss the Congress of P. and Pass Laws and Permit. Mr. Madzunya will speak on schools boycott since Verwoerd has introduced smelting education for our children. Even if Verwoerd banishes our leaders, we will not leave the boycott. Even if they banish us they send us to another territory in Africa." MAZUNYA. J. "Fellow slaves of Africa, it is our custom to come and meet at this square. What we want? What is driving us out of our homes? It is oppression from which we suffer in this country. We meet here to preach the gospel of freedom. The enemies of our struggle do not like the preachings of this gospel. We are not the only nation that fights for its freedom. Many races have done it. The path to freedom is full of thorns and sloughs. When Mahatma Ghandi

- was -

was 25 he swore that he will fight for Indian freedom. He said that he wanted to see India free. At the Gold Coast 'Krumah' first went to gaol before he got his premiership. The enemies of freedom are sending us to places where we will be under great hardships because they do not like us to preach the gospel of freedom. We, the black people, are the only race in this country that is oppressed by pass laws in the country of our birth. Police waken our people by kicking the doors of their houses with jackboots. Is that not oppression? In this country these pass laws affect us only. These are means whereby the Europeans in this country are endeavouring to enslave us. Further, they introduce Bantu Education as a means of instilling into the brains of our children an education which will teach our children to think in terms of slavery. Some Africans are supporting this form of education because they think about their stomachs instead of about the mentalities of the million people in this country. In terms of Bantu Education the children will not be taught English and Afrikaans but teachers will only give instructions on these languages. This Government is following the tactics which were adopted by Hitler in Germany. Hitler segregated education for the Jews just the same as they do to our education. Now of late Verwoerd challenged the Africans by threatening that on the 25th if the children are withdrawn from the schools he will close the schools. We have accepted the challenge by Verwoerd and we want him to close the schools but one thing sure those schools were built by our money, What is worrying Verwoerd today? He says he wants the Europeans to develop in their own way and the Africans their own way, but we tell him he must get out of Native Affairs and we shall be able to administer our own affairs. Go and tell Verwoerd that he must go to his people and apply this education to his own people. These Dutch people say that if you are not satisfied with the conditions in this country you had better go back to your own country and we consequently

say to them they must go back to their country if they are not satisfied with conditions in our country. This country belongs to us. I tell Strijdom and his associates to mind their own business and we shall mind ours. They do not want your children to understand when the white people came into this country that is why they cannot teach them history. They want to teach them that the white people originated in Africa. The days are numbered that their Government will remain in power. We shall overthrow this Nationalist Government under the banner of the African National Congress. They deceive themselves and we can hear not very long hence that Swart or Strijdom are in gaol. Since they have squabbles amongst themselves, Strijdom will not get any Republic in this country. If the majority of the people in this country do not approve of Republic he and his associates will definitely not proclaim a Republic in this country. Just because we have defeated Verwoerd in political circles, then he applies force. What is left now is he must send a lot of flying squads to crush our struggle. They say he is a doctor of Philosophy. What philosophy has he got in his mind? He is just an empty tin. We shall be able to achieve our freedom whether they like it or not. We have already succeeded in soliciting some of their help by winning friends amongst them to help us in our struggle. We do not want cowards amongst us. We want every able bodied man. You can be sent anywhere but as long as it is in Africa you must kindle the fire of freedom." The next speaker was J. J. HADEBE: "Countrymen, we shall discuss things which affect our menfolk in this country. The pass is worrying us more than anything else. Even if you carry an exemption you still remain a slave in the eyes of the European people and in the country of your birth. A pass is a whip which has been adopted by the Dutch people in order to effect their purposes of oppression. The pass is keeping reminding you that

- however -

however happy or wealthy you might be you are nothing in the face of the world. You are in short a slave. The pass is not new. It was introduced in order to oppress you people from long ago. It is there to intimidate our people. They are restricting pass regulations year by year. In olden days every European was entitled to ask you for a pass even if he was not a Policeman. Africans were arrested daily for passes and their families were broken. Today many of our people have surrendered to this oppression and ~~then~~ are still amazed by this pass we are confronted with permits. In such places as Cape Town permits are not the cause of men's arrest but affect women too. As it is now in the Cape it will spread rapidly into the Rand. When we are surprised by this again Verwoerd said that he was going to arrest boys of 16 years if they did not report at school on the 25th. If then you will agree to all these Gestapo methods you will be people who are not fit to live at all. The Dutch are very much satisfied with all they have done to us by giving us a specific education and robbing us of our homes. If we knew that we have a protector like Congress all this would not happen. Then I shall have to discuss permits here in Alexandra Township. Just because they saw people prospering very well financially and thought that influx should be controlled and they started arresting Alexandra tenants vigorously. When we saw this we protested vigorously against this and Congress started to get legal advice from town regarding the validity of the introduction of permits into Alexandra Township. The Dutch Policemen surrendered to the legal advisor that there was something wrong with this law. The people who had been arrested acquitted. We would have created a lot of trouble for these Policemen if we had tried to proceed with the case to the Higher Courts. There are many of our people who have been arrested under pass laws and sentenced to sentences, more than

- those -

those of murder. The pass we are carrying in our pockets is more dangerous than any other pass which we were used to carry before. We are getting arrested in order to supply cheap labour to the farmers. It is hence therefore that we should fight against the sellaws of oppression and we shall win as we have won against the Bantu Education Act in Alexandra Township.

