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organise at the football matches, in beer halls. Teachers, tell the children that the white person is an enemy. The African women are assaulted by the boer warders in gaol. Yesterday 40 native women were brought from the magistrates court and they were assaulted, told to pay their fine. I want to know why the African women are not employed to be wardress at the women's gaol. Swart must be aware of those European women assaulting our women prisoners."

Now, the last speaker ?-- Bernard Molewe.

How did you note it down ?-- As I have been noting down the speeches of the others.

Yes, but in what capacity did you note him down ?-- Bernard Molewa is the secretary of the African National Congress. He was at that time the secretary, I do not know now; at Alexandra Township.

Will you read the last couple of sentences from his speech ?-- "The white people hate us. Build yourselves, we are going forward. Anybody trying to stop we will sweep him. We can't go back to the time of Jan Van Riebeeck. Malan and his Ministers want to take us back to the darkness. We cannot accept them. The time will come that the children will be brought here to the square and be taught the way to freedom is education." The speech ends there.

These persons Phineas Nene, John Mavuso, Sam Masimula -- do you know them ?-- I know them.

Can you identify them ?-- I can.

Are there Accused of these names ?-- Yes, they are.

Do you know Matsunya ?-- I know him.

What was his position at the time ?-- I remember that at that time he was the Chairman of the Alexandra Township African National Congress Branch.

BY THE P.P.: Your Worship will note I have only asked the witness to read passages from these speeches; we have been trying to save time to expedite the hearing. That is why that has been done. It has been done after my learned friend Mr. Berrange agreed to it; and the agreement goes further that the speech will be taken as read -- the notes will be taken as read.

BY MR. BERRANGE: That is so, we have agreed that the pocket book containing the notes be handed in as an exhibit, and the notes in that book should be taken as having been read.

CROSS-EXAMINED BY MR. BERRANGE:

I think last time I put some questions to you you admitted that it was impossible under the circumstances to get down in your notes everything that the speakers said?-- That is correct.

And this meeting started at 10.30 a.m. and finished at 2.45 p.m. ?-- Yes.

And I take it that that which you said on the last occasion about being unable to get down everything that was said applies equally well to this meeting ?-- That is so.

And you wouldn't deny therefore that some of the speakers said that they blamed Mr. Swart for the bad relationship between the whites and the black ?-- I wouldn't deny it.

And you wouldn't deny that the speaker went on to say that you must not hate the Europeans ?-- I do not remember any speaker saying so.

You won't deny it ?-- I do not know whether that portion is in my notes; I would like to go through my notes and see whether I have got something of that nature.

Look, you've told us already that your notes are full, that some of the things may have been mised; now, if

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that is not in your notes, that which I suggest to you, I am still putting it to you that even if it is not in your notes, you will not deny that this may have been said by one or other of the speakers ?-- I wouldn't deny in that case.

That is what I am asking. Now, then, I am going to ask you to read some of your notes; some of the portions that haven't been read yet. I want you to refer to the speech made by B. Mashamaite ?-- Yes.

I don't want you to read the whole of his speech, it is not necessary; I want you to start off from "If apartheid means 'Get out of the way....' ?-- "If apartheid means 'Get out of the way' as interpreted by one I interviewed, I say the white people must go out of our way in our country."

"If apartheid means 'get out of the way' as interpreted by one boer I interviewed, I say the white people must go out of our way in our country." Then you can skip the next three sentences, and then start with the sentence: "If I tell you..." ?-- "If I tell you that you must hate a dutchman I will be telling you a lie, because the Bible says 'Love your neighbour as you love yourself.'"

Then you can go on and start off "I blame Swart..." ?-- "I blame Swart for bad relationship between white and black. Our leaders are banned, so the Ministers in Parliament must be banned also. Our leaders Dr. Moroka and the 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...."

Now we've got the full context of that. Would I be correct in saying that some of the speakers said that the

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only way to freedom is through education -- is it possible that some of the speakers may have said that, even though it is not in your notes ?-- I remember that in one of the portions I read.

And besides that which you read, didn't other speakers also say that the way to freedom is through education ?-- I don't know; that is possible some speakers may have said so.

And some speakers may also have said that the way to freedom is through education and not by using violence; is that possible ?-- About violence I can say that in all the meetings, including this one as well the African National Congress has always admonished the people not to resort to violence, they should not fight in any manner whatsoever.

That is at every meeting you have attended ?-- Some of their meetings, not all of them.

Including this one you said ?-- Excepting this one.

Did you say including this one ?-- No, I said excepting this one.

Do you deny that that is what you said a few moments ago ?-- (Interpreter: I believe I must have made a mistake.)

What did you say then ?-- If in any of the passages read here I used the word 'violence' then I don't think it was used in this particular meeting. People have been always been admonished against using violence.

(No further questions) (Notes handed in as G.25.)

MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

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

(Meeting 18/7/54.)

On the 18th July, 1954, did you attend a meeting of

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the African National Congress at Alexandra ?-- I did.

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

Are these notes contained in your pocket-book before the Court ?-- Yes.

Who was the chairman of the meeting ?-- Phineas Nene.

Will you read his speech ?-- Phineas Nene: "We meet at a critical time when the Nationalist Government because at night the Government does not sleep. Swart last week at Natal delivered a bad speech because he told the gathering that if the time permits to shoot they will do so. If Defiance Campaign starts again. So I want to tell you that African National Congress is at war with the Government<sup>of South Africa</sup>. African National Congress is the only opposition to the Government. The Nationalist Government is really at war. The Africans will not be frightened by the meetings of S.S.Bengu. I want to ask him where are his supporters now? When he wanted to break the Congress. He may be bought with money but he will not break the Congress. Though Swart said Defiance Campaign will be crashed, but last week we have already got 3,000 volunteers in three weeks' time. At the election you will see that the number of the Senators of the Nationalists is 45 members, so that no opposition...." There is one word I have written on the top here I cannot make it out. "Because the Government have realised that African National Congress is the only opposition. Nobody could stop the sun from rising. We want to tell Ngobane who has taken Bengu's place that he will not do anything; he will go back to Natal having nothing. When the police give Luthuli his ban at the Jan Smuts Airport they thought he would go straight back. They said they thought he would go straight back to Sophiatown. But he went to Sophiatown. We will have to pay high price

for Defiance. The day we are ordered we will march forward and defy though Swart have ordered police to shoot. Swart is wasting his time in ordering the police because the guns will not stop the march of the African National Congress. Everybody must prepare himself to accept the order the day it comes, because if you do not do so, the Dutch people will say we have beaten them, so you must join volunteer corps today and from now on we will begin to organise everybody to join volunteers." The speech ends there.

Was the next speaker Kwalepe ?-- Yes.

And after Kwalepe did Peter Selepe speak ?-- Yes.

"Will you skip the first three sentences ?-- "The Government wants to please the white people...."

Start a couple of lines before that ?-- "You have heard that Sophiatown must go because the Government wants to place the white people."

How do you spell 'place' ?-- I spelt it wrongly here. I said 'please' instead of 'place.'

Read it again ?-- "The Government wants to place the white people." But I wrote here "The Government wants to please the white people."

What is the right word ?-- I think it must be "because the Government wants to please the white people." "The white people who do not support ....."

Start again with that sentence ?-- "The African people who do not support Sophiatown people do not realise today but tomorrow when Alexandra goes it will be the time they realise, but too late. We of African National Congress we know that we will get freedom. We have homes; though they may remove all locations like Lady Selborne, Alexandra Township, Sophiatown; though Chief Luthuli may be removed immediately he is removed someone else takes his place. If the

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organisation does not work you the individual is responsible for the dying of the organisation. We must take the example of the other countries like India, which was oppressed for 12,000 years..... 1,200 years by the British. I want you to remember that we have only been oppressed for 300 years. There is still time to choose." The speech ends there .....

No, it doesn't end there, but I skipped one page here.

Start again after the 300 years ?-- I do not know whether this word is 'choose' or 'shoot'.

