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James Nponyona

Re: Commission (cont) p. 127

Court's decision re admissibility
of evidence re name of copyright
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residence.

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he belonged to; what was the result of the examination. Now, the witness said that he was of his organization? -127 -

COURT RESUMES 6/10/60

APPEARANCES AS BEFORE:

JAMES NPENYANA, duly sworn,

RE-EXAMINATION BY P.P. CONTD.: I was trying to get you to refer to your notes, a certain passage in your notes, and if you will look now at the back of page 2 of your notes, the circle there indicates the passage I want you to read out to the Court?—"We of the Pan-Africanist Congress were together with another meeting and we were separated from them because they brought a European among us. We are fighting against the Europeans and how can a European fight against a European."

Look at Exh. B. Now the translation as you have given of what Accused No. 3 has said, is that the translation of everything that he said, of everything that he said?-- It is the whole translation.

Of everything that he said into the microphone when it was translated.....

BY THE COURT: Exh. B. has got a certain phrase in some native language on it, and the witness' translation. Do you want him now to tell me what he translated on Exh. B. -- what he said into the microphone or what is said on Exh. B. in the course of argument very frequently already, and it only.

RE-EXAMINATION BY P.P. CONTD.: Referring to Exh. B., is that the full translation of what Accused No. 3 has written on Exh. B.?-- It is a full translation of what Accused No. 3 said.

And what you have written on Exh. B., is that a translation of everything that Accused No. 3 said into the microphone?-- Yes, I wrote it in full.

You mentioned in cross-examination that you were approached Lucas Mathlou for his name and which organisation

he belonged to; that is the reply that you gave in cross-examination. Now, did Lucas Mathlou give you the name of his organisation?— Yes, he gave me the name.

BY THE COURT: Is this now a speech at a meeting or in private?— After the meeting came to a close, then Lucas gave me the name of the organisation he belonged to.

I hardly think that is admissible.

P.P. ADDRESSES COURT ON ADMISSIBILITY:

MR. UNTERHALTER ADDRESSES COURT:

BY THE COURT: The Court has raised the question motu, as to whether the witness, James Npenyane, as to what one Mathlou said to him after he had addressed a meeting of the P.A.C. In the ordinary way, such evidence would be hearsay evidence, and if the Crown merely wishes in that way to prove that Mathlou is a member of the P.A.C., then it cannot do so, because the evidence would be hearsay. In the case quoted by both the Prosecutor and Mr. Unterhalter, that is made quite clear. But the Prosecutor has contended, if I understand him correctly, that that is not the purpose of the evidence. He will want the Court in due course to infer from this evidence and all the other evidence which he intends to present, that he has proved a conspiracy between the Accused and other co-conspirators, a conspiracy as set out in his charges and particulars. I need not here repeat again the conspiracy which he alleges; it has been mentioned in the course of argument very frequently already, and it is clearly set out in the documents before the Court. I am not going to go into the law very fully, as I do not think it is necessary at this stage to do so. The Crown need not first prove the existence of a conspiracy before the acts of the co-conspirators become admissible against the others. It can give the Court the assurance that it is going to

prove a conspiracy and try to do so by means of all the evidence it is going to present. And when it has led all its evidence it can then ask the Court to infer that the conspiracy has been proved and the Court must decide whether or not it has been proved. So far it is alleged that Mathlou is a co-conspirator of the Accused, and I must give it the opportunity to prove that whatever Mathlou has done in furtherance of that conspiracy is admissible against the other Accused. I must give it the opportunity to prove all his acts and deeds and then to satisfy me on the evidence as a whole that all his acts and deeds were in furtherance of the conspiracy. It seems to me too on the authority of Muller's case and the authority of the other well-known text books on rules of evidence which have been quoted, that the Crown can seek to prove the conspiracy, its existence, by acts, speeches, and so forth, of the alleged co-conspirators. Now, when I raised the matter with the Public Prosecutor, as to what an alleged co-conspirator told the policeman in the course of a conversation, it could hardly be said to be an act in furtherance of the conspiracy. It can, however, as I see the law, possibly be proof of the existence of a conspiracy. That being so, I am at this stage going to allow the evidence. I, undoubtedly, one day when the Crown has presented all its evidence, will have to consider the issue as a whole, and decide whether or not some of the evidence may be of no evidential value, and some may be of evidential value. I will have to decide at the close of all the evidence by the Crown whether it has succeeded in proving the existence of a conspiracy, which as alleged, does exist. It is difficult at this stage to anticipate what evidence is going to be led one day, and what the effect of such but I just approached him and asked him for his name, and he

evidence is going to be. And the result will be that I will allow the evidence and decide after the evidence, all the evidence has been given, how much of it is admissible and what must be disallowed. I hope that this ruling which I have given now will avoid unnecessary arguments in the future. It is of course correct for counsel for the Defence to intimate when a particular piece of evidence is given which he queries, the admissibility of which he does not admit, to intimate that fact, just to have it on record, just to make it clear that he does not agree that it is admissible, but perhaps when it comes to similar points to this one could be try to confine ourselves to that sort of recording of the event only. I am not dealing with other possible legal matters that may arise, but with this sort of argument. It has arisen repeatedly already. You can lead the evidence for what it may be worth.

