

1901

(SHARPE)

these Cheesa Cheesa came about after the Western Areas Commission made the reports to the Cabinet. I saw the result of the Cheesa at Vierfontein where people by day they live in the plantations and come out by night because all their possessions was burnt out. I don't think it will be a good thing to leave our properties. I think only fools can do that and God don't like cowards. I don't think that it will be right but the Government is poking us in our eye, looking for trouble. We cannot leave our property alive. They themselves won't like to be removed from their farms. I think God will be with us. Today they know what we say. We mean it, that as before when they used to say they are only making propoganda. We will not stop our minds and our march forward. The people in Johannesburg don't know the oppression which exists in Bethal. I was expelled for exposing the unspeakable oppression. I wish you march forward in this our land. Anyone who speak in Parliament against the Nationalists, they say to him "voertsek" and "go away". Can that be a good government? Verwoerd say that he .. this is the right rule, this country .. in this country because he represents" the sentence is not quite clear your Worship - Verwoerd say that he is the right rule because he represents ten million people. That is not true. He does not .. he is chosen by few people. Only we don't want him". That concludes the speach of this speaker.

Then the Chairman. The Chairman say: "I thank Mr. Sibande for his speech. I can see that you all were interested. in his speech. I ask you to produce your passes - Congress tickets. Anyone who haven't got Congress pass will be sorry in time to come. There are" - another word I can't make out - "there are times coming some will want power - some will want passes from me in the night and will not be able" - I can't make out this word. "I thank you for the gift". That concludes the speech of the Chairman. The next speaker is R. Resha. "Mr. Chairman, Sons and Daughters of Africa, and the Dogs of the Government. We have a meeting here today. There is nothing nice. There are no people who can come and stand in the open for nothing. We have come to discuss things which troubles us. Only the fools who have been sent by the Governments come here for another purpose but to record what we say. The time is coming when their hands will shiver. As the Chairman has already told you, during the defiance campaign they were detectives taking notes of our meetings but when they appear in Court they were confused. These will also be confused when they appear in Court. They can say what they want to say but we are going to talk about education. They can make notes as much as they want. There are Doctors in Coronation Hospital who can do anything because they were educated with Africa. the dog's language - they were educated with the dog's language, that means Afrikaans - that's a dog's language. Today I say to you the sons of Hinsa Moshesh who are going to be educated through the medium of the rubbish...

BY MR. COAKER: May I know, Sir, whether the witness was reading from his notes when he made that observation about the dog's language?

BY THE COURT: I think it is clear that he interposed that.

BY MR. COAKER: Well, I would like to know, Sir...

BY THE COURT: Did you interpose the words "the dog's language?--
Because
they were educated with Afrikaans, didn't put it in full.

Yes, but he said it was a "dogs' language"?--

Dogs' language.

Have you got the word "Afrikaans" too?--

I have got the word "Afrikaans", but I have got it in
brief.

Was that the word that was used?-- That is the
word that was used at the meeting, it was at the end of the
page and I did not have sufficient space - so I just bent
down the last word, the r - a, just bent it down.

BY THE P.P.: Have you got the words "dogs' language"
recorded? -- I have got the words "dogs' language" recorded.
"Today it is said to you the sons of Hinsa Moshesh who are
going to be educated through the medium of this rubbish
language - the Afrikaans - the reason why the education
of your children is under the N.A.D. is because the N.A.D.
is where your sons are sent to the farms - farm labour -
I am not quite certain of this word, there is a word here:
"to be farm labours, yes, to be farm labours" and to be
sent to the mines. The aim of this education is that
I have got it short. I put the word "child" not "nurses"
African girls to be children's nurses/and the African man
to be a Policeman and clean the European Constable's car
and the Sergeant's. You see nothing and the Sergeant's car
you see moving in black uniform. Here on Monday, go to
Police Station at Newlands, you will find them cleaning
European Constable's car. On Wednesday Youth Meeting at the

Communal Hall. W.N.T. I am going to teach the new Africans, the new African Bible, which says the White Man kick you and you give him a blow on his chin. No one can say I am going to sleep - there is another word I can't make out - "Mate" boy - I can't make the word before that. "Mate Sebande telling you that van Riebeeck came here and we gave him a wife and these dirty Dutch had the nerve to say that they are " - there are two words I can't make out , it is pa or pare" I can't make out....were... "When the time will come to show the Dutchman that this country belong to Chaka, Einsa. I want to teach you on Wednesday the youth must take things into their hands you see the flying squads are driven by young Dutchmen wearing this uniform." The sentence is not quite complete, but he says "fighting for freedom of Africa. I will not take off this uniform until freedom has been obtained. We must go to Sikukuni, Sikukuniland and remove the white man's house on the grave of Sikukuni and go to Basutoland and lay memorial stone on Moshesh 's grave. Must teach the people who are fighting in Newclare among themselves, they should not fight among themselves but fight the white man. Go to these people, tell them to go to Congress and fight Malan and remove him in our land of our birth. Let us Africans united , there should Asutu, Xosa." Another word I can't make out ... "of the things we are going to discuss on Wednesday is the beerhall W.N.T. which has turned our people fools. European's bars are closed on Sunday. In our Government

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(SHARPE)

no motor cars
no Malan .. / will be going up and down. Inside these
cars ... I can't make the other words ... "will take food
to the people, no people will go about destroying
women's liquor." This concludes the speech of Resha.
Now the Chairman. He said: "My boys are hungry. I
must release them to go and have food. There is a
leader in Congress who seem to ^{bear} / white people...

BY THE P.P.: What is the last word? There seem to
be people, there are leaders in Congress...?-- The leaders
in Congress who seems to bear white people...

Who seem to what?-- Bear - B E A R.

Can it be "fear"?-- Seems to fear, seems
to fear white people. We are going to get rid of such
people..

BY THE COURT: Get R I D?--- Rid, yes.

There are people in Congress who seem
to fear white people? --- There are leaders in Congress
who seems to fear the white people. We are going to
get rid of such people." Terminated at 2.10 p.m.

BY THE P.P.: Can you identify the speakers who addressed
this meeting, the Chairman, Bennet Setschiero, S. Malupi,
S. Tyiki, G. Sebande, R. Resha?-- I can.

Will you do so?--

WITNESS IDENTIFIES:

S. Malupi, - Accused No. 31.

Simon Tyiki - Accused No. 75.

R. Resha - Accused No. 63.

Bennet Seitshiro - Accused No. 64.

Gert Sebande - Accused No. 71.

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OF.

(SHARPE)

at this meeting
BY THE P.P.: Did you also make a note/of the people
present?-- I think I have to consult my notes. I am
just putting my notes in order.

COURT ADJOURNS.

ON RESUMING.

ISAAC SHARPE, still on oath:

BY MR. COAKER: I don't think that these notes have gone
on record yet. They can go in by consent. (G. 21).

BY THE P.P.: Now, did you make a note of the persons
present at that meeting?-- I did.

And do two names appear here, Andries
Chamile and Frank Madiba, on your list?-- Frank Madiba,
do your Worship, appear.

And Andries Chamile? --

Andries Chamile do appear.

Can you identify these two, Frank
Madiba and Andries Chamile?-- I can.

Will you please do so?
WITNESS IDENTIFIES: Frank Madiba - Accused No. 23
A. Chamile - Accused No. 8.

BY THE COURT: Why is he sitting? .

BY THE P.P.: I am glad your Worship has noticed it.
I want to know why these persons sit out of position.

BY THE COURT: I take it that Accused No. 8 was
allotted a different position. The idea naturally was
to get the Accused in the order that they appear on the

list attached to the proceedings. I should like to make another appeal to the Accused that was mentioned right from the commencement, to please keep the seats allotted to them. This can only result in confusion. Those of the Accused who have lost their positions should see that at the recommencement of the proceedings on the 4th of next month, that they get their right positions. I think a check could be made, Mr. Prosecutor, and ought to be made in the morning to see that the positions are correct. It shouldn't be difficult.

BY THE P.P.: As your Lordship pleases. That concludes the examination in chief of this witness.

EXD BY MR. COAKER: May I see these notes. Your Worship, I find these notes quite exceptionally illegible and I would ask, therefore, that my further cross-examination of this witness shall stand over until after the adjournment.

MR. SLOVO MAKES A SIMILAR REQUEST.

REQUESTS GRANTED.

BY THE P.P.: Now, your Worship, dealing with the documents seized from P.H. Simelane on the 27th of September 1955, Det. Sgt. Werner of Durban searched the house of P.H. Simelane, Accused No. 150 and in his presence seized the documents.