Read the sentence ?-- "There is still time to shoot." Now in the other page I have got 'to shoot Malan.' "Malan is so bad to us because he sees the end of the road. Not the Liberals of United Party, but African National Congress only. Malan will not be free unless the Africans are liberated. They will not rest. That is why they employ watch boys to watch their properties because they know that the owners of the country may come and take their belongings. The police also are in the same line." There's a writing here I cannot distinguish. .... "The Government does not trust him. The Europeans come with revolvers here, but we have no revolvers. But we say he is a danger to these people though he is not trusted by the Europeans."

After the speech of Selepe did Abel Maluleka speak ?--  
Yes.

Will you read portion of his speech from about half-way down your notes, from where you've got "Every African who has something to assist the Congress....." ?-- "Every African who has something to assist the Congress, he may approach the officials. We are not fighting against the African police, but we fight against the law of the country. They know very well that they are called Boers. The churches must preach the Congress doctrine and tell the children that the whites are criminals, because the Nationalist children in schools

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are told to write a composition about the Government. The teachers must tell the children that the whites came here only to exploit the Africans. I appeal to all our intellectuals to spread the doctrine of the Congress, because many people will come and join us. I appeal to workers, all those who are working in factories to join Congress. You know, we have no guns, but we don't want to live under fear. Many people say African National Congress will not do anything because the people have no atomic power, but if we are united because for instance if we all stop working, all at the same time, what can happen. Go out to the domestic servants and preach to them about Congress, and go to the uncivilised mine workers and preach to them and tell them that all they do they do it in the interests of the oppressors. All they do they do it in the interests of Oppenheimer and Eisenhower." The speech of Maluleka stops there. The next speaker was Makewane. "Afrika! Sons and Daughters of Afrika. In fact, I did not prepare myself to speak. The time of speech is past. All over the world we read of revolutions. All over in Indo-China, Kenya, Malaya, Gold Coast, people are fighting for the cause. Is that the people demand their rights. These people have shown us the way. India bought out the British. The war in Indo-China they do not read about it already. When the war at Kenya started the British said it was only a mere fight of gangsters but today it is already two years. The people of Kenya have shown the British that the black man can fight. We are not lagging behind in South Africa. There are preparations being made about the Western Areas. Volunteer corps are prepared. The Congress has appealed to you to fight against Bantu Education...." an abbreviation for Bantu Education. "Malan does not want us to work in town, but to work in the kitchen, in the farms. They do not want us to acquire high education



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but we will be forced to fight for these issues. We have been struggling very hard for education. We have many B.'A.'s, doctors, that is why the Government is fearing that by education the whites will be driven out. In fact, many Africans have taught the whites to operate the machines. We will oppose this Bantu Education. The first thing we must tell our people about the dangers of Bantu Education. Teachers associations have not yet been formed in Alexandra. I know the teachers are afraid to fight this, but such traitors will be taken out. Are we going to allow Verwoerd to do what he likes with our schools. We will have to take away our children out of Malan's schools. We will have to take away our children out of Malan's schools. In Kenya they have 3,300 schools out of the Government. The Government is very scared, that is why you see many police at all meetings. It is better for a man to die standing defending....." I am sorry.....

Repeat the sentence ?-- "It is better for a man to die stand than to die sitting down. It is your duty to rally everyone to join Congress. Long Live Afrika!" The speech ends there.

The next speaker was Joseph Molefe ?-- Yes.

Will you read the first portion of his speech ?--  
"I am very pleased to be with you today. It is a long that I have not been able to come to you and speak to you about freedom. We should have had a big meeting after the Cape conference but I hope from now on every Sunday we will organise the people. The problem of the white people in South Africa is the capitalist papers. They are always ....."

Read that again ?-- "The problem of the white people in South Africa ...." there is something I cannot make out here. Then I can see 'the capitalists.' "Capitalist papers"

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And after 'papers' ?-- "There are always long columns of the Africans space, We are the owners of this country. How can you expect these people of Europe to be of any good to us whilst they were thrown,..... whilst they were thrown out of Europe because they were gangsters. Van Riebeeck was thrown out of Holland because he was a gangster. He came to South Africa as a grower of vegetables, but eventually he abandoned. These **Afrikaner** people forget themselves that they originally came from Holland. Every ince the formation of the Parliament nothing was done for the Africans."

Will you read on -- skip about a page of your notes ?-- "We had a conference of trade unions in Trades Hall ....." "We had a conference at Trades Hall, a peaceful meeting, discussing Western Removals. Before we came to the middle we saw a force of police armed with guns..... machine guns around the Hall. The leader of the police said he came to investigate a case of treason. Have the Government of the Nationalists reached such a state of stupidity of investigating a case of treason. They only came to come and terrify our people not to come to meetings. We want to tell Malan that his terrorism will not terrify our people to freedom. In Kenya though the British have aeroplanes, but the Kenya people march forward to freedom. In every colonial territory you will always see that there is oppression. All the rich people of industry ....."

Read that again ?-- "All the rich people of Industria, like Oppenheimer always dictate to Malan such laws to pass on natives. We have now far too tired for this oppression and domination of the white people on us. The white people are so stupid that they think South Africa will be their paradise forever....." There is something I cannot make out here. ...."But we know that the time will come when a change will come and we will rule this country. In life when a

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thing is born, but as time goes on it will grow older and die. You cannot check ...." Something like 'check' I am not sure ..... "the progress of the thing that is developing. We have been growing politically no matter how weak we may be, but one day we will rule. Our liberatory movement is growing and becoming strong. That is why we will rule one day. The present social system has grown up and became strong, but now at the moment it is growing older. Now the liberatory movement is taking its place."

Now would you read from the fifth last sentence ?--  
"If you refuse to accept those jobs you will be sent to youth camps where farmers will come and get workers. It is going to be a real forced slave camp; so friends we must decide here what we must do about this ....." I do not know whether I wrote "about this atrocious thing." We can protest or send deputations to the Government but at this moment we cannot, only unless.....

Start again ?-- "But at this moment we cannot, only a mass action can work. The people of Sophiatown are going to be removed. The president has asked for volunteers to be sent Sophiatown, so we must be read to answer the call. These volunteers we are asking is more than the 1952 volunteers. We are going to meet harder punishment." The speech ends there.

COURT ADJOURNS:

COURT RESUMES 5/3/57.

APPEARANCES AS BEFORE:

MR. BERRANGE ADDRESSES COURT:

Accused J. Buza returned -- explanation accepted.

MAGISTRATE ADDRESSES ACCUSED:

MR. BERRANGE ADDRESSES COURT:

Accused Phineas Nene, No, 51,

MAGISTRATE ADDRESSES ACCUSED No. 51:

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:

MAGISTRATE WARNS ACCUSED:

MR. BERRANGE ADDRESSES COURT:

(Accused No. 52, Lillian Ngoyi, medical certificate to be handed in later.

Accused No. 149, Debi Singh, now present -- certificate produced.

Accused No. 6, Peter Beyleveld, certificate handed in.

Accused No. 55, L Nkosi, still absent. (T.B.)

MOTSEKE MASELE, duly sworn, (Int. D.K. Januarie.)

EXAMINED BY P.P. (MR. LIEBENBERG:)

Yesterday in dealing with the meeting of 18/7/54, you finished reading your report of the speech of Joseph Molefe. Will you continue with the speech of the next speaker?-- Bernard Molewa, "Sons and Daughters of Afrika! We are bound to two eternities. They will show us exactly whether we are really honest. Name have been oppressed by other name. We are gathered here because we are oppressed. As long as these rulers are not just they are not rulers. This time is not a time of freedom. I believe as we are gathered here we are ready for action. Therefore let us accept the call of the president. Many people in other countries are oppressed and they are struggling for their freedom. Here near us in Kenya those people are struggling for their freedom. Now, how is that a person can be satisfied about oppression. People in Indo-China they fight their foreign oppressors. The Korean people showed by fight-

ing against imperialist government. The Indo-China people fought ...." there is one word I cannot see here - "...the very powerful government of France. The masses of the people are fighting for their freedom. Now this is the time for the people to join volunteers for liberation in order to strengthen the liberation we must join today to participate in the liberation of our people. The volunteers have never failed. If the people of South Africa during the war were forced to join, why can't you join now, when a call upon the volunteers is to enrol. No African must turn back because we will be fighting for the interests of the African people. Bantu Education has been introduced. No other schools will be allowed to go on except Government schools. Swart is busy banning our leaders. Schoeman is also busy to stop the people from being employed. Don't turn back from the battle." The speech ends there.