MR. UNTERHALTER ADDRESSES COURT:

P.P. ADDRESSES COURT:

BY THE COURT: One is always inclined to not obstruct any party in the asking of questions, whether cross-examination or not, which are legitimate, and which lead to a final conclusion.

RE-EXAMINATION BY P.P. CONTD.: When did you speak to Math-

leu on this point; when in relation to this meeting?-- At the close of the meeting I spoke to him.

Where?-- Still on the square.

And you said he gave you his name and the name of the organisation to which he belonged?-- Yes.

How did you get this information from him; was it by means of a question, or was he threatened, or were promises held out to him?-- I did not threaten him in any way, but I just approached him and asked him for his name, and he

It told me that we do attend meetings on Sundays.

It was freely and voluntarily given?-- He gave me the information freely and voluntarily. Meetings were being held. And to what organisation did Lucas Mathieu say he belonged?-- He said he belonged to the Pan-Africanist Congress. Now, without referring to your notes, do you recall (No further questions) speakers at the meetings, say a week

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER: (Notes handed to Mr. Unterhalter)?-- It is part of your duties to record everything of importance that you hear at meetings that you attend?-- (Yes, as to witness, Exh. C.) Will you

see whether you attend a very large number of meetings?-- Yes. And if you were not to record what you heard, you wouldn't remember it?-- I would still recall what was said at the meeting although I would not perhaps be able to recollect what was actually said as the main point. This particular

This meeting was held in Alexandra Township on 29/11/59?-- Yes, he tell me?-- That his name is Lucas Mathieu. Did you attend other meetings of this or other organisations round about that time?-- No, I only attended the Pan-Africanist Congress meetings.

Perhaps you don't understand what I said this, or other organisations. In your reply do you mean that you did not round about this time attend meetings of any other organisations?-- I had attended other meetings with the exception of this one. At the close of the meeting on the square. Round about this time, the 29th November?-- On the 29th November I only attended this meeting which was convened by the Pan-African Congress. 29th November, 1959. I had about a week before the 29th November, you also attended a political meeting?-- I cannot recall whether I had been to any other meetings a week prior to this date. I understood you to say, just a few moments ago, that he

it is customary that we do attend meetings on Sundays.

Round about this time then, you were observing this custom and routine and regular Sundays meetings were being held; would it be fair to put it to you that way? -- Yes.

Now, without referring to your notes, do you recollect the principal speakers at the meetings, say a week or two weeks before the 29th November? -- No, I would not be able to remember them.

No, I wouldn't expect it. Now, I want you to look at these notes (handed to witness, Exh. C.) Will you see whether you made a note of the fact that Lucas conveyed this information to you, that he was a member of the P.A.C. I did not record this. This witness did not tell me on this particular day.

The witness? -- Lucas did not tell me on this particular day. It was a month before this.

When did he tell me? -- That his name is Lucas Mathieu.

And that he was a member of the P.A.C.? -- He told me before this day.

I'm afraid I don't understand that, because it was at the suggestion of His Worship that the Crown explicitly put the question to you in this form: When did you speak to Mathieu in relation to this meeting? And your reply as I have recorded it: At the close of the meeting on the square. Now from what you have said it appears that this conversation didn't take place at this meeting at all? --

When Lucas Mathieu told me his name on the 29th November, 1959, I had knowledge already that his name was Lucas Mathieu. I had gathered that from other previous meetings.

I'm afraid I still don't understand you, because I understood you to say, just a few moments ago, that he

did not tell you his name at the meeting of the 29th November, and from what the interpreter has just said to us, he appears to have indeed told you his name on the 29th November; now will you please make up your mind?— He told me before, not on this particular day, that it is your duty. And did he likewise tell you before, not on this particular day, that he was a member of the P.A.C.?— Yes, before, not on this day, and an admission made by the speaker the day before. Now, how is it that you remembered... after the

BY THE COURT: Where did he tell you he was a member of the P.A.C.?— At the Square there, and thereafter I do not

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: When?— On the day of the meeting, did you write it once that he was a

BY THE COURT: Of which meeting?— The meeting before this one, but I cannot recall the date of that meeting.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Would it be approximately a week earlier?— It was a month before this one. This information was obtained by you at the end of

A month before?— No, months before the

When he told you at that earlier meetings, did you then record it?— The day when I spoke to him I recorded it.

Please answer my question directly; when he spoke to you, that is months before, did you record it in your notes, as you have recorded everything else that was said?— I wrote at the meeting where I met him, not at this particular meeting.

What did you write?— I wrote down his speech.

And in addition to writing down his speech, what else did you write down concerning him?— I wrote his name as well as his speech.

Is that all?— Yes, so directed to the fact that

You did not record at this earlier meeting that he made an admission that he was a P.A.C. member. Now, he had made a statement to you after the meeting in which please answer my question in relation to that?-- He did he said he was a member of the P.A.C.?-- No, that I did not write down.

At the end of a meeting?-- Yes.
Didn't you tell me a few moments ago that it is some months before the 29th November?-- Yes, your duty to record everything of importance that you learn and after that day I have often seen him at the meetings I at these meetings?-- Yes, I said so.