P.H.S. 1 - 29. From these are being omitted the numbers 7, 14, 15 and 17.

BY THE COURT: And at what address was the search conducted?

BY THE P.P. This was at No. 26, Road 25, Chesterville,

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(SHARPE)

Durban. P.H.S. is the Code.

P.H.S. 1 That is the African National Congress Report of the Executive to the African National Congress 42nd Annual Durban Conference, 16 December 1954, and on the front page there is the name P.H. Simelane written in ink.

P.H.S. 2 is a Calendar - the Natal African Public and man's Business/ Calendar compiled by M.B. Yengwa and on it appears, inter alia, a photo of Mr. P.H. Simelane, Natal Treasurer and member of the Natal National Executive, African National Congress.

P.H.S. 3 is a calendar for the year 1955 - two calendars for the year 1955, in fact, African National Congress, Province of Natal, showing P.H. Simelane Provincial Treasurer, African National Congress, Natal and member of the National Executive of the A.N.C. together with his photograph.

P.H.S. 5 is a letter from M.B. Yengwa, Company Secretary, Durban, dated 11 June, 1955 to "My dear Stalwart"

P.H.S. 6 is a draft constitution of the African National Congress with the name of Mr. P.H. Simelane written on the front page .

P.H.S. 10 is a draft memorandum of the Congress of the People with the name of P.H. Simelane written four times on the front page.

P.H.S. 11 is a typewritten document - 7 pages, together with a leaf in manuscript, a message to the 1954 Annual Provincial Conference of the African National Congress, Natal from A.J. Luthuli, Provincial President, A.N.C., Natal.

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President General, A.N.C. Then follows the seven page typed document with corrections.

P.H.S. 12 Document Provincial Conference Saturday 30th and Sunday 31st October, 1954, Agenda, and on the first page, on page 1 rather, the Annual Executive Report 1954 Officials for the year, showing Secretary Treasurer P.H. Sil lane.

P.H.S. 16 appears to be a lecture, roneoed - four pages roneoed document on the National Economy of South Africa.

P.H.S. 19, 20, 21 and 22 appear to be roneoed documents/ various lectures, I think it is of the Summer school lectures. They are Special problems facing the African People, African Labour in South Africa by M.B. Yengwa, Place of Education in Struggle for Freedom by Mgobane, The Race Attitude in South Africa by Dr. W.Z. Konko, and African Nationalism Today by J.G. Matthews.

P.H.S. 26 is a typewritten document - African National Congress, Durban Branch. This is to certify that Miss B. Mize, Mr. S. Dlamini, and Miss G. Kuswayo have been duly appointed as delegates to represent the abovementioned branch of the Annual General Conference of the African National Congress held at Durban on 16th to 19th December, 1954, and they are accordingly accredited. Signed by G. Kuswayo, Secretary, 254 Grey Street, Durban.

P.H.S. 27 Also a typewritten document African National Congress Chesterville branch. This is to certify that / ^{Messrs.} M.A. Bengo and P.S. Manana, having duly been appointed delegates to represent the above branch of the Annual General Conference of the African National Congress held at Durban 16 to 19 December, 1954, and they are accordingly accredited Durban. Dated 12th December 1954.

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Signed P.S. Manana, Branch Secretary.

On the 5th of December, 1956, Det. Serg. Grobler of Mayville, Durban Police searched the house of Accused P.H. Sirelane, No. 150 and in his presence at the same address, No. 26, Road No.25, Chesterville, he searched the premises on the authority of a search warrant, and seized the following documents:

Nos. PHS.30 to P.H.S. 72. I am referring to:

PHS. 31 that is a Talk to Volunteers by P.H. Simelane, a two page roneoed document.

P.H.S. 33 is two pamphlets - Defy Unjust Laws, Sunday, 31st of August, ... 2.30 p.m. and on it appears "First batch leaders, Dr. Maicker, and P.H. Stalwart Simelane" with the photograph of both these accused persons.

P.H.S. 35 is the receipt book A.N.C. Natal, partly used, with the name, or the signature of one P.H. Simelane appearing on some of these receipts, some P.H. Similani, some P.H. Similani, Treasurer.

P.H.S. 37 appears to be a carbon copy of a letter - 9th of November 1955 from the African National Congress Head Office Johannesburg to the Provincial Secretary, African National Congress Signed C.R. Tambo and C.R. Tambo, and C.R. Tambo, Acting Secretary, African National Congress typed in at the bottom. Attached thereto is a draft constitution of the African National Congress.

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PHS 38 is a letter from P.O. Box 3206, Port Elizabeth, 14 of May, 1956 to "My dear P.H." from "Joe", the name J O E written in.

PHS 41 is a press statement by African National Congress, Natal, signed P.H. Simelane for Secretariat, African National Congress, dated at Durban, 10.11.55.

P.H.S. 56 is a membership card African National Congress in the name of Mr. P.H. Simelane, 26, Road 25, Chesterville Location, Durban, for the year 1954.

PHS. 63 is a letter from the African National Congress, Natal, dated 10th September 1956. Bangana Baze Afrika. Signed P.H. Simelane, Treasurer.

There are four of these which appear to be notices. I am sorry, there is one, two of these notices in a Bantu language and two in English which reads as follows; We request all freedom lovers to help us in contributing to a reception of our President Chief A.J. Luthuli, reception to be held at the Durban Social Centre, 29 Beatrice Street, Durban. Signed P.H. Simelane, Treasurer. All four of these were signed P.H. Simelane, Treasurer.

PHS. 65 is African National Congress, Cape Provincial Secretarial Report January to November 1955 and on page one there is written Mr. P.H. Simelane, and on the last page - page 5 - it is signed by Enoch Tshunungwa, 16 November 1955.

PHS 66 is a notice from the Natal Consultative Committee, Durban dated 1st of December 1956 to Mr. P.H. Simelane, A.N.C. Office, advising of a meeting of the Natal Consultative Committee 13 December 1956.

PHS. 67 is likewise a notice from the Natal Consultative Committee, Durban Region, dated 13.11.56 to P.H. Simelane, A.N.C. advising of a meeting of Natal Consultative Committee, Durban Region.

PHS. 68 is a letter from the Natal Provincial Vigilance Committee dated Durban 13th October 1956, Mr. P.H. Simelane, notice of meeting to be held on the 6th of November 1956 and at the bottom there is typed in P.H. Simelane and N.T. Naicker Joint Honorary Secretaries.

PHS. 69 is a letter from the Natal Indian Congress 12th of January 1956 re Natal Consultative Committee. "This is to inform you that the next Consultative meeting Committee/will be held on the 17th of January 1956," and at the bottom is written in ink "Mr. P.H. Simelane".

PHS. 70 is likewise a notice from the Natal Indian Congress 12th of January 1956 about the Natal Consultative Committee. It appears to be the same as PHS.69.

PHS71 is an envelope addressed to - typed - Mr. P.H. Simelane, Secretary, African National Congress, 308 Locani Chambers, 2 Seville Street, Durban, and on it is written in ink Miss Violet Saca, P.O. Box 90, Lawrenceville School, Mooi River. This contains two letters from the Corporation of the City of Durban, dated the 12th and the 14th and the 18th of August 1956 to Mr. P.H. Simelane, Secretary,

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African National Congress, 308 Locani Chambers, 2
Seville Street, Durban.

PHS 72 is a file containing inter alia
Conference resolution, Annual Provincial Conference, African
National Congress, Natal Province, Durban, October, 8th to 10th
September 1955 to be submitted to the National Conference
to be held in Bloemfontein December 16 1955.

Next is African National Congress
Pietermaritzburg Branch a letter dated 25 October 1954 to the
Secretary, African National Congress, Natal Branch, signed
by A. Gumede, Branch Secretary.

The next is from (Inaudible)
25a New Scotland Road, Pietermaritzburg, addressed to Mr.
P.H. Simelane, Secretary, African National Congress, Durban
Executive
giving the list of officials to be proposed and speaker,
Mr. Nyenba and Secretary, Mr. M.B. Yengwa and Assistant
Secretary, Mr. S. Gameni and Treasurer, Mr. P.H.
Simelane. Signed by A. Gumede.

Next is a manuscript document - four
pages - entitled African Peasants Association, South
Africa, Constitution.