Now, you mentioned the following names of speakers who addressed this meeting: Phineas Nene, Peter Selepe, Makiwana, Joseph Molefe -- do you know these persons?-- I know them.

Can you identify them?-- I can. (Witness leaves box .....

Can you just say whether these people are in Court or not?-- Tennison Makiwana is present in Court; Joseph Molefe is present, also Phineas Nene; and Peter Selepe also present.

Do you know these persons well?-- I know all these persons; I do not know if there is anybody I have left out.

When you say they are present in Court do you mean they are amongst the Accused?-- That is correct.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

I think you told us yesterday that you agreed that it was very easy to make a mistake about certain words that you were writing in a hurry ?-- Yes, that is possible.

And it is also difficult -- let me put it this way, it is also possible for you to make a mistake in deciphering the words that you have got written down ?-- That is so.

There are just one or two little mistakes that I would like to have cleared up, but before I refer you to your book, I want to ask you this question -- have you yourself got any independent recollection of any speaker saying that there is still time to shoot Malan ?-- One speaker said so; I believe I read something of that nature yesterday.

Do you remember his saying so, without referring to your book ,?-- I do not know whether I can remember it.

Let's refer to your book; look at Peter Selepe, about a third of the way through his speech; when you come to that passage don't read it out, just show it to me first ?-- I have found that. (Notes handed to Mr. Berrange.)

Where is the reference that you read out yesterday about there still being time to shoot Malan ?-- (Witness shows passage to Mr. Berrange.)

I would like you to tell the Court how you spell 'shoot' ?-- S-h-o-o-t.

You are quite sure that the first letter of 'shoot' is an 's' ?-- I am quite sure about that.

All right, now tell us what the first letter of this word is -- the last word on page 58 ?-- It looks like 'c'.

But you don't spell 'shoot' with 'c', do you ?--No. I think yesterday when I got to this word I said that I could not decipher it. I further said that it looks like

'shoot' at a later stage.

Now, what is the word really -- it is 'check' isn't it, not 'shoot.' The way you have spelt is 'c-h-u-c-k' -- either 'check' or 'chuck' ?-- 'C-h-a-c-k.'

Is that 'shoot' ?-- It is not 'shoot.'

Now look at the next word on the next page ?-- 'Malan'

So what is that -- just repeat that ?-- "We have still time to check Malan."

Not shoot ?-- Not shoot.

In any event, you told us yesterday that at nearly all meetings of the A.N.C. they usually warn people against violence ?-- Yes.

Will you agree with me that one of the speakers when inviting all people to stop work at the same time .. ?-- He said what would happen if all the people left their work at the same time.

And he went on to say that would be a means of helping the A.N.C. rather than by using violence ?-- I believe that is what he said.

There is just one other thing which is important, and it indicates how very easily one can make mistakes in reading from these notes; do you remember Joseph Moleli speaking.

Do you remember his talking about Van Riebeeck having been thrown out of Europe because he was a gangster ?-- I do.

What you read was this: "He came to South Africa with a gang of vegetables which eventually he abandoned." ?-- I remember reading this that he came to South Africa to grow vegetables.

You had better look at your notes and let us clear that up; it is in the first quarter than Moleli's speech

-- I see it is Molefe ?-- Yes.

I should have used the word Molefe. (Mr. Berrange reads through notes.) I thought the word "vegetables" which the witness pronounced yesterday should have read "renegades" but I see the note here, so far as I can decipher it is: "He came to South Africa as a grower...." spelt "c-r-o-w-e-r" -- "...which eventually he abandoned. How do you spell 'grower' ?-- 'G-r-o-w-e-r'

What is this word 'c-r-o-w-e-r' ?-- It is a spelling mistake on my part.

This should be 'g-r-o-w-e-r' ?-- Yes.

So then the note is 'he came to South Africa as a grower of vegetables' -- is that right ?-- Yes.

Did you know what the speaker was referring to when he spoke about Van Riebeeck growing vegetables, or is it something you haven't read about ?-- In history I have come across Van Riebeeck's work.

As a grower of vegetables ?-- I do not know whether he grew vegetables.

There was a call for volunteers, was there not -- several speakers made a call for volunteers ?-- Yes.

And you will agree that one of the speakers referred to the fact that during the last war when volunteers were called for they were forthcoming from the Africans ?-- Yes, one of the speakers said so.

And he pointed out that their bones are still lying in the desert up north ?-- I do not remember him saying anything about bones.

Well, this is what you read yesterday: "African bodies are lying in the desert" ?-- I remember that, I agree.

And then is it not a fact that the last speaker elaborated this theme, and he said that the volunteers did not



fail South Africa during the war ?-- That is what he said.

And that they should now not fail South Africa in days of peace ?-- I do not remember anything about the days of peace.

You don't deny that that is the way in which the matter was elaborated ?-- I do not remember; I do not know that something of that nature was said.

Do you deny it ?-- I do not remember; I do not know that something of that nature was said.

I don't want to put my question to you over and over again; it is a very simple question -- do you deny it; is it possible ?-- I said that these people called for volunteers because during the war they answered the call. It would not follow if called up by Congress they refused because when they were called up for the war they accepted, they answered the call. My reply is in connection with the word 'peace' I do not remember that I wrote about the word 'peace' in my notes.

No, but you have already told us that certain things were said which you couldn't get down; you told us that today, you told us that yesterday ?-- That is so, if I am called upon to remember something which I cannot remember, I just can't remember it, and I do not know.....

You just can't remember it; so that you can't say that it is so or it is not so -- ?-- That is correct.

And generally the suggestion made by the speakers was to the effect that the Africans had not failed the people in the war and that they shouldn't fail them now when the Congress calls them ?-- That is what they said.

(No further questions)

MR. SLOVO: NO QUESTIONS:

MR. SOGGOT (NOW FOR MR. COAKER) : NO QUESTIONS:

RE-EXAMINED BY P.P. (MR. LIEBENBERG)

You told my learned friend that at meetings people were warned against the use of violence ?-- Yes, I did.

Now, I want you to confine yourself to this meeting to which you have been testifying, the one that has been held on the 18th July, 1954, and say whether at this meeting people were warned against the use of violence ?--

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

BY THE COURT: Do you agree that it was said that they should rather resort to stoppage of work than use violence ?-- The speaker said what would happen if all the people stopped on the same at the same time, and if the word violence does appear in my notes in the pocket-book, then the speaker must have used the word violence, but if it does not appear, then he did not use the word 'violence'..

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

PLAYBACK:

DISCUSSION BETWEEN MAGISTRATE AND P.P.:

RE-EXAMINATION BY P.P. CONTD.

My question is this: Whether the witness understood the speaker to mean what he has given the Court, or whether that was what the speaker actually said; whether the speaker said general stoppage of work would be a means of helping the A.N.C., and also whether the speaker said that that would be preferable to the use of violence. I don't want the witness to say 'I believe that that was what was said' -- I want him to say exactly what the speaker said ?-- In reply to counsel I said that if the word 'violence' appears in my notebook then the speaker used the word 'violence.'

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

(No further re-examination)

(Notes handed in, Exh. G.26.)

FURTHER EXAMINATION BY P.P. (MR. LIEBENBERG):

On the 4th July, 1954, did you attend a meeting which was held at No. 2 Square, Alexandra Township ?-- Yes.

Did you there make notes of speeches delivered by various speakers ?-- I did.

By what organisation was this meeting held ?-- The African National Congress.

Are these the notes of speeches made at this meeting ?-- Yes. (Part of G.26.)

Will you refresh your memory from those notes, and say when the meeting started and when it was closed ?-- From 11.30 a.m. to 2.15 p.m.

Who was the chairman ?-- Phineas Nene.