There is a school up here and education is progressing. "

R. RESHA was the next speaker: "Chairman, Sons and Daughters of Africa, I feel glad to see men here in Alexandra who are able to come to meetings even if it is cold. It is necessary today that men should like to go meetings. Today we are holding the lion by the tail. Today when we say we don't like Bantu Education of Verwoerd, the hearts of the white people are cold. We are not prepared to feed our children with poison. They feel sad because they feel they have not succeeded in achieving their vicious aims. Verwoerd is sad because he did not succeed in poisoning our children's mentalities. One thing is funny - why can I beat somebody because he refuses to eat the good food that I have prepared for him. Why at all beat the man? Before we consider this type of education let us consider the good which its protagonist has done us. His name is Verwoerd who introduced for us the reference book and the permit. Hence we say Verwoerd's education is bad and unnecessarily evil since it will instil a mentality of slavery to our children. We are hearing daily that Shadrack, Meshack and Obednego were thrown into fire because they did not like evil. But when we go to our Ministers of religion they say they have hope in God but who are today defeated by such a rugged and dirty Dutchboy - Verwoerd. If God did not like that we should be here in Alexandra we would not be here. The reference of going into Heaven we will get what we do here in Alexandra Township. This same Bible that the Ministers of Religion are proud of was introduced by the same Europeans who are oppressing us. To

- prove -

prove that the Roman Catholic is an evil laden Church, we have been wondering what kind of women are these who are having faces hidden in white pieces of cloth. The Minister of the R.C.C. was not ashamed to tell the children on the 24. 4. 55. should go to school not in gym dresses and hide their books. He was teaching those children to become thieves of tomorrow. The Govt. says that out of 100 children only 40 go to school and the rest go about in the streets - nobody cares for them. We of the A.N.C. say that children should not drink poison. The man asking 'what will the children do' is foolish because Bantu Education is good as no education at all. These people who say Bantu Education is good forget that their children will think of their parents as slaves. Uneducated people wherever they are in this country know very well that the oppressor is the white man. If you could give the Pedis firearms and tell them to use them they will come to shoot the Europeans without having been told. But give a revolver to an educated African here in Alexandra. He will say 'Thank you, now I am safe from Tsotsies', because we were taught at school that a European is a superior and that our fathers were thieves. Yes, by withdrawing the children from the Verwoerd schools we have shown to the world that they are not superiors and that mostly we know that that they are just dirty thieves who came here with lice epidemics. We must now work hard here in Alex. T-ship to close up all these Verwoerd schools in Alexandra. No child should attend any Verwoerd schools. What our children should know is that Verwoerd is a Satanic dog and that this country belongs to Sekukuni, Moshesh and Hintsa. Our children, even if they are not educated, should know that Verwoerd and his whites are our enemies. In Benoni on Friday - Menare was banished only to intimidate we people that we shall be deported too. I want the Detectives that write that we of the A.N.C. will work so hard that we want

to be deported all of us and where we will be taken all those Dutch boys will speak because if they distribute us throughout the country and we will talk with one voice from every corner of the country. To the Roman C.C. I say what was done by Martin Luther will be repeated against them this time with more violence if they continue with their lies and deception. If our religious Ministers cannot tell us the truth we will trample on them when we go to the Dutch boys. The Police Station and the N/Com. office will cease to be where Africans are oppressed but where the Dutch boys will be hiding themselves."

Now, before you go on, that word "trample", what does that mean? -- To 'trod upon'.

Go on? -- The next speaker was NZO: "Dear Africans, more than ever before the African people and the freedom loving people are under the stand of the Nats. Govt. which was voted into power by a very illiterate electorate and motivated and applied vicious legislation such as the Re-settlement Act and Bantu Education Act which, as you know, was to poison your children's mentalities. Also, now of late our leader from Benoni - Korea Monare has left the Transvaal not because he liked it but because he was forced to. Time now necessitates that we should unite with all the freedom loving peoples of South Africa to the great Congress of the People. Now, fellow Africans, we should collect our demands which will be included in the Freedom Charter. Some people tell you that the C of P is sponsored by Indians and Europeans. These people are liars and enemies of freedom. The C of P is sponsored mainly by the African National Congress and we appeal even to non-members to give in their demands. This C of P is coming up in order to demonstrate to the world at large that we unlike the mad clique of Verwoerd. We want every race to join the C of P. We are not going to have Verwoerd's satanic laws. Forward to the Congress of the People."