Next appears to be a carbon copy of minutes
8 pages minutes of the meeting of the Provincial Executive
Committee of the African National Congress, Natal Branch
held at Grantville on the 27 November 1955. Present: Chief
A.J. Luthuli, President, and others present inter alia,
P.H. Simelane, S. Dhlamini, A Nene, M. Madiba, S. Bengo
and A Gumede. The Annual Conference having re-elected
Chief Luthuli, A.J. Luthuli as Provincial President, the
meeting elected Provincial Office bearers as follows:

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Deputy President, Dr. W.Z. Congo, Provincial Secretary, Mr. M.B. Yengwa, Assistant Secretary, Mr. A. Gumede, Provincial Treasurer, Mr. P.H. Siwelane, and further Committee members - Secretariat A.J. Luthuli, M.B. Yengwa, S. Dhlamini, P.H. Siwelane, Convener and A. Gumede. Working Committee: P.H. Siwelane, Convener, Messrs. S. Dhlamini, A. Nene, P.G. Mei, A. Gumede and ex officio Chief A.J. Luthuli, Mr. M.B. Yengwa. Other Committee members A. Nene, P.G. Mei, M. Madiba, S. Vengu, S. Dhlamini and N. Yengwa. Then it gives the Provincial Consultative Committee substituting a Provincial Action Committee of the Congress of the People Campaign. Mr. P.H. Siwelane Convener, S. Dhlamini, P.G. Mei, S. Vengu, A. Gumede and the President were nominated to represent the African National Congress in this Committee which will comprise representatives of the Natal Indian Congress, The Congress of Democrats, S.A. Coloured People's Organization and the S.A. Congress of Trade Unions, on the first meeting which will be convened by the African National Congress, Natal. Suggestions

Page 2 - Suggested nominees for election of the Committee President General Chief A.J. Luthuli, Deputy President, Dr. W.Z. Congo, Secretary General, C.R. Tambo, Treasury General, Mr. A. Lethela, other members, Mr. P.H. Siwelane, G.S.D. Meyemba, A. Gumede, B. Resha and Tsunungwa.

There is also in this file a Lecture - The

Country we Live In, and a notice, an agenda, African National Congress, Annual Conference, October 8 - 10, 1955 and 43rd Annual Conference of the African National Congress held in Bloemfontein 17 - 19 December 1955.

It gives the programme, the messages, fraternal messages, the fraternal greetings, special message from Alfred Luthuli, report of the National Executive of the African National Congress to the Annual Conference held in Bloemfontein, December 1955. Some of these are attached to the file, some are loose in the file, there are ten documents loose in the file. That concludes the documents P.H. Simelane,

BY MR. COAKER: I am not sure whether I have correctly recorded, but my Learned Friend stated that the search on the 27th of September 1955, was conducted in the presence of the Accused.

BY THE COURT: What date? On the 27th September 1955? friend

BY MR. COAKER: 27th of September 1955. Whilst my learned/ is looking up that ^{point} the defence admits in respect of these two searches and the Exhibits seized on those occasions, The facts as set out by my Learned Friend, are that the Defence does not admit that the search on the 27th of September 1955 was conducted in the presence of the Accused.

BY THE P.P.: That is accepted by the Crown.

BY THE COURT: The case is now remanded until Monday the 4th of March next at 9.30 a.m. I should like to say for the benefit of the Accused that if they are delayed through unavoidable circumstances, circumstances over which they have no control, they must immediately communicate with one of the Court officials.

COURT ADJOURNS TO 4TH MARCH, 1957.

COURT RESUMES 4/3/1957:

APPEARANCES AS BEFORE:

MR. COAKER ADDRESSES COURT:

Accused absent from Court :

Accused No. 149, Debi Singh, still ill -- medical certificate to be handed in later.

Accused No. 44, M. Moolla, medical certificate handed in; -- insufficient information; further certificate to be obtained.

Accused No. 80, J. Buza -- delayed.

Accused No. 34, L. Masina -- medical certificate to be handed in.

Accused No. 51, Phineas Nene -- no information available.

Accused No. 52, Lilian Ngoyi -- in hospital.

Accused No. 55, L. Nkosi -- in hospital.

P.P. APPLIES FOR WARRANT OF ARREST AND ESTREATMENT OF BAIL
ACCUSED No. 51. PHINEAS NENE.

APPLICATION NOTED:

ISAAC SHARP, duly sworn.

(meeting 6/6/54.)

CROSS-EXAMINED BY MR. BERRANGE:

You have told us that in regard to other meetings that you have attended, to which you testified, that you were quite obviously unable to get everything down that was said by the speakers?-- Correct.

And that applies to this meeting of the 6th June as well, does it not?-- Probably, there may be things I could not get in my notes.

And in certain instances you also told us in regard to other meetings that the sense of what was being said by the speakers was not clear to you?-- Where my notes ...where the sentences are not filled is where I couldn't catch the whole of the sentence.

Now, don't let us play with words; it is correct then that in some instances the sense of what was said by the speakers was not clear to you -- in some instances?-- If it is indicated in my notes.

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I am putting it generally; there were instances in which the sense was not clear to you ?-- There may be, if it is indicated in my notes.

Do you remember one of the speakers at this meeting saying "We will invite all the whites to join us in our struggle." ?-- I don't remember.

You won't deny that that was said ?-- I won't deny that.

You spoke about a speaker by the name of Sampie Malope -- do you remember what language he spoke in ?-- He usually speak in English.

He usually speaks in English ?-- Yes.

I am asking you, on the 6th June, can you remember what language he spoke in ?-- He spoke in English.

Can you remember that ?-- I remember.

Without there being anything in your notes to that effect ?-- As soon as I read my notes I remember what language was used by a particular speaker.

Although your notes are all in English ?-- Correct.

And although there is nothing in your notes to say what language was being used ?-- Correct.

What is there then that is so peculiar about your notes, or so arresting about your notes, as to enable you to remember what language was used ?-- I know the speakers which usually speak in native language and the speakers ^{always} which/speak in English. At every meeting they attend.

Do you say 'always' or 'usually' ?-- Well, I think both.

What did you say, 'always' or 'usually' ?-- Usually speak in English.

Does usually mean always ?-- It amounts to the same.

Does usually mean always to you, is my question ?--
It may not mean always but it

Does it mean always to you ?-- Yes.

So that is as much as you understand English, 'usually' means the same as 'always' ?-- No, I don't say that.

Well, do you or don't you say it -- does 'usually' mean 'always' to you. I only want to know what you are trying to tell His Worship ?-- I say

Does 'usually' mean 'always' ?-- I don't say that the word 'usually' and 'always' is the same word in English; it has two different meanings, but I say that I know all the speakers when addressing a meeting they speak English.

Now, what does the word 'usually' mean to you ?-- It's a man, whenever he ascends the platform. he speaks in English.

Whenever he stands on a platform ?-- Yes.

That is what usually means to you ?-- Yes.

And he never speaks in any other language ?-- No.

So usually does mean always with you ?-- No, I won't say that.

Who was the man that you told us when giving evidence during last week was not in Court -- you remember you were asked to go and look round the Court and see whether somebody was in Court -- who was this man you said was not in Court; what is his name ?-- Without the notes, I can't tell.

BY THE COURT: I can't recall the incident ?-- There was one meeting where in my notes certain names appear but the man is not here in Court.

He is not one of the Accused ?-- He is not one of the Accused.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Are you sure of that ?-- Yes, I say that.

Do you mean he is an Accused person who is not in Court, or do you mean that he has not been charged ?-- I don't know what perhaps the Defence is trying to I have

said clearly to the Court that the man is not an Accused person. He is not charged.

His name wasn't Maloao, was it ?-- No, I don't remember, unless I consult my notes, it is very difficult for me to tell.

Would you please consult your notes and let us know ?-- I don't know which meeting you are referring to .

BY THE COURT: Which meeting are we talking about now ?

BY MR. BERRANGE: That would be the meeting of the 16th May.

BY THE COURT: Can you fix that meeting in your mind, or do you want to have a look at your notes ?-- I have to look up my notes and refresh my memory. Before I give the name of the man, I must be told which man he is referring to.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Tell us who was there at the meeting; that will be quite enough. You tell us; don't worry about my telling you ?-- I've read the names of the people who were at that meeting.

Read them again ?-- I read the names of the persons who addressed the meeting and the people who were present at the meeting. And I don't know which one I must say he was not at the meeting.

If you listened to my question you'll know what to say. Just tell us who was at the meeting, all the people who you say were at that meeting and addressed the meeting ?-- In these notes there is Loveday Mfafa.

Did he address the meeting ?-- He did.