What did he say ?-- "There are many things that African National Congress must do, so every Sunday you must come to the square. You have heard what Chief Luthuli has said at Cape Conference, that the people are wanted since freedom is wanted. So you should have come by hundreds to hear what Luthuli had said. He has already told us to organise the people and have people who would defend Sophiatown when the Government starts moving it. It is the aim of the Congress to overthrow Malan and Luthuli must take his place. The Government Cabinet is afraid. Chief Luthuli has appealed for volunteers. The Government have spent three months deciding about the removal of Western Areas and many bills have been passed to enable Verwoerd to move the people of Sophiatown. You have seen the actions of the Government when they raided our meetings at trades hall last Sunday. The police were armed just to frighten our people. The black giants of Africa will no longer be frightened by machine guns or anything. The Government may continue raiding our meetings, but by so doing they would be giving the Africans more power than ever. We want our Africa back no matter what circumstances may be,

Dr. Njongwe has appealed at Port Elizabeth that the 18 years Africans must become African National Congress members because Malan also wanted these 18 years youths of Afrikaners should have the right to vote. Dr. Njongwe addressed the meeting for two hours, asking the 18 years youths to join Congress, and after that Swart has banned him. Dr. Njongwe at Cape Town Matji have been banned. The same uniform I have ....."

Now appears the word 'secretary' and just before the word 'secretary' is a word which I cannot make out, and now I don't understand the sentence."The strength of the African National Congress is not strong yet. The day it is strengthened it will take over the Government. We have not yet received instructions from the headquarters to ask for volunteers, but that day is coming. I wish you must come early at No. 2 Square next Sunday because we will have too much to do. Each one will have to pay 3/6 for buses to take us to Sophiatown where we will welcome Chief Luthuli on 11th July, 1954, at Sophiatown. All branches of African National Congress have been requested to attend so everybody is to organise the people to bring their 3/6 for bus fare." The speech of the chairman ends there. The next speaker was M. Masunya. "You have heard what the chairman has said. We speak here every Sunday because we want to live in peace in our country; Congress was formed after the Africans had been kicked out after the Peace at Vereeniging. In 1910 when Union was formed Africans were not included in the affairs of the Union. The Prime Minister was General Botha. Many people were surprised what kind of a Union was that formed when other races was not included, so the African National Congress was formed to unite the people. In the first Cabinet General Hertzog was included, and he was not satisfied because he used to call the English people 'the rooineks.' General Botha appealed to General

Hertzog to stop his trouble and resign from the Cabinet, and therefore General Botha was forced to dissolve the Parliament. Hertzog went out to organise the people till he became the Prime Minister in 1924. He used to preach the Afrikaner nationalism. He fought for Afrikaner language in Parliament. He tried all he could, even to have Afrikaner flag. He also tried to keep the Union out of Britain. The Afrikaner not satisfied when their language is spoken in every office. In 1933 when there was starvation Hertzog and Smuts formed the United Party. When Smuts was Prime Minister but Hertzog was never satisfied. The Nationalist Party was formed by Malan who complained that Hertzog had joined hands with Smuts. Dr. Malan preached under the name of the Nationalists until Hertzog in 1939 was defeated by Smuts during the second world war. Hertzog was defeated by the Smuts supporters. Then Smuts became the Prime Minister ... Prime Minister abbreviated. "... but during 1949 Dr. Malan took over the Government by surprise, but still the Nationalists were not satisfied. I want to tell those Europeans who hate the Africans that Congress will be in future Government of this country, no matter what people say. Perhaps I will be dead at that time. There is no reason why Congress cannot rule, yet Hertzog quarrelled with General Botha, Malan and Havenga joined hands and took over the Government from United Party. We shall preach the African nationalism among our people till they come together under Congress. The difference will be this, no racialism Government, but partners, democracy government will rule this country under Congress. No colour bar will be implemented. There is no reason why Malan must hate us. We are taking the same path. When Malan fought for the Afrikaner people he was not wrong. When the English fought Julius Caesar of Italy he was not wrong. When the Hol-

landers fought Phillip of Spain they were not wrong. So African National Congress is not wrong when it wants its rights. Malan goes to the farmers and preaches hatred between black and white because Malan knows that these uneducated farmers are not right. That is why Malan says the African people are not yet right. They cannot even handle the guns. But I say Malan is telling lies. Go to the university you will find that an African mentality is very high. Even an African is not yet right. Why Dr. Nkhruma of Gold Coast is a Prime Minister. Apartheid is not fixed at this stage. This is the time of civilisation. Malan preached apartheid only to win those fools to vote for them. It is why African National Congress opposes apartheid. We do not want two states in South Africa but one state. Do you think when Africa is attacked yet the people are not yet united it can win that war, but if white and black are united they will fight shoulder to shoulder and defeat the enemy. Last Sunday we had a peaceful meeting but was raided by the police. They did this only to provoke the Africans so that if they become somehow then the police to use their guns. But since we African people know that we are Christians....."

Will you omit the rest of this speech -- just finish that sentence?-- "If they become somehow then the police to use their guns, but since we African people know that we are Christians we did nothing. Jesus preached peace on earth and brotherhood to men."

Now the next speaker?-- The next speaker was Philemon Maphanga.

Will you read from his speech commencing with "President Luthuli will serve....."?-- "President Luthuli will serve every nation well. Do not fear, Luthuli is the right man to just..... and unjust man Verwoerd is against you, your progress. You must not fear anything. Malan and his

friends fight....."

Will you read again from "Verwoerd is against your progress" ?-- Verwoerd is against your progress; you must not fear anything. Malan and his friends fight. Get your land back. Eliminate Malan's Government. Fight his discrimination. Let us sift out any obstruction."

Repeat that ?-- "Let us sweep out any obstruction. Swart was shocked by our resist conference which was officially opened by Father Huddleston, who fights all discriminatory laws. He hates all what Malan and Verwoerd do and say. Removal, Bantu Education are the principals of apartheid. We shall automatically get our freedom at any time. Malan creates starvation. We want freedom in our own country. Luthuli must rule this country. A white man does not belong here. They are just to give us our rights. We want to assure this Government that we shall not stop the struggle. If Dr. Verwoerd tries to get out these dirty laws we will not be afraid to continue our struggle. We are not afraid of the police. I saw them at Trades Hall. The police intended to shoot. We are not fighting, we have no guns, but our guns are to tell Malan that we want rights, better living. I am still young, but I will fight till ....." something like 'till the Doomsday.' That ends the speech of the speaker. Now another speaker was Sam Masimula. "Slaves of Afrika! This is our fight to remove the handcuffs. If we are unable our children will not be able to do so because they will have received Bantu Education. When our people first saw the white man they thought he was a human being, but later they say he was an intruder. I appeal to you all here to organise our people and we must be prepared to die, when the tanks of Verwoerd destroy Sophiatown. We will fight for Africa, freedom. In Cape Town at every house when greeting someone you cannot shake your hand with him, but you say 'Afrika.'

People speak about how can Africa be free. You cannot get work if you do not belong to African National Congress, so youth of today have to do the work of organise. Our fathers have taught us that if Verwoerd introduced Bantu Education today at Cape Town if you have no membership card you cannot attend meetings, so Swart has no right to ban our members, because he does not belong to Congress. He does not know the constitution of African National Congress. I appeal to my companions, youth, let them all come and join Congress."

This concludes the speech of Sam Masimula. Now the next speaker was Michael Mosele. "The last speaker has thrown many things over your necks. They have shown you many things done by past people. They told you about Botha and General Hertzog when they departed. During those days the Afrikaner people went from place to place telling the whites that the whites were telling the natives that they were kaffirs. Congress was formed in 1910. Now, we of today we are knocking at the doors of Parliament. We want to rule this country. The forces of liberation are many all over, as far as Indo-China. We want to warn our people not to be racialism, not to hate the other peoples. We are preaching harmony and peace in the four corners of the world. If the Dutch people are not going to listen we shall make them to listen. The white Christians told our people to become Christians after our people have joined. They went out of the church, particularly speaking about the Dutch Reformed Church; that is not a church, but a political church. It hired Bengu to destroy our organisation. I appeal to you my people to resign from the Dutch Reformed Church. The Dutch Reformed Church was formed after the Blood River war so that is not a church. It was formed because the African forces of Dingaan and Chetwayo were very difficult. The leaders of the Church are all police. On the north Brink of



the police is a leader of the Dutch Reformed Church. Malan and his Cabinet belong to Dutch Reformed Church. Malan said he will return to the church after he has liberated his people. It cannot be frightened by the guns of the police. The forces will continue and jump over the dead bodies. All big powers have supported Malan because they have heard that the owners of the land are waking up. They tell us about communists..." I have got here, I don't know what I put .... "They tell us about communists and ...." an abbreviation -- "... and Indians. Who brought the Indians here. The agreement of the South African and the Indian Government failed to materialise but we will make the Indians our friends. The white must just get out of South Africa then the Indians will follow partnership..."