Did you not regard an admission made by the speaker that he was a member of the P.A.C., made after the meeting, of sufficient importance to warrant your recording it?-- I only write that once, and thereafter I do not write it again.

BY THE COURT: Where did you write it once that he was a member of the P.A.C.?-- At the first meeting I attended.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: I'm afraid I don't understand the evidence that you have given. You see, I have been led to believe from what you have said,

that this information was obtained by you at the end of a certain meeting, that this meeting was months before the meeting of the 29th November, the meeting we have been discussing in your evidence generally; that at that earlier meeting you recorded his name and you recorded his speech,

and as I understood you, nothing else. Now I understand you in fact to say that you recorded this admission at an earlier meeting. Now, what is the position please?-- When a person speaks at a meeting, we take down his name. There-

after we then know what his name is. If he at the next meeting, he gets up and he makes a speech, then it is not necessary for us to enquire for his name, seeing that we had

on a previous occasion asked him his name.

My question to you is not directed at the fact that he gave you his name. It is directed to the fact that

he made an admission that he was a P.A.C. member. Now, please answer my question in relation to that?— He did make that admission to me.

At the end of a meeting?— Yes. Such and such day, so many people were there. Some months before the 29th November?— Yes,

and after that day I have often seen him at the meetings I have attended.

And when he made that admission to you did you write it down as part of your notes of that meeting some months before the 29th November?— Yes, I did.

Do you have these notes available?— They are not here.

They can be produced?— Our officer has them.

I would ask, Your Worship, that these notes be produced. Perhaps in due course he could be recalled and questioned on them.

At all events, am I to understand that there was no conversation between you and Lucas Mathieu on the 29th November?— No.

(No further questions)

NO QUESTIONS BY ACCUSED NOT REPRESENTED.

BY THE COURT: There are some points I want quite clear.

I have been told, that when you are at these meetings, you have the ordinary standard note-book; Mr. Unterhalter described it as an occurrence book, but it is a pocket book, I think?— Yes.

And then you have a book in which you record speeches?— This is the only book I use for speeches.

I am asking you whether you have two books, your pocket book and one for speeches. Or am I under a misapprehension?— Yes, that is so.

announced. 3. Attendance about 130 Natives of both sexes.

Chairman: Jesias Madanya, speke in Senate without inter-
preter... What do you note in a pocketbook, what things do
you write in these?-- The information we write in the
pocket book is that such a meeting was held on a particular
day, so many people were there and it was at such and such
a time.

And what do you put in the book in which you take
down the speeches?-- We record the name of the speaker as
well as what he said. (Speaking English)

EXAMINED BY P.S. In the speech book you record the name and what the
speaker said; anything else?-- In the note book we also
include the time at which the meeting came to a close;

Do you record anything else in the book which we
will call the speech book, except the name and the contents
of the speech?-- We also record in this speech book, per-
sons whom we have information that they are also members of
a certain organisation in the same speech book.

Why don't you put that pocket book, then when you
have to give evidence about a speech then you can say this
is the speech book and it is used for speeches and nothing
else?-- We also make a note of the names of the persons
who were present at the meeting although they did not make
speeches.

In the speeches book?-- In the pocket book.

No, you are just confusing me. You either don't
understand my questions or you don't want to. You try to
anticipate something I am going to ask you, and I am not
going to ask you any more questions. Give me these notes
please. (Notes handed to His Worship)

Here in the speeches
book, not in the pocket book you record: "P.A.C. meeting
held at No. 3 Square, A. Township, on 29/11/59. 1. Meeting
Commence at 11.45 a.m. to 1.45 p.m. 2. Collection not
announced. 3. Attendance about 130 Natives of both sexes.

Chairman: Jesias Madzunya, speke in Seseto without inter-
preter... Apparently then he get on with his speech. So
here you also record particulars in your speeches book.
Now tell me, finally, in which book did you note down the
fact that Lucas Mathlan told you: "I am a member of the
P.A.C." ?— I wrote that in my pocket book.

and what other native languages do you speak
and what other languages?— Seseto and Zulu.

MAGISTRATE ORDERS PRODUCTION OF RELEVANT POCKET BOOK.

CYRIL KHUMKA, duly sworn. (Speaking English)

EXAMINED BY P.R.: You are a Bantu Detective Constable in
the S.A. Police, stationed at the Grays, Johannesburg, and
attached to the Security Branch?— Yes.

Then I How long have you been attached to the Security
Police?— Six years.

And for how many years have you been in the
Police Force altogether?— Fifteen years.

What is your home language?— My home language
is Xosa.

Where did you grow up?— I grew up at Untata.

What Standard of education did you reach before
you left school?— I passed Std. 6.

Where were you stationed as a policeman before
you were attached to the Grays?— I have been serving at
different stations.

Could you give me the areas of the bigger ones?—
Yes, I was once at Beysens, once at Kenilworth, then
Orlando, Kliptown, Meroska.

Have you been in Johannesburg your whole police
career, or on the Witwatersrand?— Yes.

And have you been living in one of the Bantu
locations all that time?— Yes.

When you say you have been in Johannesburg and on
it was also held at Meroska.

the Witwatersrand, you have got what they call a cosmopolitan crowd, from all over the country people come there, people speaking all sorts of dialects, and they gather in Johannesburg?-- Yes.