In what language ?-- He speaks in

I don't ask you what language he speaks; I ask you in what language he addressed this particular meeting on the 16th May ?-- He speaks in Zulu.

What language did he address this particular meeting on the 16th May ?-- I just want to see my notes; he did not

address the meeting; he was one of those present.

Why do you say he addressed the meeting then ?-- I didn't say that, I say that.....

Do you deny that you said he addressed the meeting ?-- I say his name appears here; now I've looked through the list and I find that he is one of those who attended the meeting.

Do you deny that you told His Worship that he addressed the meeting ?-- I thought he was one of those who addressed the meeting, but now

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:
(Playback)

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

?-- I thought he was one of those who addressed the meeting. I have allotted a number to each of those who were present.

You know, you can go on talking till Doomsday but you won't get me away from my question. Did you say that according to my notes he addressed the meeting; did you say that or did you not ?-- I say I did.

That's all I want to know ?-- He is one of those who because his name is underlined.

Now, then, tell us who did address this meeting ?-- Vundla was the Chairman.

Don't tell me who he was, tell me who addressed the meeting ?-- And S. Tyiki addressed the meeting. Then there is a name I missed here in my notes; and P. Nokwe, he was the third speaker; Lilian Ngoyi was the fourth speaker. According to my notes, as far as I can gather, Lilian Ngoyi was the last speaker, then the Chairman addressed the meeting.

Have you got a record in your notes as to who attended the meeting ?-- Yes.

Would you give me their names please ?-- S.W. Ngwande; Bennet Magosinyane Robert Tunzi; Frank Madiba; Sampie

Malope, Wilson Zikele; Ezraim Molole, Joseph Matlou, and Harisson Matloale.

Don't let's worry about going on any further. Do you remember telling his Worship last time that Joseph Matlou was not in Court ?-- I referred to Joseph Motlounge.

And you are distinguishing between ?-- Between Joe Matlou and Joseph Motlounge.

And you deny that you said last time that Joseph Matlou was not in Court ?-- The person I referred to was Joseph Motlounge.

I see. You deny that, do you ?-- I do. If there is a mistake then I mixed the two names. This one is Joe Matlou, and Joseph Motlounge.

DISCUSSION BETWEEN MAGISTRATE, P.P. AND MR. BERRANGE:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Lastly, what is the Xosa word for 'African' ?-- African -- that is what they use.

You don't know what the Xosa word is for that ?-- Abantu batsudi.

That is the word used for African ?-- That is the word they use when referring to the black people of Africa.

Would you translate that word ?-- I want to make this point clear. This word is never used in meetings; they use 'Africans' whether in speaking Xosa, whether speaking English.

Or whether speaking Zulu or whether speaking Sesuto ?-- In any African language they say "African."

In any African language ?-- Unless referring to a Xosa or a Zulu, or a Sesuto, then, but if he includes the whole of the black people, they use the word 'African'.

Irrespective of what language he is talking ?-- Irrespective of what language he is speaking.

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

With regard to this meeting on the 6th June, do you ever make alterations to your notes ?-- Probably I made I didn't make any alterations, but I put some words which I didn't put at the time.

When do you do that ?-- I do at the meeting.

What is the reason for doing it ?-- The speaker sometimes he speaks too fast and I can't get all the words, and then later on I add the other words, which I didn't put in my notes.

At the end of his speech, when you get a breathing space, or something like that ?-- No, at the time when I still.... when I get an opportunity -- perhaps they sing a hymn then I alter it.

Do you then sit there reading through your notes and making alterations to them ?-- No, I don't read; I know in my mind that that word I didn't put. Then I add in that word.

So you always perfect your notes at the time whenever there's a gap or an interval in the proceedings ?-- Not actually perfecting, but I am just putting the words which the speaker used, and I couldn't at the time put the whole word in.

Always in English ?-- Yes.

BY THE COURT: Do you always make your notes in English ?-- I always make my notes in English.

Always ?-- Always.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

What sort of training have you had for this sort of note-taking ?-- There is no special training.

Have you ever undergone any sort of test ?-- No.

You don't know, I suppose, how many words a minute you

can write down ?-- I've never tried to count that, how many words I write a minute.

But one thing is clear, that you can write a great deal less than a speaker says, if he is speaking at a normal speed ?-- All the words which I can catch I put them down in my notes; the words which I can't catch, I can't catch them....

Will you answer my question. One thing is clear, you manage to write down a great deal less than a speaker says when he is speaking at a normal speed ?-- No, I don't agree with that, that I write less than what the speaker says.

Now, when you have difficulty in getting down everything that a speaker says, how do you decide what to put in and what to leave out ?-- I don't have to decide, as the speaker speaks I put it down on my notes.

BY THE COURT: How do you decide what to put in afterwards, or do you just ?-- If the word I would not manage to put until perhaps the speaker is far I leave it out; but if the word is fresh in my memory and the speaker is not far from that word, I add it in at the meeting as spoken by the speaker.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

Do you always finish the sentence that you are writing ?-- Well, my notes will tell you if I do finish my sentence; if my sentence is not finished and I couldn't get what the speaker said.

Is it your usual practice to finish the sentence you are writing ?-- I do finish my sentence.

What happens if, while you're finishing that sentence, the speaker has already spoken another one which you couldn't get down ?-- I leave it as it appears in my notes.

So you leave out a sentence every here and there ?-- Yes.

If you realised that you were writing something comparatively unimportant, and then you hear something important from the speaker, do you stop what you are writing at the moment and start on a fresh sentence which you regard as important ?-- No. I complete that sentence, and then I write what the speaker says, after that.

I am putting it to you that you already admitted that you sometimes have to leave out a sentence, because you have not time ?-- I leave the sentence is because I couldn't catch up with the speaker.

Did you say one minute ago that you sometimes have to leave out a sentence, because you can't keep up with the speaker ?-- That's what I am saying now.

Suppose that what you are busy writing seems to you to be unimportant, and the sentence which you are going to have to leave out seems to you important, what do you do then ?-- I complete the sentence.

And then leave out the next one ?-- And write the next one.

I am assuming that you are unable to write the next one; you have told us that you are often unable to write the next one ?-- My notes will explain. That if there is a sentence which the Defence thinks I didn't write, well there's my notes before them. It will tell them that there is a word I missed; if the word is not complete, the sentence is not complete, it is because I couldn't write it, and it remains in my notes, I don't alter it.

Thank you; now will you please pay attention to my question. If you are in the middle of writing down a sentence, which you regard as not of any great importance, and you then hear the speaker starting on a sentence which you think is important, do you then abandon the sentence that you are writing and set out to take down what you think is import-

ant ?-- I don't. I complete the sentence I was busy writing; then I start with the next sentence.

You never make any attempt to pick out the important aspects of a speech ?-- No, I write unless it is a very long meeting, tiring meeting, then I just write important things, but if it is not a tiring meeting, I write everything; if I started with something, I complete that sentence before I go to the next sentence.

Let's take a very tiring meeting; what do you do there; do you just write a portion of what is said ?-- Probably I may only write the important words.

Leaving out the rest of the sentence completely ?-- Well, if it's not necessary; like when sometimes they talk things which is unnecessary, then I leave them out.

Now, what do you regard as important words ?-- It's in my notes; what is in my notes is the important words.

How do you pick out the sort of words which you regard as important ?-- I know which is important words, when a speaker speaks.

Will you tell me what sort of words you regard as important ?-- If the speaker speaks, then I'll be able to tell you which is important words.

You have just told me that in some instances you don't attempt to write everything down. All you write down are the important words; will you tell me how you pick out what are the important words ?-- I use my own discretion.

And how do you use your discretion; how do you decide what is important and what is not ?-- I use my discretion what words I am going to write down if I think the other words are unnecessary, just to fill up my..... if I was to write sometimes all what is spoken at the meeting, I'll have a man standing next to me with his books; as soon as I have

finished I must hand him that book and he must hand me the first books.

Yes, now that's very interesting; how do you pick out what you regard as important; how do you exercise this discretion of yours?-- I exercise it as you see it in my notes there, as it appears in my notes.

Do you say that on this meeting of the 6th June there were occasions when you were only writing down the important words?-- I wrote everything; that was not a long meeting, a tiring meeting.

Now in this place, it doesn't apply to these notes I have before me?-- It doesn't apply to those notes.

What I want you to tell us is; what is the general process by which you select those words which are important and those which are unimportant?-- I use my discretion, which is the words important which I put down.

Do you regard the word 'Afrika' as important, if it is spoken at the beginning of a speech; would you put it down?-- It depends what was he actually conveying.