Just repeat the last sentence ?-- "The white must just get out of South Africa then the Indians will follow partnership only or you must get out. The giant of Africa is waking up. They tell us that India is interfering in the affairs of South Africa, but they forget that they interfered Korea. Today they interfere Gold Coast. They are lying, we have seen them. They come to our meetings with guns. The Government of South Africa says if Gold Coast gets independence South Africa will get out of the Commonwealth. And now Malan interferes with Gold Coast. The Government of the Gold Coast is the beginning and Nigeria will follow. I appeal to the youth, men and women that the danger at our doorstep, so we have to go and support the people of Sophiatown. It will be moved over the body of the dead Africans. We will show the Government on that day. The Government must first remove Moroka, Orlando Shelters, then remove the poor Dutch people of Vrededorp. The police must not allow the Government to use them. Where is Hitler. What happened to S.S.. All Hitler guard are running from place to place..." Now there is a word I cannot make out here. "They are being ....."something

I cannot make out. "We may be imprisoned for long terms. Africa is our land. We want those who may be left behind, you must rather die and rule this country. We want partnership with the whites in this country. I call upon you to come forward and join Congress. The Indians Congress are ruling in India. We of the Congress we speak like Jeremiah in the Bible, we speaks under the banners of Congress. We have determination of the Congress **thought**. We may be banned like Shadrack and Mishack and Ebednoch. We do not want the blood of anybody to flow. The black giant of Africa is awakening on the east. Malan is trembling. In South Africa we are not yet awakened since Malan is holding our legs. Kick his hand. The time has arrived we must rule ourselves no matter whether they want to stop our children, but they will never win. They do not want our children to know anything about history. The Bantu Education Act will stay. We have Doctors, Professors. We will smuggle our children and educate them out of South Africa, just as Sisulu went overseas without passport." His speech ends there. The next speech will be Peter Selepe. "Friends of Afrika! I would like to hear from you if you really want Africa back. I am happy to see elderly people at this meeting. ...." There is a word here I cannot see, something like 'so.' "..... are with us. The work, the job we have to do is very heavy. However, we must do it. 60,000 of our people in South Africa lost their lives in 1917 in Mendy. Even those people who were killed by the police. Therefore if you are afraid to build the foundations the freedom you have to fight is yours. We have not stopped yet, but we will fight. You must have solidarity to face the Dutch man, with his ...." the word following is not clearly written - ...." ... with your bare hands. They deceived us with their religion. We have never quarrelled with Jesus Christ. He was killed because he spoke the truth.

That is why we of African National Congress believe of the truth. Today we see Malan doing the same what was done by Hertzog. We must fight the Nationalists in the sea, on the land and on the air. Taking away our leaders will not stop our struggle. Your rights<sup>are</sup>/not privileges. Let us preach the doctrine of solidarity. We must associate ourselves with everybody. History repeats itself. The climate of South Africa does not suit the skins of the whites therefore they must go. How can we take away the Nationalists from power. Nothing but unity. No land you will get after death where you will be free. They are trying by all means to divide us. What love has Malan got. What made him to go and adopt a German child. Why doesn't he take an Afrikaner child. The idea of depriving our Africans of education is nonsense. We will teach our children the education we like. Wars have not stopped our thinking. ...."

That is sufficient. Now you mentioned the names of Phineas Nene, Sam Masimula and Peter Selepe -- do you know those three persons?-- I know them; I know them well.

Are they before the Court today?-- They are.

Among the Accused?-- Yes.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

Please show me Nene's speech?-- (Witness hands book to Mr. Berrange.)

Would you read the first 9 lines on page 15 -- this is not in Nene's speech, it is in Masunya's speech?-- "Shoulder and defeat the enemy. Last Sunday we had a peaceful meeting but was raided by the police. They did this only to provoke the Africans so that if they became somehow then the police used their guns."

What does that mean -- 'somehow' what?-- I do not

know what he meant when he said 'somehow'.

You left a word out perhaps ?-- I do not know whether there is a word I have left out.

But it doesn't make sense at the present moment, does it ?-- I do not know what he meant when he said this, but this is how I have written it down.

As you have written it down it doesn't make sense ?-- I do not know whether it makes any sense.

Do you understand it ?-- I understand it.

Do you understand the sentence 'so that when they become somehow' ?-- This is what is said by a person who does not want to complete what he is saying.

Didn't you tell me a moment ago that you may have left a word out ?-- I did not say so in this sentence.

Did you not say when I asked you whether you may have left a word out in this sentence that you may have done so -- did you not say that ?-- No, then you did not understand me.

Do you understand the interpreter ?-- Very well.

Do you understand English ?-- Yes.

Did you understand what the interpreter interpreted to the Court -- now you're answering without the interpreter ?--  
BY THE P.P.: I think he did say something like that.

BY THE COURT: That he may have left a word out.

BY MR. BERRANGE: That is so.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

?-- I do not remember having said that I may have left out a word, but I explained and said that as written down here, it is said by someone who did not complete what he was saying.

You remember that, do you -- do you remember this very well ?-- As this sentence stands it could have been used by a person who did not want to complete.....

Now, don't play with words with me. You never said it

could have been used; you said in fact the speaker left a word out and did not complete his sentence, that's what you said. Do you understand that sentence?-- I did not say that this speaker left out a word here.

Do you understand that sentence?-- I understand it.

Would you be so good, seeing it's your notes to explain to me what it means, when you use a sentence 'so that when they become somehow' what does that mean -- I don't understand it?-- As I understand this, in explaining this thing, I think that he meant that if this crowd could have been upset in its feelings the crowd could have done something, and then the police would have started shooting.

And then the speaker went on to say that seeing that they are Christians and because Jesus preaches peace on earth and brotherhood to man they did nothing?-- That is so.

In other words, they were going to use peaceful means, even if provoked by the police?-- According to their being Christians it is so.

The next speaker Philemon Mapanga, he also referred to a meeting at the Trades Hall where the police intervened?-- Yes.

And he also said that although the police intended to shoot, they were not fighting?-- That is correct.

Their guns are their words in telling Malan about their wanting rights and better living?-- That is what he said.

Then Motsele?-- Michael Motsele.

He spoke against racialism and he spoke against ... he warned the people against hating other races?-- That is.

And he preached harmony and peace in the four corners of the world?-- That is what he said.

And he said that they wanted partnership with the other races, including the whites, in the country?-- Yes.

They didn't want the blood of anybody to flow even if

they themselves suffered ?-- Yes, that is correct.

And coming back to Masunya, he preached the necessity for unity between the blacks and the whites?-- Yes.

Do you remember he said that if South Africa is attacked the whites and blacks should fight shoulder to shoulder with one another -- I will read out, and perhaps you will remember it. He said "We do not want two states in South Africa, but one state" ?-- He said so

"If South Africa is attacked and the people are not united do you think that South Africa will win that war, and if white and black are united they will fight shoulder to shoulder and defeat the enemy. ?-- That's correct.

Earlier in his speech he said that "under Congress there will be no racialist government but partnership ?-- That is so.

And a democratic government will rule the country ?-- Yes.

He also went on to say that he didn't see any reason why Malan should hate you ?-- That is so.

Would you refer to Peter Selepe's speech please ?-- I have found it. (Notes passed to Mr. Berrange.)

He also said "Let us preach the doctrine of solidarity We must associate ourselves with everybody." ?-- That is correct.

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

CROSS-EXAMINED BY MR. BERRANGE: (CONTD.)

Who was the Chairman ?-- The first speaker.

That was Nene ?-- Yes.

He is one of the Accused ?-- Yes.

(No further questions)

MR. COAKER: NO QUESTIONS.

MR. SLOVO NO QUESTIONS:

NO RE-EXAMINATION:

JEREMIAH MOLLSON, duly sworn,

EXAMINED BY P.P. (MR. LIEBENBERG):

Are you a coloured detective constable in the S.A. Police connected with the Security Branch, stationed at The Grays, Johannesburg ?-- Correct.