- The next -

The next speaker was J. MANYATHELA:- "Fellow Africans, when we say 'Bantu' we mean any human being. When the white man came into this country they found us to be a big nation and a happy nation but they came with deceit because they were hunger stricken and started robbing us of our land. Verwoerd the time has come when the Africans should stand on their feet. My dog is better than me. The Europeans cannot shoot a snake because they say it is sin but to shoot an African to them is nothing. Finally, I say Verwoerd you must prepare ship to return to Holland. With you time is up now to stay in this - our country. Collection £1. 3. 0¹/₂d. Meeting closed 2.10 p.m."

Now, do you know the speaker Hadebe? -- I know him.

And Resha, do you know him? -- I do.

Now, these two people, are they amongst the Accused? -- They are.

Can you identify them? -- I think I can.

Hadebe and Resha? -- Yes.

Will you go and identify them if you think you can? -- Witness identifies J. Hadebe, Accused No. 61 and Robert Resha, Accused No. 63.

That concludes the evidence of this witness on this meeting, Your Worship. NOTES - EXHIBIT "G.134" TRANSCRIPT "G.135" BY MR. COAKER: NO QUESTIONS.

BY MR. SLOVO: NO QUESTIONS.

BY P. P. I am continuing with this witness, Your Worship.

Now, on the 19th June, 1955, did you attend a meeting of the African National Congress at No. 2 Square, Alexandra Township? -- Yes.

And did you make notes at that meeting? -- I did.

Have you got your notes before you? -- Yes.

And were these notes checked with a representative of the Crown and a representative of the Defence? -- Yes.

In your presence - against a typed transcript? -- Yes.

- Is -

Is this the typed transcript which was corrected in your presence? -- Yes.

And who was the Chairman at this meeting? -- Abel Meti.

Who were the speakers? -- S. Mathopa; the second speaker J. Mazunya. That is all.

Now, will you read what happened at this meeting? --
CHAIRMAN - ABEL METI - "When we say freedom in our lifetime we mean that we should all stand on our feet to fight for and attain our freedom like the Nats who decided against all personal differences amongst themselves and marched forward to rule this country, but we Africans always take heed of personal differences amongst our people when we are fighting for our freedom. It is true that the way to our freedom is thorny but our determination will win us what we must achieve. We must preach the gospel of freedom to our bretheren. Just now we have a message from our National leader, Chief A.J. Lethuli, to organise the Congress of the People conference and to collect the demands of the people to be embodied in the Freedom Charter in Kliptown on the 25 and 26 of this month. But what is funny is that we Africans are always spying on one another although we are always calling out "Freedom in our lifetime". I will call on Mr. Mathopa. " MATHOPA S. "Dear Africans, time is very limited. We have no time to play. When we call Africa we call our own country but I become ashamed when such things as spying are being said to be rife inside our organisation. I do not know where that spy will go since we will seek refuge in Africa. You must not listen to the faltery of these Europeans who give you money to sell your own people. That is the same money which betrayed Jesus. You must think of the people who will bury you when you die. The Europeans will never bury you. We shall be responsible for your funeral as your own countrymen. These same Europeans are coming to our meetings daily and yet

- if -

if you go to their meetings as an African they will kick you out and ask you where the other kaffirs are. Fellow Africans our time is coming slowly when we shall be able to compile our demands to Strijdom in the Freedom Charter. The future legislators of this country will be chosen by us. We will clean our hearts of hooliganism. I have not much to say but I call upon all those who have not yet joined Congress to get membership cards today. Membership in our National organisation serves to show that we are a united nation. As we are gathered here we are all Africans and we should have unity and distinguish our nationality - Mayibuya."

Who was the next speaker? -- ABEL METI - Chairman.
"Countrymen, I just want to tell you one thing. We are busy here in Alexandra Township responding to the call of Chief Lethuli, the organising for the Congress of the People conference. I will call upon my last speaker."

MAZUNYA J. "I believe that as we are supposed to go to another meeting, I should be brief. What is necessary now is that each and every member of the African National Congress should work hard organisationally. Freedom, in fact, will never come to you in a tray while you sleep in your house. What freedom do we want and from whom do we demand that freedom? We must realise that the Europeans in this country have robbed us of all our rights and the African National Congress is determined to unite the masses of the African people against the reaction of the European exploitation and domination. It does not matter for a man to be educated if he cannot be of help to his own people. The African National Congress was founded to awaken the African people to realise that they were robbed of their rights. You do not know where your strength lies. The power of the Europeans over you is that they are nationally united, but what about you, fellow Africans. The British policy of