Suppose the speaker gets up and opens his speech by saying 'Afrika' would you write that down or not?-- I write it down, at the opening of the meeting.

Is that an important word?-- Well, it's the opening of the meeting.

Is it an important word?-- It is an important word.

Will you give us any other examples that you can think of of words which you would regard as important and pick out for writing down?-- It is very difficult for me to tell; it is only when a speaker is speaking and then I decide. I use my discretion there; I decide which words I am going to write in my notes.

BY THE COURT: It must depend on the context of a sentence which words may and may not be important; that is what I understand the witness to say, and unless you illustrate your

point I don't think we'll get any further. May I just put in a question here; I want to have clarity. You say when the meeting is tiring; what do you mean by that -- do you mean when you get tired by writing so much?-- Sometimes there are speakers after speakers, they talk things which....

Do you mean that you get tired of writing; is that the reason, your hand gets tired?-- My hand gets tired too. I get tired writing, and then I only put down in my notes the important words -- others I leave them out, because I reckon they are not important.

CROSS-EXAMINATION BY MR. COAKER CONTD.:

I take it then that this sort of thing is only found at the end of a long meeting; it will never be found in your notes at the beginning of a meeting?-- It depends on the duration of the meeting.

It would never be found in your notes at the beginning of a meeting, because you wouldn't yet be tired?-- No.

Always later on in a meeting?-- It is correct.

(No further questions)

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

FURTHER RE-EXAMINATION BY P.P. (Meeting 18/4/54.)

On the 18th April, 1954, did you attend a meeting that was held at the Trades Hall, Johannesburg?-- I did.

Were you in a position to make notes of this meeting at the time?-- I think I made very brief notes before I was asked to leave the hall, on a piece of paper.

Did you prepare a report the next day?-- I did.

Is this the report that you prepared on the 20th April -- it was two days later?-- That is correct.(Exh.G.22)

Will you refresh your memory from that report and say by what organisation this meeting was convened?-- The meeting was called by the African National Congress.

Who was the Chairman ?-- The Chairman was Leslie Masina.

Did he address the meeting ?-- He did.

Who was the other speaker ?-- The other speaker was Philemon Nokwe.

Without reading out those notes can you give the Court the subject matter of the speeches, what was discussed ?-- At this meeting the Bantu Education was discussed, the Settlement of Disputes Act was discussed -- the labour disputes -- and the abolition of passes Act was discussed.

And the removal of the western Areas ?-- The removal of the Western Areas.

Who was present apart from these two persons ?-- I have already mentioned Nokwe and Masina; Joseph Lekaba. And at the time, a man I knew him as Xuma, but his proper name is Amos Radebe. And S.W. Ngwendu, Lilian Ngoyi, Harrison Matlona, Robert Resha, Robert Tunzi, Sampie Malepe; Simon Tyiki; Gerry Mosadi; Paul Mosaka; John Mavuso; Laurence Ngombo; Josias Manede, Elias Masunya, T. Simelane; Stephen Sigale; David Mohelwa; Joseph Motloung; Joseph Kumalo; John Lingana, Gert Sibande; Loveday Mfafa; Elsie Joffe; Farrid Adam; Sam Masimula, Pthole Mashilwane.

With the exception of Leslie Masina and Lilian Ngoyi, can you identify the persons that you have mentioned ?-- I can.

Will you do so ?-- Yes. (Witness leaves box and identifies Accused No. 33, Sam Masimula; Accused No. 31, Sampie Malupi; Accused No. 56, P. Nokwe; Accused No. 71, Gert Sibande; Accused No. 75, Simon Tyiki; Accused No. 76, Robert Tunzi; Accused No. 39, John Mavuso; Accused No. 63, Robert Resha; Accused No. 19, Joseph Kumalo; Accused No. 1, Farrid Adams; Accused No. 53 William Ngwendu.

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(No further questions)

NO QUESTIONS BY DEFENCE:

JACOB APRIL, duly sworn. (Int. D. Januarie.)

EXAMINED BY P.P. (MR. VAN NIEKERK)

Are you a detective sergeant, S.A. Police, stationed at Springs ?-- Correct.

On 17/1/54, did you attend a meeting held at Springs ?-- Correct, at Kwathema Location, Springs.

What kind of a meeting was this ; by whom was it convened ?-- African National Congress.

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

Did you afterwards write out a report on this meeting ?-- I did.

Did you use your notes when you wrote out your report ?-- I did.

And did you include in your report everything that was in your notes ?-- I did.

What happened to your notes ?-- I destroyed the notes after having compiled my report.

Referring to your report (Exh. G.23.) -- was this report made on the 18th January ?-- Yes.

Please refer to page 3 of that report; was one of the speakers a man by the name of Nokwe ?-- Yes.

Can you identify him ?-- I think I can identify him.
(Witness leaves box and identifies Accused No. 56, D. Nokwe.)

In this speech of Nokwe, did he refer to his being overseas ?-- Yes.

And that he had visited Russia and China amongst other countries ?-- Yes.

(No further questions)

DEFENCE: NO QUESTIONS:

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MOTSEKI MASELELA, duly sworn.

EXAMINED BY P.P. (MR. VAN NIEKERK)

Are you a detective sergeant, S.A. Police, stationed at Johannesburg ?-- Correct.

On 14/2/54, did you attend an African National Congress meeting at Alexandra Township ?-- Correct.

This meeting was called by the Transport Action Committee ?-- That is correct.

Did you make notes at this meeting ?-- (Exh. G.24.)

DISCUSSION BETWEEN MAGISTRATE? MR. BERRANGE AND P.P.:

EXAMINATION BY P.P. CONTD.:

?-- Phineas Nene was the chairman at this meeting, and the meeting started at 10.20 in the morning and concluded at 1.20 p.m. This meeting has been called by the Transport Action Committee to speak about the buses. There are many things which have to be discussed. You will remember during November last year, Frith asked for bus fares increase, so ever since we have been speaking this. All organisations have been notified to come to this meeting, the Vigilance Association, only Mr. Nel replied, but he has never come. We told you that Frith went to the Transportation Board in Pretoria and asked to be allowed to increase the fares of buses. You saw how the Vigilance wanted to break our meeting on the other Sunday. On Tuesday this week Mr. Masela came here with three Europeans. The Europeans were Mr. Swart and Mrs. Swart and unknown. We had a round table conference which was held in my house. Then Swart said "On Sunday there will be a meeting" and he's inviting me and in this meeting we shall build a unity movement, because this meeting is only speaking about the Congress because the other organisations do not participate. I told him that we will not go to that meeting because we had already arranged that meeting

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He told me that what we were doing here the people will not follow us. They will not listen to us. Then a dispute of 1944 strike about the monies went on of the Transport Action Committee. We are not going to allow the white people here while we are in troubles, to come and rob our money. These people want to come and break our committee. Our committee of action. Before I leave the platform, I would like to hear from you whether you are going to follow the Africans or the white people, seeing there are two action committees, of the African peoples." The speech of the chairman ended there. I am going to read one of John Mavuso, the next speaker. "Awakhwela amabase . There are many people appearing in the townships. I think you are surprised to hear about Mr. Swart. We have made it clear that we have no 7d. to pay for the increased fares. I say to Mr. Swart in reply: The Africans are suffering at all spheres. Mr. Swart is not going to pay that 7d. We are going to pay it. We say to Swart, Thank you. If he comes here and supports us we will co-operate with him. We are not going to allow Mr. Swart's supervision. Mr. Swart agreed that he was there during the transport emergency of 1944. Where was he during the Defiance Campaign. He refused to support us. His name does not appear in the name of the white defiers like Patrick Duncan, like Bertie Du Toit. We say the bus fare matter was not a political one, but I say it is the same as the other matter oppressing, because we can see the police at bus meetings. It is the police which makes Africans not to get enough wages. All laws ruling the people are made by political parties in the Parliament. Verwoerd say foreign natives must not come to urban areas. These things come all at the same time, and all is caused by the politicians. Swart will not deceive us here. I call upon you not to listen for Swart and his followers. I support those