On 20/6/54, did you attend a meeting that was held at Western Native Township ?-- Correct.

In the Communal Hall by the African National Congress ?-- Correct.

Did you make notes of speeches made at this meeting ?-- No.

Why not ?-- If the meeting is held in the hall we can't take notes. We are afraid that they will chase us out of the hall.

What happened on this occasion on 20/6/54, did you try to make notes or not ?-- I made the notes at the end of the meeting.

But you don't seem to understand my question. Did you at the commencement of the meeting try to make notes ?-- No.

Why not ?--

BY THE COURT: He said they were afraid they would be chased out of the hall if they made notes.

EXAMINATION BY P.P. CONTD.:

But now, had you attended meetings on previous occasions ?-- Yes.

What happened then ?-- At other meetings we take notes when the meetings are held at the squares, but if the meeting is held in the hall we don't take notes.

On this occasion you made no notes ?-- Correct.

But after the meeting did you do anything ?-- I write the notes down of what was said by the speakers.

When did you do that in relation to the conclusion of

the meeting ?-- As soon as the meeting was closed.

Will you look at these notes and say if those are the notes that you wrote after the meeting was concluded ?-- Correct.

When did this meeting end ?-- The meeting ended at 6.30 p.m.

When did you write this report ?-- At about 6.45 p.m. immediately after the meeting.

Will you refresh your memory from those notes, and say when the meeting started, who the Chairman was ?-- The chairman was Oliver Tambo. The meeting was from 1 p.m. to 6.30 p.m.

And who were the speakers at this meeting ?-- The second speaker was Walter Sisulu, the third speaker Mokoko. The fourth speaker was speaker. The fifth speaker was Maumakwe The sixth speaker was Robert Resha. The seventh speaker Vundla, the either speaker Moretsele.

What did Walter Sisulu say at this meeting ?-- "As you have heard some speakers speaking about MacDonald Maseko. Indeed he has tried his almost best to break the A.N.C. and he has formed his other organisation. Don't you support him. The Secretary-General is banned by the Government to attend some meetings. According to the resolution that was passed since 50,000 volunteers are required and they must be ready for the removal of Western Areas. We must first send it to the executive provincial committee and they will know what to do about it."

What did the speaker Nokwe say ?-- "It's of no use to tell you again because since Malan Government and Verwoerd had tried their almost best to oppress the Africans. Today they have bring something that they call it the Bantu Education Act. That Act it is very danger to Africans. It is going to teach them that they must know that Europeans are their



superiors. It's not what I say but what Verwoerd says and we understand that few weeks back at a meeting that was held here of the teachers and principals. He told them that further teachers will go and take their J.C. at the Transkei and Basutos at Basutoland."

Then from Resha's speech, what did he say ?-- "There is no more time that can be wasted. We keep on making speeches. Verwoerd he dreams of a stab that can oppress us against he takes it to Parliament. People like Mr. Maseko are no more wanted and will not be taken as A.N.C. members. All the people who went to gaol during the Defiance Campaign must go and report in two days time at their chairman as they went for defying. The removal of Western Areas known as the black ....."

Will you repeat that last sentence please ?-- "People who went to gaol during the Defiance Campaign must go and report in two days time at their chairman as we want them for defying the removal of Western Areas, known as the black spots."

Did you also note the names of any people who attended the meeting, apart from the speakers and the chairman ?-- Yes.

Who were they ?-- Ida Mtwana, Lydia, Sampi Maloke, Sibande, Makgothi (H.M.); Masunyana; Masimula, Matseke, Tyiki, (Simon);

Do you know the persons whose names you have mentioned to the Court ?-- Yes.

Do you know them well ?-- Yes, but some of them here I don't know them.

I want to put certain names to you, will you say whether you know them and whether they are before the Court amongst the Accused. The first one Oliver Tambo ?-- Yes, I know him.

Is he amongst the Accused ?-- Yes.

And Walter Sisulu ?-- Yes.

And Nokwe ?-- Yes.

And Resha ?-- Yes.

Moretsele ?-- Yes.

Ida Mtwana ?-- Yes.

Sampie Malope?-- Yes.

H. Makgothi ?-- (Witness leaves box and identifies Henry Makgothi, Accused No. 29.)

And the last two names are Masimula and Simon Tyiki -- can you say whether they are here ?-- Yes.

(No further questions)

CROSS-EXAMINED BY MR. BERRANGE:

How old are you ?-- I am 27.

You are not very sure ?-- I am sure.

Why do you hesitate about it ?--

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Are you sure of your age ?-- I am sure.

Why did you hesitate ?-- (No reply)

Where were you born ?-- I was born at Pretoria.

What year ?-- 1929.

What month ?-- On the 14th May.

Where did you go to school ?-- Lady Selborne.

What standard did you pass ?-- I didn't pass my Std. VI.

Std. VI failed, is that it ?-- No, I didn't sit for examination.

Did you sit for any examination ?-- I just sat for Std. V exam.

When did you leave school ?-- 1937.

What did you do thereafter ?-- I was working.

Where ?-- At the dry cleaners.

For how long ?-- For a few months.

Yes, and then ?-- Then I looked for another job.

Did you get one ?-- Yes.

What was it ?-- At a garage.

What as ?-- And then I left the garage.

What as -- what sort of job did you have in the garage  
?-- Workshops.

What does that mean ?-- I was working in the Workshops  
Department.

Doing what -- sweeping the floors, polishing the engines,  
what ?-- Taking out the spare parts from the cars, broken spare  
parts; when something is wrong with the car we take it out.

Where did you get training to do that ?-- I didn't get  
any training.

How long did you keep that job ?-- It was for about two  
years.

What was the name of the Garage ?-- Pritchard Street  
Garage.

When did you leave them ?-- 1953.

And how long were you working with the dry cleaners ?--  
For a few months; about three or six months.

And two years at the garage ?-- Yes.

And you left the garage in 1953 ?-- Yes.

So you started at the garage in 1951 -- is that correct  
?-- It was during .... from the dry cleaners I didn't.... I  
worked at garage at Advance Laundries then I left Advance  
Laundries motors and then I went to Pritchard Street Motors.

How long were you at Advance Laundries ?-- For 4  
months.

I am asking you, you must have joined the garage in  
1951 ?-- It was the end of 1951.

You left school when ?-- 1937.

What did you do between 1937 and 1951 -- 14 years.  
?-- I started to work in 195\_.....

The truth of the matter is you can't remember, can you ?-- I can remember.

Well, why don't you tell us, you're taking a long time about it ?-- From 1957 I didn't work till 1949.

From 1937 you didn't work until 1949 ?-- Yes.

Why didn't you tell me that when I first asked you the question; had you forgotten ?-- No, I didn't forget.

Why did you hide it ?-- I didn't hide it.

I asked you what you did after you left school and you started telling His Worship what you did. Why didn't you tell us that from 1937 to 1949 you did no work ?-- I didn't know that you want that from 1937 to know what have I done at that time.

What did you do between 1937 and 1949 ?-- That is between 1937 and 1949 I didn't work.

What did you do ?-- I was just loafing.

Just loafing ?-- Yes.

Where were you loafing ?-- Just here around in town.

Who was looking after you ?-- Nobody.

How did you live ?-- I used to stay with friends.

How did you live ?-- (No reply)

You see, I'll tell you why I'm asking you these questions; and I will tell you why I asked you the first questions to how old you are, because I am going to suggest to you that you don't remember your age, you don't remember what you've done and in fact you've got a very bad memory; that's what I am suggesting to you, would you agree ?-- No.

You've got a good memory ?-- Yes.

The memory that wasn't so good as to tell us that for 14 years you were just loafing. Can you tell us where you lived for 14 years ?-- Well, it was no use; sometimes you've got a job for about three weeks; now that I can't say that.

I've been working because sometimes I get a job for about three weeks, a month, then I must still look for another job and loaf again and get another job, like that.

BY THE COURT: Do you mean that between 1937 and 1949 you did work from time to time?-- Yes, sometimes get a job and that job.....