- dominating -

dominating other races is divide and rule. They will create commotion wherever they want to dominate. You people amongst you. These whites are just bluffing you by saying that they are friendly to you. They will never be your friends. The C of P is being organised to show the world which laws we like and which we don't. We have no rights, for instance, to trade where we please. We are like strangers in our country of birth. I have told you there is no time to waste. The time necessitates that we should work hard - more harder than ever. Congress is recognised by the Nationalist Government as the representative of the African people although the Govt. will not recognise it officially. Verwoerd verified this in his recent speech in Parliament on the schools boycott. He calls us agitators, but we are agitating for the right thing. The Dutch rebelled in 1918 against the then Government. Why - when I fight against the oppression of my people as an African should I be pronounced wrong? Why should the white be right and the black wrong. I tell you fellow Africans the giant of Africa is waking up. We shall not be intimidated by their threats and deportations. If they deport me I will still be in Africa where I shall be kept and where I shall preach the gospel of freedom. In the whole world the Govt. is by majority but why is the Govt. of S.A. a minority Govt. That is why we say S.A. is a Facist or Police State. Why should we be oppressed by a minority. We deny the allegation that we are not yet ripe politically. Why do they not try us one day? We shall not oppress them but we shall co-operate in manufacturing the legislation of this country. The white man want to use our people as tools. Europeans are like lice. They are parasites busy sucking our blood by means of work for unequal pay. Don't listen to sell-outs and renegades. We say the Europeans are bad. In fact, they are not all bad generally. But politically they are all bad because they are monopolising the franchise alone and yet at the same time they are

- pretending -

pretending to be friendly to us. All Africans will eventually come home and their home is the African National Congress. You must not trust these white people. We allowed them into our country and today they are kicking us out and telling others of such a fantasy as S.A. is a whiteman's country. They have no shame of saying this. 11. 50."

Now, do you hand in the notes - "G. 136" and the TRANSCRIPT is "G. 137"? -- Yes.

Now, on the 19th June, 1955, that is on the same day, did you prepare a written report, a short report? -- I did.

A report of this meeting? -- Yes.

Now, will you have a look at this report. It appears that from this No. 2 Square the people went to another place. Is that correct? -- Yes.

Now, will you read - when you drew up that report, were the facts still fresh in your memory? -- Yes.

Now, will you just read that report? -- The whole of the report?

Yes? --

BY THE COURT: Where was this second meeting held? -- At No. 62, Tenth Avenue, Alexandra Township.

BY P. P. Yes, carry on. "Re:- African National Congress Meeting held at No. 62, Tenth Avenue, Alexandra Township, on Sunday, 19/6/55. "With reference to the abovementioned subject, I have the honour to report as follows:- After the meeting at No. 2 Square I accompanied the procession lead by ABEL METI and JOSIAS MAZUNYA to No. 62, 10th Avenue. We arrived at the Hall at 12 midday. Admission was refused to me and I kept observation outside the Hall. I could not hear properly what was being said but I found out that the Chairman was PHINEAS NENE and that that private meeting held had been convened to discuss the following matters: - (1) -

- MR. SLOVO -

BY MR. SLOVO: Your Worship, before the Witness continues, it appears from his own report that he could not hear what was going on and he 'found out' - he states in his own notes that he 'found out' - the fact that he states in his own notes that he 'found out', the evidence might not be admissible. I suggest before my learned friend continues he should ascertain from the witness how he found out.

BY P.P. You say you found out the Chairman was Phineas Nene - how did you find out? -- There are people who attend these meetings and these people supply us with the information.

Never mind that part of the meeting - could you just from your report say what you could hear with your ears and what you could see with your own eyes. You heard what they discussed? Did you hear the matters that were discussed in the room? -- I wrote down "amongst others

BY THE COURT: No, could you hear the speakers? -- I cannot remember now.

BY P.P. The information that you got in that report, apart from Nene, was that now what you heard with your own ears - did you try to hear what was going on in this Hall? -- I think the best thing is to read from the report, Your Worship, because I cannot remember if I heard anything now.

Would it be clear from the report whether you heard it yourself? -- Probably.

Your Worship, I agree with that. I will skip that part. Now, will you just glance through your report quickly and see whether you heard anything being discussed in the Hall yourself? -- What I could hear was that J. Mnogoma addressed the meeting praising the efforts of the younger generation and playing a great role in the African nation's liberators struggle through the Congress of the People.

Now is that what you heard yourself? -- Yes.

Is there anything else that you heard yourself? -- No.

Did you write down the names of the persons who attended that meeting? -- Yes, I have got them here.

Could you give me those names? -- Phineas Nene, Alfred Nzo, Charlie Maboza.....

It is not necessary to read out forty or fifty names...

BY MR. SLOVO: As I understand the position, Sir, the witness is again referring to his Report. He has already informed the Court that in the case of Phineas Nene he has no personal knowledge of the fact that Phineas Nene took the Chair. He got the information from Informers.

BY THE COURT: Yes, he was told he was in the Chair. How do you know that these people attended the meeting - these names that you have in your report? -- I was standing outside the door of the Hall and I could see them entering the meeting and they remained inside.

BY P.P. That is all I wanted, Sir. Now, I have made three "X's" here - I have marked three names on that list - will you just read them out? -- Phineas Nene, Sam Masimula, James Hadebe.