Now, what other native languages do you speak and understand besides Xosa?-- Sesete and Zulu.

EXAMINATION: And how did it come about that you learnt Zulu and Sesete?-- I learned it from the members of the Force with whom I am working, and also from the public when they come to our offices; I used to interpret at the Charge Office at times, some of the places I have been stationed. Then I was able to learn and understand these languages.

During your term of office with the Security Police, was it part of your duties to attend political meetings?-- Yes.

Is it part of your duties to take down notes of speeches made by speakers at these meetings?-- Yes.

When do you make your notes in relation to the time when the man is talking?-- Just at the same time the man is talking. I then collect what the man says, then I note it down there and then.

Do you always follow that practice?-- Yes.

Now, without looking at your notes, will you be able to give the Court the dates of any particular meetings, or recall any specific meeting which I might ask you about?-- Yes, I can remember one which was held at Mefele, where the Pan-Africanist Congress had a meeting, held on the 28th February.

EXAMINATION: Can you recall any other meetings which you have attended?-- Yes, I can remember one. There was one earlier to that one, that was in January, I forget the date, it was also held at Naledi.

Now, will you be able to remember all that the speakers have said, according to your notes?-- No, I cannot remember all.

Would you like to refer to your notes to refresh your memory?-- Yes.

DISCUSSION BETWEEN MAGISTRATE & P.P.:

EXAMINATION BY P.P. CONTD.: Will you have a look at these notes; is that your handwriting?-- Yes.

And that refers to a meeting held on 29/11/59 at Naledi, Johannesburg?-- Yes.

Can you remember attending such a meeting?-- Yes.

Now, you wrote down in longhand and in the English language?-- Yes.

Were you able to write down each and everything that each speaker said at that meeting?-- No.

Approximately how much of any one speaker's speech were you able to take down?-- I was able to take the main points which I could get.

Now, what you call the main points, could you give any quantity; whether you were only able to take down a quarter, or a half, or whatever it might be, or the whole of his speech?-- Not the whole speech.

But what percentage; did you take down more or less than half of what the man has said of the whole speech?-- It is more than a half.

COURT ADJOURNS:

COURT RESUMES 2.15 p.m.

CYRIL KHUMKA, still under oath:

EXAMINATION BY P.P. CONTD.: First, at this meeting which was held at Naledi, was it held in a hall or on an open piece of ground?-- It was held on an open piece of ground. And the speakers, where did they speak from, did

already up when you - 140 - It was already up when they have any tables or any furniture from which they addressed the meeting?— They had a lorry they had brought along with them, a horse-drawn (trolley) lorry. When they spoke, where did they speak from?— They were standing on the trolley.

How many persons were amongst the audience, according to your estimation?— There were about eighty Bahuts, of both sexes. My first speaker

And who was in the majority, men or women?—

The men were in the majority. He speaks in Sesotho. And what was the average age of the men?—

They were either 50 years or under. Wellington said?— "In the P.A. Yes, but what was the lowest age?— They were the young people there. They were all grown-up people

at there. What age do you assess the grown-ups as; what do you consider a person must be before he is grown up?— 19 years old. The four corners of South Africa

Were there any flags or banners?— Yes, there was a flag. We can do Africans is unity. Many organisations have. Could you describe the flag?— Yes. It was a green flag with a map of Africa, and a golden star.

Was there anything else on it besides what you have already described?— Yes, there were words written on it. The next speaker

What words?— "P.A.C." "Cape to Cairo" "Madagascar to Morocco."

And where was the flag?— It was hoisted in front of the trolley, in the position where one sits when he drives the horses. There they put a pole on.

On a stick?— On a standard. Africans this is Did you see who hoisted the flag, or was it

already up when you arrived?— It was already up when I arrived.

And was it announced at all who or what was holding that meeting; was any announcement made?— Yes, the chairman announced the meeting in his speech, when he addressed the meeting.

Who did he say was holding the meeting?— He said that this meeting was for the Pan-Africanist Congress.

Who was your first speaker?— My first speaker was Wellington Ranaka.

In what language did he speak?— He spoke in Sesethe. There was no interpreter.

Would you read out what Wellington said?— "In the P.A.C. is amongst the nation of South Africa. It must be known as a real organisation. Many people are ignorant about our organisation. The time has come for us Africans to make their sputniks. Our message to you is that 1963 from Cape To Cairo must succeed in its Government. From the four corners of South Africa we must get our freedom. We must get it. The only best solution we can do Africans is unity. Many organisations have failed to establish the real concern of our humanity but the P.A.C. is forward to a more clearer point than others."

Who was the next speaker?— The next speaker was Zachariah Mtunzi.

What language did he speak?— He spoke Sesete without an interpreter.

He commences on page 3 of your notes, from the words "We are..."?— "We are tired of being governed by foreigners. By 1963 we must rule. We have got a right to rule this country through democracy. Africans this is

no time to play. Parliament must meet four times a year, making laws to oppress Africans. Africans have their country, this South Africa. We must not waste time Africans, let us go forward."

Then the next speaker was Mathew.... and the following speaker, according to your notes, what was his name?— He spoke in English. Mathews Mkwana.