But most of the time you were loafing?-- Correct.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You say you left school when -- what year -- or have you forgotten?-- No.

Well, tell us then?-- I left from 1937 to 1949.

Tell me when you left school, is my question?-- I left school in 1937.

You were then in Std. VI?-- Yes.

BY THE COURT: How old were you when you left school?-- 16 years.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

And you're 27 now?-- (No reply)

And you're 27 now?-- No. 26 full it is not yet 27.

So then how old were you when you left school?-- I was 16.

16 when you left school?-- Yes.

And you're 26 now -- and that was in 1937?--

BY THE COURT: Are you sure what year you left school, was it in 1937 or 1947?-- I'm wrong there; it is 1947, not 1937.

He has obviously made a mistake about the years.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Are you sure you haven't made a mistake about your age?-- No, with my age I didn't make a mistake.

It is 26, not 27 now -- why did you say you were 27 when you are 26?-- It is a mistake.

You are under oath. Do you often give evidence?-- No.

How long have you been in the police ?-- I joined the police in 1953.

Did you tell them that you had been loafing for 14 years ?-- They didn't ask me.

They made no enquiries about your past ?-- No.

They made no enquiries as to who you were, or whether you had got any previous convictions, or anything -- they never asked you ?-- They take your finger-prints and send them to Pretoria to see whether we haven't got any previous convictions.

COURT ADJOURNS 12.45 p.m.

COURT RESUMES 2.15 p.m.

BY THE P.P. (MR. LIEBENBERG):

Might I interrupt the proceedings to deal with certain exhibits found by the police at the house of M.P. Naicker, Accused No. 140. I want to deal first with those exhibits about which there is no dispute. The house of this Accused at 61 Everton Road, Durban, was searched on 5/12/56, by Det.

Sgt. Petrus Cornelius Swanepoel of the S.A. Police, stationed at Durban, and documents now handed in as MPM.9 to 17 were taken possession of in his absence but in the presence of his mother.

BY MR. COAKER: In respect of these exhibits the Defence admits that the house of the Accused, occupied inter alia by the Accused, No. 140, was searched at 61 Everton Road, Durban, on 5/12/56, in his absence by Det. Sgt. P.C. Swanepoel and that the exhibits MPM.9 to 17 were there taken.

BY THE P.P.: Then there is some dispute about exhibits found on the 27th September, 1955, so I intend calling Det. Sgt. Du Toit.

PETRUS JOHANNES JOSEPHUS DU TOIT, duly sworn.

EXAMINED BY P.P. (MR. LIEBENBERG):

Are you a detective sergeant in the South African Police stationed at Cato Manor, Durban ?-- Yes.

On 27/9/55, did you proceed to a house situate at 61 Everton Road, Mayville, Durban ?-- Yes.

Did you search that house under the authority of a search warrant ?-- Yes.

Who were you looking for ?-- M.P. Naicker.

And was he present ?-- No.

Did you search his house in his absence ?-- Yes.

But who was present at the time of the search ?-- His wife.

Did you there take possession of documents which you now hand in as MPM.1 to 8 ?-- Yes.

What did you do to these documents as soon as you had seized them ?-- I place my initials on them.

I want to refer to document MPM.6 -- does that bear your initials; for that matter, look through all of them and see whether your initials appear on those documents ?-- Yes, on all of them.

(No further questions)

CROSS-EXAMINED BY MR. COAKER:

Did you issue a receipt for the documents that you had taken ?-- Yes.

Will you look at this receipt and see whether this is your signature ?-- Yes. (Exh. MPM.18)

Is there any mention on this document of Exh. MPM.6 ?-- No.

When did you issue this receipt ?-- At the time of the search.

At the house of the Accused ?-- Yes.

You observed proper care in drawing up this receipt ?--  
Yes.

Can you explain how it happened that this particular document does not appear on the receipt ?-- It might have been in one of the other files and I took it to be part of the same document.

You say that there were files amongst the documents that you took ?-- I can think of one now which refers to a certain conference.

Will you produce that file please ?-- (Witness indicates Exh. MPM.8)

Is that MPM.8 what you describe as a file ?-- Yes.  
(Book passed to Mr. Coaker.)

This is not a file, but a bound book, which is bound together with staples, is that correct -- a foolscap size bound volume of the African National Congress being the Annual Report of the National Executive Committee to the 42nd Annual Congress of the African National Congress held at the Bantu Social Centre Durban on 16th to 19th December, 1954 ?-- That is correct.

So that is not a file, is it ?-- I termed it as such.

Do you still regard that as a file ?-- Yes.

Do you admit that it is a bound volume ?-- Yes.

Will you look at this exercise book, also a bound volume, is that a file ?-- I won't term it as such.

What distinction do you draw between the file that you have before you and the exercise book ?-- I can see that the exercise book is a bound book, and this is merely a roneoed file put together.

Is it stapled together as a single volume ?-- Yes.

Don't let's bandy words; do you still insist that you describe that as a file ?-- I term it as such.

Did you find any loose documents inside that file ?--  
I can't just remember; there might have been inside.



There might be ?-- At the time, yes.

Would you look at the other exhibits which you took, and tell me if you found any of them inside that file ?-- I can't just remember; it's in 1955 I took these documents, and I can't remember whether they were inside one another or how they were.

How many copies did you find of MPM.6 ?-- There were three copies.

And you can't now remember where you found any of them ?-- No.

Will you pass me one of the copies please ?--

BY THE COURT: How is the receipt made out ?

BY MR. COAKER: It is made out in the form: "Received from Mrs. S. Naicker, 61 Everton Road, Durban, one file, 42nd Annual Conference of the African National Congress" --

CROSS-EXAMINATION BY MR. COAKER CONTD.:

That is the exhibit you have already referred to as MPM.1 is it not -- 42nd Annual Congress ?-- No, MPM.8.

"One pamphlet relating to the Transport Workers Conference" -- have you got that before you ?-- Yes, MPM.2.

"Document relating to peace movement" -- have you got that before you ?-- No. (Exhibits passed to Mr. Coaker.)

There is a document here which you have labelled as having been taken on 27th September, which is called document 2, "Problems of Organisation: Peace Circles must strengthen the peace movement" -- is that a document relating to the peace movement ?-- I just can't remember whether I termed it as such at the time.

Is this a document relating to the peace movement -- MPM.5 ?-- Yes, this is the one.

It relates to the peace movement ?-- Yes.

Did you also take a document which is described by you as "Let us Speak of Freedom" -- MPM.7 ?-- Yes.

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You also took 14 telephone accounts ?-- Yes.

You also wrote in subsequently in manuscript on the receipt, one copy of "Fighting Talk" ?-- Yes.

Is that MPM.3 ?-- Yes.

Now, we have dealt with all the documents that you took, according to your receipt, and none of them answers the description of MPM.6, which is a typed copy of an editorial published in "The New Times" of March 12th, 1955, entitled "Peace will Prevail." Can you now explain, give any reason why this document does not appear on your receipt ?-- As I said, it might have been amongst the other documents I took possession of, and I took them to be part of the same documents. I never perused the documents at the time I seized them.

On 27/9 /55, there were a great number of searches, were there not ?-- Yes.

Did you take part in those searches ?-- On that date I searched M.P. Naicker's house. I only searched this one place.

You didn't take any part in the other searches of a great number of people ?-- No.

Did you return with the documents which you had seized to your police station ?-- Yes.

And I take it that there were other persons on the staff of your police station who had also been carrying out searches ?-- Yes.

Presumably they had also returned with documents they had seized ?-- Yes.

What sort of a room do you occupy in the police station, have you got an office there ?-- Well, everybody has offices at the police station.

Have you got an office there ?-- I share an office with

someone else.

How many of you share it ?-- At this specific office if I remember correctly there were about four of us in the same office.

All European detectives ?-- Yes.

And I take it that there were non-European detectives with whom you worked who also came into that office at times ?-- Yes.

Were you sharing that office with these four people in September 1955 ?-- Yes.

Were all these four people engaged upon the searches on that night ?-- I can't just remember whether all of them were engaged.

Some of them were. I take it that you all returned with your documents to the police station that night ?-- Yes.

Was it in the police station that you began to affix these labels which appear on the document ?-- Yes.