Do you know these people, Nene, Masimula and Hadebe? -- Yes, I do.

You can identify them? -- I can.

Are they amongst the Accused? -- Yes, they are.

P. Nene is Accused No. 51; Masimula is Accused No. 33 and Hadebe is Accused No. 61.

BY THE COURT: Did these persons attend the meeting? -- Yes.

Do you know whether they addressed the meeting? -- No, I wouldn't say.

That concludes the evidence of this meeting. I do not know whether that report should go in, seeing that there are inadmissible statements on it.

- CROSS-EXAMINATION -

CROSS-EXAMINED BY MR. SLOVO: I see that the original notes - "G. 136" - were written in pencil? -- That's correct.

And I notice that there are a number of alternations of words in ink? -- I did see that.

Have you any recollection now as to when these alterations were made? -- No, I cannot.

And are these alterations all in your handwriting? -- Yes, it is my handwriting.

I notice that in the speech of Mathope, the original recording of one sentence, reads as follows:- "These same Europeans are coming to our meetings daily and yet if you go to their meetings as an African they will kick you out and ask you where the other Kaffirs are" - do you recall that sentence? -- I do recall it.

I notice in your original notes - "G. 136" - the word "Africans" is scratched out and on top of it, in ink, you have written the word "Kaffirs"? -- Yes, I did that.

Can you offer any explanation as to why you did that? -- I think that what could have happened in this case was that the word that I had written down - African - was not the word that had been used by the speaker.

But the alteration that was made, you will agree, could not have been made at the time of the meeting? -- It is possible that I could have done it at the meeting.

Would you not then have altered it in the same pencil as you were writing with? -- It does happen when you are at a meeting, whilst writing you put your hand into your pocket with the object of taking the instrument with which you have been writing and inadvertently pull out something else and thereby writing with that.

Well, just you have a look at this alteration - and what comes before it and what comes after it and see whether

- you -

you feel that is a reasonable explanation. Doesn't that clearly suggest that you sat down at some stage after the meeting - and if you look at some of the other alterations - that argument is strengthened - you sat down at some time after the meeting and made various alterations to your notes? -- I do not remember.

BY MR. SLOVO: I HAVE NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER: So far as the meeting is concerned at No. 2 Square, there is nothing to suggest is there that any of the Accused were present at the meeting or addressed it? -- Which meeting was that?

That meeting on the 19th? -- No.

You have no recollection any more today of that meeting except what you get from your notes, have you? -- No.

(No. 62, 10th Avenue,)

As far as the meeting at/Alexandra is concerned, you also remember only what you can find from your report? -- That is correct.

You have no active recollection today of whether you could hear or not? -- No.

Now you have already given evidence about a previous meeting which took place at No. 62, 10th Avenue, Alexandra Township, have you not? -- Yes.

That was a meeting on the 14th April, 1955? -- Yes.

Were there also some persons present at that meeting from whom you were able to obtain information about what happened? -- It is possible.

You can't remember? -- I can't remember.

On this occasion, however, you obtained your information about what happened at the meeting from certain persons who were present at the meeting, is that correct? -- I said at the meetings we generally have people who give us the information from inside.

Yes, I appreciate that you have that. But on this occasion, on the 19th June, 1955, you obtained your information

- from -

from certain persons who gave you the information from inside?--
Yes, I think so.

You think so? -- I think so.

BY P.P. Excuse me. Your Worship, I have been advised that the Accused Jonas Matlou has, in fact, been arrested by the Police. He has been brought to Court and he is outside the Court. Can he come in. (Accused brought into Court).

BY MR. COAKER: Yes, but didn't you read us from your report that you yourself were unable to hear what was happening inside the Hall? -- I said I could not hear properly.

And if that is so then it follows that you obtained your information from some other source, does it not? -- About what information..

Information about what happened at that meeting? --
I could hear certain things and others, of course, not.

Now will you pay attention carefully to my question again please. Did you read us from your report a statement that you could not hear properly what was going on inside this meeting? -- Yes.

And then your report goes on and says "But I found out"?
-- Yes.

Then does it follow from that that you found out from persons who were attending the meeting? -- Yes, that is what I tried to say.

Now, if you cast your mind back to the evidence which you gave about an earlier meeting on the same premises on the 14th April, you will remember that on that occasion you could remember that a certain speaker had used the Xosa language? --
Yes, I do remember.

So you were able to remember something about the meeting of the 14th of April? -- I ought to because I was quite near and it made it possible for me to hear.

Now, did you on that occasion also obtain some information about the meeting from persons who were inside the Hall at the meeting? -- No, I do not remember having received anything from anybody who had been inside the meeting.

Is it possible that you received some such information?
-- Yes, perhaps so.

It is perhaps possible? -- Perhaps possible.

Is it the usual practice to have somebody present at such meetings who can give you information about them? -- Sometimes.

Is it the usual practice? -- Yes, it is the usual practice.