No, go on to the next speaker, Daniel Kuneng, on page 8 of your notes. In what language did he speak?— He spoke English.

Did he have an interpreter?— Yes, Sacharia Ntangi, who interpreted to Sesete.

And to whom did you listen when you made your notes; to the man speaking in English or to the interpreter?— I listened to the speaker in English.

Now, will you read from page 8 of your notes, "Fellow Africans..."?—"Fellow Africans slaves, we believe that you are the rulers of this country and belong to you. As Africans as rightful owners in the Continent join with us. March with us to independence. Tomorrow the United States of Africa.

Who was the next speaker?— Owen Mta. And the next speaker?— Selby Nkani.

Speaker No. 7, who was that?— (Page 17) Bethlage Nbele.

What language did he speak?— He spoke Sesete.

Did he have an interpreter?— He had no interpreter.

And commencing on page 17, with the words "The Europeans..."?—"The Europeans in this country must fall down in ruling the country. P.A.C. is advancing for en-

clapping hands.

14B

... government of Africa by Africans. If we should unite
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 and fight this domination by the white people for fifty
 years we worked at our time in the A.N.C. Just like an
 old dog (we shall.....) We shall achieve freedom. We
 shall achieve South African freedom. Our chiefs will
 not have lost the battle of the Blood River. If there was
 property unity for Africans. We shall break the monument
 down and build it for our heroes. Moshesh and Tshaka shall
 help you and at the same time we shall rest in their arms.
 White foreign dogs in our continent..... We shall never go
 to India and demand self-government. No foreign power
 must succeed in ruling our country. Also siding with
 the Europeans shall not stop our way to freedom. Our
 name should be written down in the new monument to be
 made."

Which sex was predominant? -- There were mostly
 men. Now, if you turn to page 21 of your notes, the
 words "We are....." ? -- "We are marching forward. The
 Europeans must leave us alone. Indians and Europeans and
 Italians must go from South Africa. Where is the money
 today." they have any platform or anything like
 that? -- Just stop there. Now turn to page 22 of your
 notes, the words "We stand..." ? -- "We stand for the
 Union of South Africa. The white people must surrender to
 rule of Africa by Africans. Forward to freedom Africans.
 How did the audience react to each speaker? --
 They were just listening as the speakers spoke.
 And did the audience display any sentiments
 at all, or any feelings after each speaker had made a
 speech? -- Yes. Africanist Congress flag.

How did they show their feelings? -- They
 seemed to be angry, and others were happy, laughing,
 clapping hands. Did this flag which you saw at this meeting
 have anything else on it besides the map of Africa and
 the star? -- Yes, also the words "Cape to Cairo, Madagas-

New, that was one of the meetings that you attended. I hand you notes; are they your notes?-- Yes.

That was on the 28th February, 1960, held at Mefele, Johannesburg?-- Yes.

Was this meeting held in a hall or on an open piece of ground?-- It was held on an open piece of ground.

And how many persons did you estimate were present at this meeting?-- There were about 90.

What was the race of the persons who were present?-- Both sexes.

What race, were they Coloureds, or Europeans?-- Both sexes of Bantus.

Which sex was predominant?-- There were mostly men.

What was the average age of the males?-- From 19 years to 50 years.

And from where did the speakers talk at this meeting; did they have any platform or anything like that?-- No, they had no platform, they were standing on the ground.

Was there any flag?-- There was a flag.

Where was this flag in relation to where the speakers gave their speeches from?-- The flag was not far from where the speakers were; it was just put on a tree nearby. It was held near a road.

What sort of flag was it, can you describe it?-- It was a Pan-Africanist Congress flag.

Could you describe it?-- Yes, it was a green flag, with a map of Africa, with a golden star.

And did this flag which you saw at this meeting have anything else on it besides the map of Africa and the star?-- Yes, also the words "Cape to Cairo, Madagas-

rule Africa as our mother country."

Who was the next speaker?-- The next speaker was Mageti Thula.

Who was the chairman?-- The chairman was Resetta Mzibe.

Page 1 of your notes; what language did he speak?-- He spoke Zulu. He had no interpreter.

Commencing at page 1, what did he say?-- "This meeting is for the P.A.C. of Mefolo Branch. My speakers have not all come, but we shall not wait for them. Our organisation stands for freedom from Cape to Cairo. All other races rule themselves. Russia for Russians. Africa for Africans."

Who was the next speaker?-- The next speaker was Sesete.

What language did he speak?-- He spoke in Sesete, and had no interpreter.

Commencing at page 3 of your notes, page 2 of your notes, from the words "everyone...."?-- "Everyone has got a savery paper, that is a pass. Our organisation is from Cape to Cairo. We are determined to fight for freedom for Africans. The Minister of Foreign Affairs yesterday complained but I think everyone understands. I think you have seen the paper where the first citizen of South Africa. We must get rid of passes and sit down..."

Who was the next speaker?-- The next speaker was Isaac Satwa.

What language did he speak?-- He spoke Zulu without an interpreter.

Page 3 of your notes?-- "We are here as P.A.C. in the land of our forefathers we have become tools. Africa was taken by foreigners. We are on the march of freedom. We want to rule...

Page 4 of your notes?-- "The time has come for us to demand what we want. A man dies once not twice. We are standing out for the nation."