who say we must fight the 7d. till we win." The speech ends there, of John Mavuso. I will continue to read the speech of Michael Motsele. "We told you that whenever there is something appearing we will notify you. Today another Boer Swart has appeared. He has shown himself that he fights against freedom, if not he shouldn't have come here to us, or if not he should have come here and joined us. You know all organisations will not fight, but only the Workers League under Thongwa have come to our assistance. We are not going to be led by Swart who is living at Berea, We did not call him. He must not come and deceive us and his sister. He is also a snake. You have heard the history of Swart. Swart has told us that he has money. He can pay the committee weekly. We cannot agree to Swart, but we shall die fighting for you. We say to Swart Go to Hell with your money. Mr. Moghwai must come here and discuss with us. Mr. Swart came here to divide us in order that others can support the 7d. If you follow us we will be with you till we crash PUTCO. We have not forgotten the Mai Mai bus. We will come back to it." The speech of Motsele ends there. I will continue to read the speech of Moses Kotane. "Mr. Chairman and the meeting: I am glad to be with you. It is the first time I speak in this matter of the Transport Action Committee. I came here particularly to speak to you about Swart. I know him. I know his business. I know the people of Cape Town very well. I lived with them. They claim to be the only people fighting for the African people. They say Congress is the sell out of the people. We as people we have to use our minds. There are people the enemies of the Government who defied the people during the time I was in Cape Town. In a meeting in a hall in Cape Town I refused to enter when they discussed for a federation and they came to the conclusion that the people must

speak about the freedom only. When they could not come together the organisation was divided, but I and others continued our organisation till we banned the passes. The Government then made a separate department in trades. Now those people who called the meeting at the square I refused again to go there. I told the people that they would go nowhere, but they could not listen to me. They said I was jealous. They wanted 6,000 volunteers and that resolution came to nowhere. They just want to divide the people like the Soya and unity movement. But what do they do. Nothing at all. There are leaders and followers. During the defiance campaign others followed but others did not. Look, you are very few here, but the people in Alexandra are many. Let us know Swart by his deeds. Let us leave alone the people deceiving others. In the way we are oppressed we should not have fear of the African police. If we agree to pay this fare we should be allowing the people to rob us. As a matter of fact, we should be paying 3d. We have the children suffering of T.B. I say Azikwelwa. You know our days are numbered. We came here because the meeting is not for the African National Congress, but I say you know about Bantu Education. Your children will be taught to know that they are the servants forever, and the white man is God, because the picture of Jesus Christ was like a white man and Satan is a black man, but his nose is one of a white man. If education was not needed why would they not send their children to school. We want our children to know A. B. C. If the other nation defeat your mind then you are foolish. Let us be the teachers of our children. The children must be taught that this land belongs to the Africans. The others have taken it by force. Tell your child that your child is not a kaffir. The white people do not believe that. They are passed by us and they forget them-

selves. They call the other African people in this country that they are foreign people. We say the land is ours. We accept everyone who lives in peace with us. They came here as newcomers; now they call us foreigners. The Basutos and the Swazis and the Bechuanas belong here, they were born here in this country. Our lesson is one to our children. If you are not white you are black. These people want us to dig gold for them. They call the Africans from Rhodesia, Basutoland and other places to come and work underground, but when these people are finished, they say they must go. Those people must refuse to come here for the mines. They must live there." There is a last portion that I cannot see, the last portion of his speech there. That is the end of his speech.

Who was the next speaker after Moses Kotane ?-- The next speaker would be J.B. Marks. "Mr. Chairman and friends; After a long time I have been able to visit I do not know my duty is to go forward not to go backwards. I have come to speak at a critical time, at a time when an African is gloomy, when the people are at this situation. The people must bury their differences and stand together, and face their enemies. I shall dare to answer that question. I say 99% of the African people are standing shoulder to shoulder. No single African has joined the enemies. Many Africans have been to pass the frontier to join the Army. I can say to those people, there is no room for a traitor in our ranks. The Nationalists have no room for a traitor. If there are such people their future is dark. We are in a position that we cannot go back; never in the history of South Africa that the Africans have organised themselves into a block against the whites like today. We are not responsible for creating that spirit. They have introduced apartheid at Park Station. Go to the police

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station and see the indignities you are subjected to which have been created specifically to make the law to Africans. Go to the pass office and see the shame conditions. We are going to be given a special education. The Government has made efforts to push Africans back. They say we must go and live under tribal systems. They say go home and go back and live under your chiefs. When the chief is a native commissioner. They say you must go back and live under semi-naked. How many will like to go back to the days of the Voortrekkers. Why should we be turned, right about turn. South Africa has many history. Many people died to save South Africa, to build it. The Africans played an important part and the English, but never mind the foreigners. They fought over property which was not theirs. They divided us. Our people played an important part. We cannot be so small to remember the Blood River. We are of the present generation and we shall come together and we are created by God in South Africa. The 13 million African people have not been given an opportunity to build a happy Africa. How long can such a great number remain silent. The oppressed people have started their march and the Government is trying to stop that march. They are now employing a great number of police which we have never seen, but the crime is increasing. The Europeans are shooting each other. In the farms the Africans are thrashed to death, but the Minister of Justice has said nothing, but he has formed his criminals in the ranks of the Congress. What have we done. Have we murdered the Europeans, raped European women. They have ordered us to resign from the Congress. We have committed no crime. They do this because you are coming. Do not blame Swart. He has not come here. He doesn't know J.B. Marks, but if it was a Nationalist meeting and two African faces are seen

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We are going forward and the Government is removing the leaders. But how long can they go on like that because when they take away Kotane, somebody took his place. They do this just to bluff the world, the whole world is looking at South Africa. When Havenga went overseas for money he could not get it, so the Government became mad, so they employed more police, but still the papers say there is more trouble in South Africa than before. The Government is creating all these mischiefs because they are old. Dr. Malan is 79. They know when the day comes they would have all died and that time we would settle things with innocent people. So we must stand together and stop these people. You will be called to stop the removal of Sophiatown, Newclare. We will retain Alexandra. One thing is that you are so afraid that you cannot sacrifice. We want those brave people who will make political sacrifice. I speak here and have no reward. I may be arrested today or tomorrow. Let us sacrifice. I call upon the people of Alexandra to sacrifice. Then the Government which has power is prepared to do what Hitler did to the youths. We cannot forget when the bad people did to our mothers by cutting their breasts. We do not know what we do in the scientific times when the Europeans in Kenya are shooting the children, women. Why can't they do now show yourselves I have heard that the committee has been elected to represent you at the buses so follow and support the committee because I have heard that whilst they increase you will boycott. Remember to boycott is not a play. I know Mr. Swart. He will just break you. He did the same to the trade union movement. He is the son of a very rich man. He will just try to break you, your ranks. Their words may be strangled but the action will be indirect. The Government will approve the increase. When you boycott

there will be trouble. Therefore listen to your leaders. There is no room for rebels. They must be taken once and for all. Transport Action Committee I thank you who have honoured me with this privilege. Mr. Swart under the new Criminal Amendment Act and Suppression of Communism Act he is going to ban all meetings and if he succeeds we will be in the same position in few months. Nothing can stop him. Nothing will stop him except by ourselves we are hopeless." That is the end of the speech of J.B. Marks. I am going to read the speech of Joseph Molefi. "I have two announcements to make. At 2 p.m. we are having Walter Sisulu's reception at 62 Tenth Avenue, Mahlangu's Hall. You will remember he was overseas. I have told the Youth to come and the admission is 2/-. By that money we are asking donation. On Sunday it is the colonial youth day, the 21st February, 1954. Every year youth joins hands to fight oppression. Mr. Sisulu will be present at No. 2 Square. Sodinda has been deported to Rhodesia. This shows that the Government has intended to remove us from South Africa." The meeting closed at 1.20 p.m.

Now, these people, Phineas Nene, John Mavuso, Moses Kotane, and Joseph Molefi, do you know them?-- I know them;

Do you know them well?-- Yes.

Can you identify them?-- I can.

Do you know whether they are amongst the Accused or not?-- I know that they are amongst the Accused.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

I want you to turn to the speech made by J.B. Marks?-- Yes.

Before we deal with that speech, I want to know whether you will admit that there were quite a few things

said at this meeting which you did not get down in your notes ?-- That is correct.

And there were quite a few things said at this meeting which even though you refer to your notes you have not been able to decipher ?-- That is correct.

And in your inability to decipher that which is in your notes, you have left it out when trying to read your notes back ?-- That is correct.

I would like you to turn to Marks' speech at that part where it says "Never in the history of South Africa have Africans organised themselves, etc., etc." ?-- Yes.

Would you just read from there: "Never in the history of South Africa...." ?-- "Never in the history of South Africa that Africans have organised themselves in a block against the white like today....."

Would you just let me have a look at those notes ?--
(Notes handed to Mr. Berrange.)