BY THE COURT: What is the usual practice? -- When a private meeting is held, we generally have a person whom we send inside when we are refused admission, if he, that particular person, is allowed entrance.

BY MR. COAKER: And when that has happened, you incorporate the information which you get from that person into the report that you make about that meeting? -- No, whenever I do that I always state that what I am now writing down is information that I have received - not that I have received it personally because I have been refused admission.

I think you also read us out a portion of your report in which you said you heard the voice of J.B. Ngoma who addressed this meeting? -- Yes.

What language did he speak? -- I do not remember in this particular case but he usually speaks in Zulu.

You know what language he usually speaks but you can't remember what language he spoke on that occasion? -- No, I cannot remember.

That is correct is it? -- That is correct.

NO RE-EXAMINATION:

BY P.P. The report - that Exhibit must go in now, Your Worship, it has been referred to.

BY MR. COAKER. With respect, Sir, the Report does not go in. The only reference that has been made to it has been to matters which were read out by the witness in his examination-in-chief.

BY P.P. I am continuing with the same witness, Your Worship.

Now, did you attend a meeting of the African National Congress at No. 2 Square, Alexandra Township, on the 3rd July, 1955? -- Yes.

Did you check these notes, together with a representative of the Crown and a representative of the Defence against the typewritten transcript? -- Yes.

Did you make notes at this particular meeting? -- Yes.

And did you check those notes against the typewritten transcript, together with a representative of the Crown and a representative of the Defence? -- I did.

Is that a copy of the transcript? -- Yes.

Now, from your notes, will you tell the Court what happened at that meeting? -- "Meeting commenced 11 a.m. Attendance 20 persons. Chairman - ABEL METI. Friends, you will have to excuse me for having done any blunder....(Witness reads typed transcript - EXHIBIT "G. 139"). (NOTES - "G. 138).

You hand in the Notes - "G. 138" and the Transcript - "G. 139"? -- Yes.

Now, at the time, do you know what was the position of Abel Meti as regards the African National Congress? -- No, I cannot remember.

And the person Koalipe - do you know what their positions were in any of these organisations? -- No, I do not remember now.

- CROSS- EXAMINED -

CROSS-EXAMINED BY MR. SLOVO: Do you recall in what language Mashamaite spoke? -- No.

What language does he usually address meetings in? -- He usually addresses the meetings in Sesuto.

Have you ever heard him talk in English? -- No, except here and there.

Do you know what the word "pseudo" means? -- It means "something fantastic".

And what was the word which the speaker used when you translated it into the word "pseudo"? -- I cannot remember now.

Is there such a word as pseudo in any of the African languages? -- There must be an explanation in some of the African languages but I haven't come across the word yet.

You haven't come across the word "pseudo"? -- No.

BY MR. SLOVO: NO FURTHER QUESTIONS.

BY MR. BERRANGE: NO QUESTIONS.

CROSS-EXAMINED BY MR. COAKER: What is the meaning of the word "Expatiate"? -- To explain - to make clear, to make plain.

Is this word that you use very frequently yourself? -- No, that was not the word that was used by him.

Can you remember ever having used it except in this set of notes? -- No, I don't remember.

NO RE-EXAMINATION.

That concludes the evidence of this witness.

THE CROWN CALLS:

PATRICK MDUNGE, Sworn States:

EXAMINED BY MR. VAN NIEKERK:

Are you a Detective Constable, South African Police, stationed at Johannesburg? -- I am.

And on the 5th June, 1955, did you attend an African National Congress meeting, held at the corner of Morris Street and Victoria Road, Sophiatown? -- I did.

Did you make notes at this meeting? -- I did.

And did you afterwards check these notes against the typewritten transcript in the presence of the representative of the Crown and a representative of the Defence? -- I did.

Is this a corrected transcript, corrected in your presence? -- That is correct.

Will you read it. You can read from the transcript? --
"The meeting was opened by a Native male called Simon Ntsiki and said "All Africans must come nearer except the Police. Come nearer Africans. Your Govt. is your A.N.C. Our meeting for today is unusual one which we use to have in this Square. You must not be afraid of the Dutchies because even themselves they said that Strauss 'You are a baby' we only afraid of Africans. Even now these Dutchies who are inside in the 'flysquad' they can't go for tea without this meeting closed. Dutchies are the cruel people because as I am standing here they wish me to be send somewhere else or Colony in Cape Province. I am going to speak about passes. All you must preach them that they must not do as they do now. If you can say 'asseblief' I can hear by the Dutchies they cannot hear you what you say, so I am going to call my 1st. Henry Tshabalala. If all you can be like Tshabalala the whole Africa can be free and peaceful.

1st SPEAKER - HENRY TSHABALALA:- I thanked you Mr. Chairman. It is about 300 years ago the white people sit on

- the -

the neck of the Africans. I see we had been trapped with these Bantu Education. Sons and Daughters of Africa we black people we want to know this Bantu Education. Because the Dutchies had been crying. They said that they want more servants in the mines and in the farms and the Government had been decided that to give these dirty Dutchies more servants. Because the white people have seen that Africans are gaining more clever than.....