Page 5 of your notes, the words "today we have..."?-- "Today we have leaders in the P.A.C. We judge A.N.C. by the Kliptown Charter."

Page 6 of your notes, the words "On that..."?-- "On that basis we must go to the people. This call is completely for the abolition of passes. When that day comes we shall leave the passes at home. We have confidence in every man. We shall leave the passes at home. That is all."

Page 7 of your notes, the words "There were... in this campaign. Government will promise you of all good things. Pass campaign will be hand in hand with the stoppage of your work. We want to abolish passes. We demand here pay about 2/6 a month. No business can go forward without the labour. They say you cannot do without work. No man must be penalised in our P.A.C. He deparatien ne banning. We demand the trade unions of Africans, in the land of our forefathers we have become tools. must be allowed by the Government. No man must negotiate Africa was taken by foreigners. We are on the march of freedom. We want to rule...

with our organization without Robert Solukwe. These are
rule Africa as our mother country."

pass demands we need. The leader will tell you what to do
Who was the next speaker?-- The next speaker
was Megeti Thule.

What language did he speak?-- He spoke Sesotho
without an interpreter.

Page 4 of your notes?-- "The time has come for us
us to demand what we want. A man dies once not twice.
We are standing out the nation...."

From the words on page 4, "You have seen...?"
"You have seen how we have fought the passes."

Repeat that?-- "You have seen how we fought
the campaign, the pass campaign. The A.N.C. is also

bluffing saying it is doing so. Two A.N.C. leaders
deputed to go to gaol when asked. They suggested to see
consulting committee about the question."

Turn to page 5 of your notes, the words
"Today we have...." "Today we have leaders in the P.A.C.
We judge A.N.C. by the Kliptown Charter."

Turn to page 6, the words "On that...?" "On
that basis we must go to the people. This call is com-
pletely for the abolition of passes. When that day comes
we shall leave the passes at home. We have confidence in
every man. We shall leave the passes at home. That is
all." "There were will not be any in this cam-
paign. Government will premise you of all good things.
Pass campaign will be hand in hand with the stoppage of
your work. We want to abolish passes. We demand more
pay about £35 a month. No business can go forward with-
out the labour. They say you cannot do without work.
No man must be penalised in our P.A.C. No deportation
no banning. We demand the trade unions of Africans,
must be allowed by the Government. No man must negotiate

"We shall all wait for the voice of our leaders." "Forward with our organisation without Robert Sobukwe. These are

to pass demands we need. The leader will tell you what to do Who was the next speaker?-- The next speaker

Who was the next speaker?-- The next speaker was Mali Nkosi.

What language did he speak?-- He spoke Xosa and was interpreted by Rosetta Nziye.

Now, turn to page 9 of your notes, the words "This is Pan-Africanism" This is a dedicated struggle. The entire call

is for the African people from Cape to Cairo. freedom. By the way, the words "Africans are..." ?--

The "Africans are originals of Africa, Do not have any fear. Let the African people demand freedom." Africa. It is

not Ghana alone. Turn to page 10 of your notes, the words "Pan-African Congress..." ?-- "P.A.C. is not in

the liberative struggle irrespective whether we are subjected to people. The A.B.C. has adopted different

ideas. Our objective is one, Africa belongs to Africans. It is a duty for every individual here that the P.A.C.

is marching forward. We must invest the use of Africa. Our oppression is on top of us, no guarantee of minority.

If the white Page 11 of your notes, the words "Everyone of us say...?" "Everyone of us by virtue of being black is oppressed. A contempt is also shown to us. ..."

persons." Turn to page 12 of your notes..." African people do not want...?" "The African people do not want any

help. The black people have long been seeking for leaders. We are determined to march forward. We shall get the mes-

sage by one voice from one man the way how we should fight pass laws. Keep your money and food. We don't know how

long we shall take in our struggle. I want to show you that by 1963 we shall get our freedom. nothing to fear

Africans Turn to page 13. We shall all wait...."

"We shall all wait for the voice of our leaders." "Forward P.A.C. has now arrived, otherwise you may be too late, The to Freedom."

P.A.C. shall inform all their followers how to fight the struggle which is nearby..... the struggle in the I.N.C. Who was the next speaker?— The next speaker was Lennox Muunse. and energy. There is no confidence to

any European... What language did he speak?— He spoke Xosa and was interpreted by Rosetta into Sesete. of colour. These

Now, on page 14 of your notes, at the words "Pan-African Congress...." ?— "P.A.C. is ruling the whole continent of Africa to be free. All races in Africa want freedom. By 1963 every African must be free in Africa. The last place where freedom should come is South Africa. Ghana has promised to free the Africans in Africa. It is not Ghana alone. America also has promised freedom in Africa. The most important part, these nations will never come here and demand freedom for us. We must free ourselves wherever you are as long as you are black you are oppressed. Our struggle differs from the A.N.C. The struggle is between white and black in South Africa. Where a person can speak about £500 he is white. We are demanding our land immediately. We have no guarantee of minority. If the white people do not listen to what South Africans say, they must leave South Africa. Blacks are also oppressing us. Let us know our enemy, that is the white persons."