Was it there also that you affixed your initials you had taken ?-- No, in the room where I took possession of the documents, at the time of the search.

You took out your pen and initialled them then and there ?-- Yes.

So that if they had been inside a file as you say, you would not have initialled them ?-- Well, I must have, because my initials are on them.

But will you just pay attention to my question please. Have you on any other occasion seized a file of documents ?-- No.

In order to intial this document in the top left-hand corner I suggest to you you would have taken it out of any file or container in which you found it ?-- Not necessarily.

Where was this document MPM.6 initialled ?-- In the room where the search took place.

Are you quite sure you didn't initial any documents afterwards ?-- No.

Did you initial any of the pages inside this Annual Report of the 42nd Annual Conference, MPN.8 ?-- I might have placed my initials on the inside too, on the front pages, but I am certain that I placed them on the outside of the document.

Yes, you did, you placed them on the outside, but did you place them on any of the inside pages -- will you have a look at it please (handed to witness) ?-- No.

If you had taken this document, MPN.6 out of MPN.8 you would have mentioned it separately on your receipt, would you not ?-- I might have signed it inside the same document and left it there.

Do you seriously suggest that that is a possibility ?-- It is a possibility.

Do you think it probable ?-- Probable.

How many documents did you find at the police station on your return -- you tell me there are others who had been engaged..... ?-- I can't just remember how many documents there were.

Were they on the table in your office ?-- Not on the same table.

How many tables are there in the office ?-- Every detective has his own table.

Do you share these tables with non-European detectives who work with you ?-- No.

Is there any possibility that the documents that you took from M.P. Naicker could have become confused with any other documents ?-- Definitely not.

Can you remember when you affixed this gum label to this document ?-- I did not affix that gum label.

Who affixed it ?-- Det. Sgt. Swanepoel.

Who is he ?-- He is a member of the Special Branch stationed at Durban.

When did he affix this gum label ?-- I cannot say.

When this document left your possession there was no such label on it ?-- No.

And you did not see it affixed ?-- No.

So you don't know how Det. Sgt. Swanepoel handled these documents after they left your possession ?-- No.

(No further questions)

MR. SLOVO: NO QUESTIONS:

RE-EXAMINED BY P.P. (MR. LIEBENBERG)

Are you not a member of the Security Branch in Durban ?-- No.

What did you do with these exhibits after you had taken possession of them ?-- I handed them over to Sgt. Swanepoel.

In Durban ?-- Yes.

Can you remember how soon after the search you handed them over to Swanepoel ?-- On the same date.

Did you parcel them ?-- Yes.

(No further questions)

BY THE COURT: Can you remember whether you initialled the documents first, or whether you issued the receipt first ?-- I initialled the documents first.

MR. BERRANGE HANDS IN CERTIFICATE i.r.o. LILIAN NGOYI, No. 52.

JEREMIAH MOLLSON, still under oath,

CROSS-EXAMINED BY MR. BERRANGE:

Now, you have had the lunch hour to think over the evidence you gave this morning, and I would like to know from you whether there was anything in your evidence you would like to change ?-- It was only the year 36 instead of 46.

What about the year '36, what happened in the year '36  
?-- You asked me what year I left school and I said '36 instead  
of '46.

I don't think you did; you said '37.

BY THE COURT: First you said 1937 and then 1947, that has al-  
ready been changed.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now you want to change '36 to '46 -- well, what year  
did you leave school, '36, '37, '46 or '47, make up your mind  
?-- 1946.

But then you said you were a loafer for 14 years ?--  
It is a mistake.

Why couldn't you remember very well these things in  
your past life -- is that the reason for the mistake ?-- I  
could remember.

Then why didn't you tell us the right things, if you  
could remember them -- what is your answer -- no answer ?--  
(No reply)

What is your answer; if you've got an answer say so,  
if you say no answer I'll go on to the next one ?-- No answer.

You've told His Worship that you know Duma Nokwe ?--  
Correct.

You've known him for a long time -- many years, several  
years ?-- Yes.

Do you know that he is an advocate ?-- Correct.

You know therefore that he is an educated man ?-- Correct.

Now, you went to this meeting, you say on 20th June,  
1954 -- is that the right date?-- Correct.

Are you sure ?-- What date was that?

What date was the meeting; I'll ask you ?-- (No reply)

Can you remember ?-- I don't remember.

You don't remember, although you told us that before  
lunch -- anyway it was the 20th June, 1954. And this meeting

lasted for five and a half hours -- correct ?-- Correct.

What time did it start ?-- Started at 1 to half-past six.

At about 6.45 you sat down to make your notes ?-- Correct.

Where did you make them ?-- At my room.

At your home ?-- Yes.

Where was that ?-- (No reply)

Or have you forgotten the address ?-- No.

Then why don't you tell us, where was it ?-- At the Western Native Township Municipality Office.

You call that your home ?-- No, it's a mistake; it's where I submit that report in.

Did you make the notes at your home or did you not make them at your home ?-- After the meeting I just made the notes at the Western Native Township Office.

Did you make the notes at your home or did you not ?-- No.

Where was your home ?-- At Bertrams.

Why then did you tell His Worship that you made your notes at your home in Bertrams ?-- I've only make the short notes at the office and the report I submitted at home.

I see, so there were some further notes other than these that you produced ?-- The short ones I submitted at the office, it was only to make me to remember what was said and at home I just make a full report.

I see, where are those short notes you said you made to make you remember ?-- I don't know where they are.

BY THE COURT: What did you do with them?--I think I have attached them with the report.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

You think you attached them to the report ?-- Yes.

You don't know where they are now ?-- No.

Let's get this clear; at Western Native Township Offices

you made your short notes ?-- Correct.

Thereafter you went and made your full notes ?-- Correct.

At your home ?-- Yes.

So therefore -- by the way, what time did you get home that evening ?-- It was about 8 o'clock.

How long did it take you to make your short notes ?-- It took me about 30 minutes or an hour.

Then you had to get from Western Native Township to.. ?-- Bertrams.

That's near Doornfontein, is it ?-- Correct.

How long does it take you to get from Western Native Township to Bertrams ?-- I don't know how long does it take.

Well, you've done the trip many times, so just give us an idea ?-- It can take an hour of half-an-hour.

How do you go ?-- With the train.

Are you sure that you lived in Bertrams ?-- I'm sure.

So you want to suggest to this Court that you can get from Western Native Township by train to Bertrams in half-an-hour; are you serious ?-- Yes.

To Bertrams, not to Park Station -- to Bertrams ?-- Yes, I see; did you run, from the station to your home ?-- No.

Then you got home. So you really made these notes that have been put into Court and which you were reading from, sometime round about 9 o'clock ?-- Round about there.

Why did you tell His Worship in answer to my learned friend that you made them at 7.45 -- these notes -- at 6.45 ?-- The short ones.

No, these notes you were referring to; there was no talk about short notes; these notes, they were in front of you -- my learned friend the Prosecutor asked you what time



made them -- these notes -- is that another mistake ?-- (No reply.)

Well, you can shake your head; I want to know whether that is another mistake ?-- (No reply)

Or whether you said it deliberately -- or have you no answer ?-- (No reply.)

BY THE COURT: What notes were you referring to, in reply to the Prosecutor ?-- The short ones.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

When the Prosecutor was questioning you, did you talk about short notes ?-- I didn't mention the word short notes.

Did the Prosecutor mention short notes ?-- No.

Did the Prosecutor say "Where did you make these notes" that were in front of you -- did he or did he not ?-- Yes.

He did. Did you say at 6.45 ?-- Yes.

Was that true -- these notes ?-- (No reply)

DISCUSSION BETWEEN MAGISTRATE AND MR. BERRANGE:

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, these short notes that you speak about, were they made in ink or in pencil ?-- In pencil.

Why do you call them 'short notes' ?-- Short so that they must make me to remember what was said in the hall.

Why didn't you make your long notes in the office ?-- I was going home.

Why didn't you first of all make your notes in the office -- your long notes, before going home ?-- (No reply)

No answer ?-- No.

Where did you have to hand your notes in after you had completed them -- Western Native Township ?-- No.

Where ?-- At the Grays Building.

The notes that you have made appear as if you are reporting these words of the speaker; let me show you what I

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