What is that word? Look at your notes? -- Witness looks through notes.

Aren't those notes in order? -- They have no numbers.

BY MR. COAKER: Sir, I wonder if my learned friend could indicate what is the word which is causing the difficulty? We have, after all, an agreed transcript before us.

BY WITNESS: "Because the white people have seen that the Africans are gaining more 'clever'.....

BY P.P. More what? -- Clever.

Spell it? -- C-l-e-a-v-e-r.

BY THE COURT: What does that word mean? -- To be clever.

What does that mean? -- That means they are getting more knowledge.

BY P.P. And the word after 'clever' what is that? -- 'Than'

That is all right. Now you can go back to your transcript, please? -- "And changed the education and said there is a Bantu Education. The man whom he will tell your children the poisonous are those people when they are praying the God must give them the daily bread. Why every Sunday you go to the Church they prepared to get their daily bread. Every day they pray for defeat the Africans because they are afraid of the Africans. Sons and Daughters of Africa, there is one thing in all over the world is to be united. Even the leadership of Dr. Verwoerd they know that you can't be united to be one nation. Even the Churches they tell you something bad about Bantu Education. All it

"All it is false you must not even follow that statement. It will be the A.N.C. will Govern this Country next time. Dr. Verwoerd is a boy just like other Dutchies boys. If you feels you must follow in your lifetime join the A.N.C. only. It is effected that the white people brought this Bantu Education because you black people you are going more 'cleaver' than themselves. Sons and Daughters of Africa, I want to tell you the secret in this squad when the Dutchies are sitting down listening what we are saying. They say that we are barbarian. And they use to carry arm guns and said they are going to shoot us. Africans, the weapons is one is one to 'shout that' (then a dash) "shout that we are going to governor this country whether they like or not. If perhaps is the Govt. who are responsible for education why he gave us the Bantu Education. Go to the Churches and preach about the boycott, that we should live out this schools of Dr. Verwoerd. In conclusion Mr. Chairman, I say we must continue with the boycott to draw out our children from the schools of Dr. Verwoerd. Whether they like or not they will come down in the stage of Chief Luthuli. Those people who don't know they will think that we are fighting with the Dutchies. We are not fighting with Dutchies even the old Dutchies Paul were not fighting. We want them to be changed in this stage where they are today." That is the end of the speech.

COURT ADJOURNED.

COURT RESUMED: APPEARANCES AS BEFORE:

BY MR. LIEBENBERG: Your Worship, I beg leave to interpose at this stage of the proceedings just to hand in some Exhibits which relate to Accused No. 134 - I. C. MEER. On the 27th September, 1955, his house situated at 1197a, Umgeni Road, Durban was searched under the authority of a search warrant, by Detective Sergeant J. R. Sutherland of the South African Police, stationed at Durban, and documents now handed in as

"I.C.M. 1 - 7" were taken possession of. Now the Accused wants the Crown to make an admission in regard to other searches which took place on the 27th of September, 1955, at his office and on the 5th December, 1956, at his office and at his house, and the Crown admits that on these occasions no documents were seized.

BY MR. COAKER: And the Defence admit, Sir, that on the 27th of September, 1955, the house of the Accused mentioned by my learned friend, was searched in the absence of the Accused and the documents "I.C.M. 1 - 7" were seized. I should have said the house at the address mentioned by my learned friend and occupied by the Accused and by others.

BY MR. LIEBENBERG: I also want to deal with documents in regard to Accused No. 141 - N. T. NAICKER. I want to deal, first of all, with the batch of Exhibits about which there is no dispute between the Crown and the Defence.

Now on the 5th December, 1956, the house of N. T. Naicker at 445, Bellair Road, Mayville, was searched under the authority of a search warrant by Det. Head Constable J.J. van Rooyen of the South African Police, Cate Manor, Durban, in his presence, and documents now handed in as N.T.N. 11 - 35 were seized.

I wish to refer to document:-

N.T.N. 15 which is a copy of a typewritten circular letter issued by the Natal Consultative Committee, Durban, dated 16th August, 1956, addressed to members of the Natal Consultative Committee, containing the following passage:- "In view of the fact that we have been somewhat disorganised an urgent meeting of the Committee is to be held on Thursday 23rd August, 1956, at the Congress office to re-organise the Committee and out it on a proper business-like basis."

Then N.T.N. 16 is a cyclostyled document marked "Strictly Confidential" - Directive No. 1 - Week ending 16/4/55 beginning as follows:- "The Congress of the People will be held on June 25th and 26th in Johannesburg. Everything possible must be done by Area Committees to spread the idea of the Congress of the People amongst the people and win over their active participation in submitting their demands and electing delegates."