Turn to page 17 of your notes, the words "We want to go alone. Our leaders have decided to do away with the passes. That is what we want Africans. There is no white person who can help any African...C" I

Turn to page 17 of your notes...?—"We have enemies in our doorstep. I see no difference between them compared with those in town. There is nothing to fear Africans The P.A.C. has no opened the road to all these

P.A.C. has now arrived, otherwise you may be too late. The P.A.C. shall inform all their followers how to fight the struggle which is nearby..... the struggle in the A.N.C. was a waste of time and energy. There is no confidence to any European as long as he is white. All people in Africa will be classed as Africans irrespective of colour. Those who will not work hand in hand with us blacks must just pack and go to Europe. The voice of Robert Sobukwe will be heard in the whole continent of Africa that day and you will be told what to do. It is going to make an urgent call to all Africans....

Please read that again ...?—"The voice of Sobukwe will be heard in the whole continent of Africa that day and you will be told what to do, and what not.We don't believe in material as Luthuli does.

These are out of our organisation. We don't even use such words in our African continent. This may be last chance of holding a meeting because they are always objecting to all our rights and demands. As one spirit and listen to the voice of Robert Sobukwe. He is going to make an urgent call to all Africans."

Was that the end of the meeting after that speaker spoke?—Yes, before.

(No further questions)

CROSS-EXAMINED BY MR. UNTERHALTER: You told us that at the meeting at Naledi on the 29th November, you saw a flag?—

Yes, whether there were flags there or not. You have attended many meetings of the P.A.C. I don't use the others, the other small organisations. I presume?—Not very many; I think only two I attended.

You have attended many meetings of other African political organisations?—That is correct.

I asked you if you could recall that there was a flag...

any of these A.N.C. meetings. Now, will you bring your mind to bear on it, and can you remember if there was a

flag at any of these meetings? -- Yes, there was a flag at one of your meetings. Now, I presume there is no note in these notes of yours that you saw a flag? -- No, there is no note. We don't actually write whether we have seen anything like a flag at a meeting.

If you haven't made a note of it can you really be certain today that you did see a flag? -- I did see it. Can you be certain? -- I am sure, I am quite certain of it. There was a flag. I didn't have a flag; obviously you can't remember.

At other political meetings not these of the P.A.C., are there also flags? -- Yes, there are also flags. In regard to these other meetings, if you hadn't

made a note that there was a flag could you remember in regard to any particular meeting that there was a flag? -- I can remember what meeting it was because the contents of the meetings vary; some other meetings are meetings of the board members; then the others are A.N.C. meetings. Let's take for example an A.N.C. meeting, was there an A.N.C. meeting that you may have attended sometime round about the 29th November last year? -- There were meetings about that time, and before then I can't remember.

A couple of weeks before would you say? -- A couple of weeks before. Its design, its colour, the star, the words. How is it? Two or three of these meetings? -- Yes, quite a lot of them. Now, in respect of these A.N.C. meetings, can you say whether there were flags there or not? -- No, they don't use flags, the others, the other small organisations like the board members.

For you this was something important in your work as a policeman? -- Yes. You said that you had attended about two or three A.N.C. meetings, round about the 29th November, 1959, and I asked you if you could recollect that there was a flag at

one of these meetings. Now, will you bring your mind to bear on it, and can you remember if there was a flag at any of these meetings? -- Yes, there was a flag at one of your meetings. Now, I presume there is no note in these notes of yours that you saw a flag? -- No, there is no note. We don't actually write whether we have seen anything like a flag at a meeting.

If you haven't made a note of it can you really be certain today that you did see a flag? -- I did see it. Can you be certain? -- I am sure, I am quite certain of it. There was a flag. I didn't have a flag; obviously you can't remember. At other political meetings not these of the P.A.C., are there also flags? -- Yes, there are also flags. In regard to these other meetings, if you hadn't made a note that there was a flag could you remember in regard to any particular meeting that there was a flag? -- I can remember what meeting it was because the contents of the meetings vary; some other meetings are meetings of the board members; then the others are A.N.C. meetings. Let's take for example an A.N.C. meeting, was there an A.N.C. meeting that you may have attended sometime round about the 29th November last year? -- There were meetings about that time, and before then I can't remember. A couple of weeks before would you say? -- A couple of weeks before. Its design, its colour, the star, the words. How is it? Two or three of these meetings? -- Yes, quite a lot of them. Now, in respect of these A.N.C. meetings, can you say whether there were flags there or not? -- No, they don't use flags, the others, the other small organisations like the board members. For you this was something important in your work as a policeman? -- Yes. You said that you had attended about two or three A.N.C. meetings, round about the 29th November, 1959, and I asked you if you could recollect that there was a flag at one of these meetings. Now, will you bring your mind to bear on it, and can you remember if there was a flag at any of these meetings? -- Yes, there was a flag at one of your meetings. Now, I presume there is no note in these notes of yours that you saw a flag? -- No, there is no note. We don't actually write whether we have seen anything like a flag at a meeting.

any of these A.N.C. meetings. Now, will you bring your mind to bear on it, and can you remember if there was a flag at any of the A.N.C. meetings? -- Yes, there was a flag.

At some of them only? -- Some of them had a flag. And some had? -- Yes.