Now, read on ?-- "They are organised"

"Organised" or "So organised" -- just make sure ?--
"They are so....." I can't see "so". I can only see "They are organised."

There in between the words "are" and "organised" ?--
No. "They are organised that even among the Europeans there is anti-Europeans."

You left that sentence out when you were reading your evidence ?-- Yes. I believe I did not read it because I could not see properly then.

That is why you left the sentence out ?-- It is possible that I left it out.

What is the next sentence ?-- "We are not responsible for creating that spirit."

That is correct. Read on ?-- (No reply)

If you can't make it out say so ?-- I can't make it

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out.

You can't make out the next sentence ?-- I can't.

Well, go on from where you can make it out ?-- "Go to Park Station and see your situation. Go to the police station and see the indignities you are subject to. They have created specifically to make the life of Africans a misery."

Did you understand that sentence ?-- I do not know what counsel refers to, whether I understood it. I wrote it down as I heard it at the time.

Did you understand it, you yourself ?-- There is a word there which I do not understand.

Do you understand the sentence itself ?-- Except for this word, I understand what he is saying.

Which is the word you don't understand ?-- The word "indignities."

We won't worry about the translation of that; I'm talking about the sentence following that in which "indignities" is used; when you say "They have created specifically" do you understand that ?-- I understand that.

Who have created specifically ?-- I do not know who.

What have they created specifically ?-- I think he meant the Government when he said "they."

What have they created ?-- (Reply not interpreted.)

I see, they have created specifically ?-- Yes. To make the life of the African people a misery.

Read on?-"Go to the pass office and see shame conditions."

Not "The same conditions" ?-- I have written "shame."

Go on ?-- (No reply)

If you can't make it out just say so; it doesn't matter. ?-- "We are going to be given a special education."

No, after the words "Go to the pass office and see shame conditions." Can you make it out from there onwards

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-- if you can't, say so, that's all ?-- The words written here I think I said "to our education."

Let me have a look at it. (Notes handed to Mr. Berrange.) Because you left that out, you know, when you read your evidence. Where is the word "conditions" -- show His Worship where the word "conditions" is. How do you spell it ?-- C-o-n-d-i-t-i-o-n

And you say that word is there ?-- It's incomplete.

What is written there ?-- C-o-n.

What does that mean -- c-o-n- ?-- I made an abbreviation of "conditions."

Then what you are reading what is supposed to be in your notes, why don't you read exactly what is in your notes instead of incorporating your meaning.

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Read on from "...our education." ?-- "We are going to be given a special education....." I cannot make out anything further beyond that.

Let's see whether I can help you. (Notes handed to Mr. Berrange.) Right at the bottom of page 73 in the notebook; "What I am talking here is rot." ?-- That is correct.

You therefore have recorded Mr. J.B. Marks as having said in his speech that what he is talking is rot ?-- That is how he expressed he himself.

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You have recorded Mr. Marks then as saying the following words: "What I am talking here is rot." ?-- That is correct.

It seems to me that there is an abbreviation for one word the next sentence after the words "What I am talking here is rot," appear to be the following -- I will get the witness to confirm it as soon as I have read it. "The

Government....." ("G-o-v." "..have made efforts to push African back...." and the words immediately before the words "What I am talking here is rot" are "We are going to be given a special education." So the whole context is as follows: "We are going to be given a special education. What I am talking here is rot. The Government has made efforts to push Africans back." Is that correct?-- (Notes handed to witness.) It is correct.

Would you go on a little bit to the sentence: "How many can like to go back to the days of the Voortrekkers." Or words to that effect?-- "Why should be turned right about turn...."

That follows the sentence I have just referred to; go on?-- "South Africa has many history. Many people died to save South Africa, to build it. Some of the Afrikaners"

Some of the "Afrikaners" not "Africans"?-- "Some of the Afrikaners played an important part"

May I help you: "And so did the English"?-- "An important role and the English; but never mind, they are foreigners; they fought over property which was not theirs. They divided us. Our people played an important part with the Afrikaner people...."

That's it: "With the Afrikaner people....." you didn't read that out when you gave your evidence in chief. You left those words out. Go on with the next sentence:?-- "We can't be so small to remember the Blood River"

Come to that sentence where you start talking about the Minister of Justice. "The Minister of Justice has said nothing....." ?-- "The Minister of Justice has said nothing but he has found his criminals....."

Yes, "found" not formed?-- "...in the ranks of the communists. No, not formed.

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"Formed" was the word you used when you gave your evidence in chief ?-- Yes, "found."

Carry on ?-- "What have we done; have we murdered Europeans, raped European women, but has ordered us to resign from Congress."

Does your note indicate who has ordered them to resign ?-- No, my note does not.

Can you remember what was said ?-- "But he has ordered us to resign."

Can you remember who was being referred to ?-- The Minister.

It is not in your notes though ?-- Yes.

?--- "We have committed no crime.

There is a fairly long sentence after that which you were not able to decipher obviously when you gave your evidence in chief; are you able to decipher it now; if not just say so and I'll pass on ?-- I think I read that portion.

You left the whole sentence out, but nevertheless go on; if you can decipher it good and well; if you can't, we'll pass on ?-- "They do this because you are coming."

Is that what you say ?-- Yes, I say so.

Would you just show me that (Notes handed to Mr. Berrange.) That comes after "We have committed no crimes," does it. If you look at the bottom of page 77, the last line reads: "We have committed no crimes," then there are two words there and three lines on page 78, which you did not read out when you gave your evidence in chief." ?-- I believe it was decided by the Court that where I could not decipher what I have written at a meeting at the time, I should pass this portion over.

I see; that is all I want to know. Therefore you couldn't decipher and you left that out; I'm not blaming you ?-- That is correct.

Those are the last two words on page 77 and the first two lines on page 78 ?-- That is possible; I would not dispute it.

Well, have a look and see ?-- I agree.

My learned friend Mr. Slovo will question the witness about reference in this speech to a certain Swart; that, of course, is not the Minister of Justice. I don't know whether my learned friend concedes that.

BY THE COURT: That is obviously another Swart.

BY MR. BERRANGE: It refers actually to an individual who is known to us as Vincent Swart; not Charles Roberts.

CROSS-EXAMINED BY MR. SLOVO:

At the beginning of your evidence, the learned prosecutor said to you that you attended an African National Congress Meeting on 14/2/54 ?-- Yes, I still remember that.

Is it this meeting you have just been giving evidence about ?-- It is the same meeting.

Was there anything said at that meeting to indicate that it was an African National Congress Meeting ?-- As far as I know nothing was said about the African National Congress at this meeting, but there were similar speeches made at this meeting about oppression as has been the case in the meetings of the African National Congress.

So that is why you say it is a meeting of the African National Congress ?-- I did not say that this was an African National Congress meeting.

But you said so a moment ago ?-- When I read this out I said that this meeting was called by the Transport Action Committee.

And you say now it was not a meeting called by the African National Congress ?-- It was not called by the African National Congress; it was called by the Transport Action Committee.

(No further questions)

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MR. COAKER: NO QUESTIONS:

RE-EXAMINED BY P.P. (MR. VAN NIEKERK):

Will you please read that sentence now that you omitted; the sentence starting from : "We committed no crimes." Page 77 ?-- "We have committed no crimes. Men who committed no crimes....." I can't read any further. (No further questions.)

FURTHER EXAMINATION BY P.P. (MR. VAN NIEKERK):

(Meeting 14/3/54.)

On the 14th March, 1954, did you attend an African National Congress Meeting at Alexandra Township ?-- Yes, I did.

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

Was it at the meeting or after the meeting ?-- It was at the meeting.

When did the meeting start ?-- 10.30 a.m.

Have you any recollection of this meeting apart from your notes ?-- I do not recollect very well about this meeting.

Who was the Chairman ?-- (Witness refers to notes.) Masunya.

Who were the other speakers ?-- Phineas Nene. J. Mavuso; Motsele; Sam Masimula; J. Mashamika, and Molewa. He was the last speaker.

Would you read from the last portion of Masunya's speech, where they speak about the Resettlement Bill ?-- "The Resettlement Bill which will have to remove natives from Sophiatown Kensington B., Alexandra, Verwoerd wants to remove locations in the sky so that natives living there must go and live in locations. If these people are removed the white people will suffer. The United Party speaks

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about natives representatives....."