N.T.N. 18 is a Delegate card - something like "Indian Congress" - Delegate, Johannesburg. October, 1956.

N.T.N. 19 is a document in ink which appears to be the Minutes of a meeting containing the following names:- J and Ex. Dr. Naicker, D.A. Seedat, D. Hurbans, G. Naicker, B. Nair, N.T. Naicker and then under the heading C.O.D. is Dr. Haythorne, Mrs.... (I can't make out the name). Then under the heading A.N.C. Chief A.J. Lethuli, Stalwart, Stephen, Mohale, Dr. Congo, Ngwengya and another name.

N.T.N. 27 is a typewritten document entitled "Minutes of Executive Meeting of the Provincial Vigilance Committee" held on the 12th June, 1956, commencing at 5.30 p.m. at Durban. Present:- Mr. G. Hurbans, P.H. Simelane, I. Nair, N.T. Naicker and Others. The Minutes appear to be signed by G. Hurbans on the 5th August, 1956. On the second page appears a list of the Publicity Committee Members elected:- Mr. G. Hurbans, C.K. Hill and N. T. Naicker, and also the Members of the Finance Committee Dr. Haythorne, Treasurer, Convener Mr. G. Hurbans, H.E. Hall, Alan Paton, P.H. Simelane.

N.T.N. 28 - a roneed document called "Minutes of Inaugury Meeting of the Natal Provincial Vigilance Committee, held on Sunday, 3rd June, 1956, in Durban. Present; Delegates from 18 organisations which have attended the "All-In Conference convened by the N.I.C." Pro-tem Secretary, Mr. N.T. Naicker was

- unanimously -

unanimously elected Pro-tem Secretary. These Minutes are also signed by G. Hurbans as Chairman on the 12th June, 1956, and N.T. Naicker as one of the Joint Secretaries. Then on the second page appear the names of N. T. Naicker and P.H.Simelane as the persons who were elected Joint Secretaries, and persons elected to the Executive of the Motion of Mr. K. Moonsamy are, amongst others, Dr. M.M. Mothale, A. Gumede.

N.T.N. 34, is a typewritten letter from the Branch Secretary of the Operative Biscuit Makers and Packers Union of South Africa, Durban Branch, dated 30th June, 1956, addressed to the Joint Secretaries, Natal Provincial Vigilance Committee, Durban, signed by V.S.M. Pillay, Branch Secretary.

N.T.N. 35 is a file containing Minutes of the Working Committee and other meetings of the Natal Indian Congress and the following names are mentioned in these Minutes: - Dr. G.M. Naicker, S.T. Naicker, G. Hurbans, N. P. Naicer, Billy Nair, D.A. Seedat, A. Moonsamy, I.C. Meer, B.S.M. Pillay and Dr. M. M. Mothale.

BY MR. COAKER: I had understood, Sir, that my learned friend was prepared to admit in respect of these documents that N.T.N. 24 to N.T.N. 34 had been in the file of the Provincial Vigilance Committee.

BY P. P. That is correct, Your Worship.

BY MR. COAKER: In view of that, Sir, the Defence now admits that on the 5th December, 1956, the house of the Accused at 445, Bellair Road, Mayville, was searched by Det. Constable J.J. van Rooyen and that in the presence of the Accused the documents N.T.N. 11 - N.T.N. 35 were seized.

THE CROWN CALLS:

BISMARCK SCHOLTZ, Sworn States:-

EXAMINED BY MR. LIEBENBERG:

Are you a Detective Sergeant in the S.A. Police,
stationed at Mayville, Durban? -- Yes.

On the 27th September, 1955, did you proceed to No. 445,
Bellair Road, Mayville, Durban? -- Yes.

And did you have a Search Warrant to search the house?
-- Yes.

And whom were you looking for? -- N. T. Naicker.

And did you find him at home? -- He was present.

Did you search his house? -- I did.

In his presence? -- In his presence.

Did you take possession of some documents? -- I did.

Now, is the first document that you took this N.T.N.1,
Forward to the Congress of the People? -- Correct.

N.T.N. 2, Workers' Unity, N.T.N. 3, New Youth -
those are pamphlets? -- Yes.

N.T.N. 4, a letter issued by the Organising Committee
of the Natal Indian Congress dated 1st February, 1955, signed
by 'Bucks' on behalf of K. Moonsamy, for Organising Committee,
and addressed to Volunteers and Congress Members? -- Yes.

N.T.N. 5, is a pamphlet containing songs "Let us
Sing Together of Freedom"? -- Yes.

N.T.N. 6, another - quite a number of pamphlets entitled
"Let us speak of Freedom" issued by the Natal Action Committee
of the Congress of the People? -- That's right.

N.T.N. 7, a Press statement issued by the Natal Action
Council of the Congress of the People and containing extracts
of speeches of Dr. G.M. Naicker on the Congress of the People
and also an extract of a speech from Robert Resha and Dr. M.M.
Mothale and Mr. Errol Shanley, Congress of Democrats. This

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