Before you go on, when you have used an abbreviation will you give the abbreviation and say what it means -- now what have you got there. ?-- The United Party, I wrote "U.P." meaning United Party. "They speak about natives representatives council will be rebuilt but we say to Strauss we are not going to accept that. We want direct representatives in the parliament. We have our own doctors, doctor of science, doctor of philosophy....." Doctor has been abbreviated by "Dr." "M.A.'s., B.A.'s."

Will you just go on from where you refer to Dr. Nkhruma the Prime Minister ?-- "In Gold Coast we have people holding high positions. We have Dr. Nkhruma as Prime Minister, a very highly educated man; so we want to enter Parliament to speak for our own people. People are suffering in reserves where the labour of mines and farms are found."

Read that sentence again: ?-- "People are suffering in the reserves where the labours of mines and farms are found."

Is there any word there that you can't make out -- have you read every word. If you come to a word and you can't make it out, will you please say so ?-- No, I can make all these words out. Yes, there is a word I could not make it out. "People are suffering in reserves where cheap labour of mines and farms are found."

If you come to a word you can't make out, will you please tell the Court you can't make out. Go on from there. ?-- "People are promised good salary in farms, mines, but when people work they dress with sex." There is a word missing there. "They dress natives with sex. The Hollanders fought Phillip of Spain out of their country for their freedom. The English fought Julius Caesar from England and they chased the Italians from their country for

their freedom. We tell the Europeans that civilisation was born in Africa. They took it to Greece and Europe and they call it Western Civilisation from Europe where people fight every day. The Africans with their civilisation are noted for their hospitality. The white man hates other people because they are black. That is not civilisation. The true civilisation is brotherhood." The speech ends there.

And then did Nene speak, and after Nene, did Mavuso speak ?-- After Nene, Mavuso spoke.

Will you read Mavuso's speech starting, say, from the middle of your notes -- one page from the start, where there is something about reference books ?-- "We were told that reference books would be written in native language, but it is not so. It is not like that. How can this book help you when you cannot understand the contents in it. Verwoerd will not help you. The white people always say things will help and yet they will oppress you. Many people with these books have been arrested, because many people do not understand it. This book will not help you. At last it will be thrown away. Next Verwoerd comes out with Bantu Education. I would like to know whether Verwoerd is going to help you or he is your enemy. What has he done to the people since 1948. When Verwoerd spoke of education given to natives. Ever since he says it was dangerous because it has turned all natives to become communists. He says he is going to give the youths a wonderful education, the kind of education that when your children" there is a word here I cannot make out ... "..... that when your children speak to a European he must only say "Ja, baas" every time. The police tell Swart that the leaders are agitators. Mr. Tambo says why there was no law to prevent Verwoerd not to speak like that in the Parliament, because he puts bad spirit among the people. How

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can we accept such a thing like that. I have seen Verwoerd. I will never accept anything from him. The white people in South Africa have done nothing to the Africans, but have done bad things. In the farms they employ everything that belongs to Africans. Go and tell your children that Europeans are your enemies. There will be no peace as long as the situation is like that. Hate anybody who says God gave the white people the superiority. He is not even ashamed of himself to say 15,000 die of T.B. in South Africa."

Just read that again?-- "He is not even ashamed of himself to say that 15,000 Africans die of T.B. in South Africa." Now, there's a place here I think I must have abbreviated something. It is an open space. "How can we allow Europeans to do to our children as they like. We will fight this battle wherever we are, in churches, outside." That is the end of the speech.

The next was Mr. Motsele. ?-- Correct.

Will you read his whole speech?-- 'Afrika. The speakers have said many things: they spoke of the danger of Bantu Education which was introduced by Dr. Verwoerd. They showed^{the} danger about reference books which they said there shall be no more trouble of passes. If the passes is good why are the Flying Squad are here. The Ministers in the Parliament say that the Africans are determined to continue with their struggle. They are determined even to go to gaol. The Africans taking notes. I want to warn the white people that one day they will turn against them. The Suppression of Communism Act amended will not stop us. We will continue to organise wherever we are, the football ground, buses, queues, The meeting which Sisulu was supposed to address has been banned....." I think here I wanted to say "The meeting which Sisulu was supposed to come and address he will not be able because he has been banned." "The meeting will

be addressed at a graveyard, so we will do the same. We will speak at the graveyard and tell the people what is happening. We will speak of freedom till we get it. The white people assemble in Parliament, and they say we who tell the truth are communists. They want to teach our children to be good boys, even if the education has been changed, but we will continue our struggle. Our meetings are just about to be banned, but we will hold meetings in churches everywhere. The teachers must come to us. We will tell them to teach our children. We will even make our own schools. The time of the passes is gone. The freedom comes with the blood of somebody else. Be ready for your death. They are wasting time about Suppression of Communism. We appeal to the teachers to come to our side. The Government agents who write I tell them that we will meet at the cross-roads. Tell your child that a boer is your enemy because they tell their children that a kaffir is a kaffir. I appeal to the tsotsis to join African National Congress and fight for freedom. And tell your friends that their sweat wins freedom. The Ministers are agitators because they tell us to move from our place. They take away our chiefs....." There is something that I cannot see here. "We have"There is something that I cannot find out, and then "..... at home. General Smuts wrote a book which says the chiefs must be done away with so that we cannot come together. They choose their good fools to be our chiefs. That is why the African National Congress was formed in 1910 because it saw the danger. So the Congress will teach. You have beaten the Dutch people (Silitoe?) that is why they have brought the clever man solidi" I don't know whether that word is correct ".... who came here in 1950 when suppression of communist was amended. They have called him again and close up the gap. They run all overseas to search for clever people to oppress us. They forget that we can also go and look for clever people to

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help us to free ourselves. The manure of the tree of freedom is sweat, blood, so be ready for that day. Freedom during our lifetime." His speech ends there.

Now, the next speaker was Sam Masimula ?-- Yes.

Will you read the first couple of sentences of his speech as you have recorded it ?-- Sam Masimula: "Sons and Daughters of Afrika: We told you that the time of speeches is past. It is now the time to fight for freedom because we say 'Freedom during our lifetime.' If we die before we achieve freedom our children will spit at our graves. You know Swart has banned our leaders, but we speak even if we are asleep. We do not want Verwoerd's education. We want it as we know how we got it. We do not want education which will say"

Just read that again ?-- "We want it as we know how we got it. We want it as we know how to get it. We do not want education which will say 'Jerusalem is in heaven.' Our children must know that Egypt is here in Africa. Let us be like Dr. Nkhruma who says 'Wake Up,' and together."

Read that again ?-- "Let us be like Dr. Nkhruma who says 'Wake Up and gather together your soldiers.' We want freedom in South Africa, not one-sided freedom....." There is something which I cannot make out here. It is something in connection with teachers and ministers and the police.

Read that again, from "We want freedom." ?-- "We want freedom in South Africa, not one-sided freedom..." There is a word here which I do not make out.... ".... to teachers and ministers and policemen. Here in South Africa there are many things which the people....." I think it is: "Here in South Africa there are many things which the people can get. When the whites came here they stole our forefathers' things, but they call us criminals. These reference books will not frighten us. They arrest you, even when you have

the books....."

Will you go right down to about the last couple of sentences before he concluded his speech. I think there is mention about Dr. Bremer ?-- "God helped us for taking away one oppressor, Dr. Bremer who made apartheid bread, who knew whether there was poison in that bread." "We will know the principal teacher of the Bantu Education by N.A.D. badge. Children will have to carry passes to school. Those youths who want freedom we will meet at 62, 10th Avenue, after the meeting. After achieving freedom we will form" there is a word here, I do not know whether it is "a new Christianity," "Not Christianity of nowadays. Those who do not like to stay with us go back to Europe. Swart is wasting time. Sisulu is ready to take over. We will follow Nkhruma, Joma Kenyatta." That is the end of the speech.

And was the next speaker D. Masimaika ?-- Yes.

Just read the first few sentences ?-- "Afrika! To speak is only wasting time. You have heard about Bantu education, reference books. You heard how the Africans are retreated. You are only to tie your belt. I am ready to defy the law at any time, ready to be shot dead at any time because I am not a free person. I say to Swart, even if he can shoot me, or send me to gaol, he will take nothing from me because I have nothing."

Now will you read the last portion of his speech, starting from something about Dr. Moroko and Chief Luthuli ?-- Dr. Moroko and Chief Luthuli have never said we must go and kill the white people, but Swart has told the police to shoot the Africans. So he should be killed as he has ordered the police to kill. If you like your life you cannot get freedom. I am not alive, but I am dead, long time. Your unity is your strength, come together and fight for freedom. The white people are invited, the youths must

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