I am sure you can't tell me today and I don't expect you to tell me; on which date the A.N.C. meeting had a flag and on which date it didn't have a flag; obviously you can't remember, isn't that so? -- No, I can't remember.

Now, if that is so for A.N.C. meetings, won't you be fair and say that as far as P.A.C. meetings, there may have been a flag, there may not have been a flag, you can't be sure? -- I am sure I did see the flag at this meeting.

And as regards the meeting in February, can you be equally sure that there was a flag there? -- I am quite sure there was a flag.

Do you remember if it was a windy day on the 29th November at Naledi? -- A windy day? I don't remember.

You have described what you saw of this flag; its design, its colour, the star, the words. How is it you remember these so clearly? -- It is because I was studying the flag, because this P.A.C. organisation is a new one, then I was studying each flag because I already knew the other organisation's flags; so that is why I was so keen to look at it and study it.

For you this was something important in your work as a policeman? -- Yes.

The other witnesses have said they have seen a flag but they said there were no words; are you quite sure

about the words on the flag? -- Yes, I remember the words on the flag.

Did you record it in your notebook? -- No, I didn't record it in my notebook.

But I did not think so at that time. Are you quite sure that you remember the words that you have given in evidence? -- Yes, I am quite sure, because I wrote the words down.

Where did you write the words down? -- I wrote them in the notebook.

Did you also carry a notebook with you? -- Yes, I do.

Can you expect you to tell me; on which date the A.N.C. meeting had a flag and on which date it didn't have a flag; obviously you can't remember, isn't that so? -- No, I can't remember.

about the words?-- I am sure I did see the words.

It was a new symbol of apparently a new political party among Africans, is that correct?-- That is correct.

If it was so important, and it was so new, why didn't you report it in your notes?-- We don't at all report it, in the notes.

You also carry a notebook, don't you, as a policeman?-- Yes, I do.

Did you record it in your notebook?-- No, I did not record it in my notebook.

Don't you think it was important enough for you to do so?-- But I did not think so at that time.

Are you quite sure that you remember the words that you have given in evidence?-- Yes, I am quite sure, because I wrote the words down.

Where did you write the words down?-- I wrote them on the notebook.

In regard to a description of the flag?-- No, not the flag itself; the words, what the people said.

You told us that there were certain words written on the flag, and I asked you if you were sure you remembered them, and you said yes, because you had written them down. Now, perhaps you would try to answer the question again. Are you quite sure that you remember the words on the flag?-- Yes, I remember the words on the flag.

How do you remember them without notes?-- Well, I saw them.

Is it possible that there were no letters P.A.C., and no description "Cape to Cairo, Madagascar to Morocco"?-- But I did see it.

The other witnesses have said they have seen a flag but they said there were no words; are you quite sure

about the words?-- I am sure I did see the words. CROSS-EXAMINATION BY MR. UNDERHILLER

You seem to be in a little doubt as you answer are the notes relating to the meeting of the 29th February 1960. Throughout this particular meeting of the 29th February 1960, and also the meeting of the 29th November, 1959, there are references to the A.N.C., and the A.N.C., "Cape to Cairo" on the flag.

of course is the African National Congress?-- Yes. You said that it wasn't windy; how was it that the emblem of the flag could be seen by you without wind blowing; or perhaps I am not being quite fair to you. I am not saying that you said it was not windy, you said you can't recollect whether it was windy. Now, how is it that you noticed these words?-- It was just open, it just hung there.

Would you agree then that the P.A.C. is actually Was it not being held in position, so to speak, by the wind blowing it like a sail on a ship?-- No, it was held in such a way that one would be able to see what was written on it.

Now, may I have your notes of the second meeting. (Handed to counsel) If you look at the bottom of page 2 of your notes, you will see that there is a phrase "We must get rid of the passes and sit down..." and that is in red ink. Did you make these red ink marks?-- No, I did not make them. (Handed to His Worship)

You can't explain how it came about?-- No, I can't understand that. Anyway that phrase was there?-- Yes, I did hear that.

The words in between the red brackets are yours?-- The words themselves are mine. P.P. ADDRESSES COURT: (Marks made by Mr. Robinson)

And that part of the criticism of the A.N.C. was that Africans should not carry these passes, because

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD. New, Exh. D.

are the notes relating to the meeting of the 29th February 1960. Throughout this particular meeting of the 28th February 1960, and also the meeting of the 29th November, 1959, there are references to the A.N.C. and the A.N.C., of course is the African National Congress? -- Yes.

And the phrases used by the various speakers are used to be critical? -- That's right, long time.

I take it that as a special branch detective who has attended political meetings, you have got some kind of expert knowledge of the differences of African political opinion, would that be correct? -- Yes.

Would you agree then that the P.A.C. is actually a break-away movement from the A.N.C., an older established body? -- I agree. I knew it.

It broke away because it criticised the policy of the A.N.C., and the conduct of the movement led by the A.N.C.? -- That is correct.

And that one of the differences is that the A.N.C. would appear to have some multi-racial policy and the P.A.C. appears to have a policy of black nationalism, is that correct? -- Yes.

I take it, however, that you would agree that both the A.N.C., and the P.A.C. are at one on their criticism of the pass laws? -- That is correct.

And that at about the time of these two meetings there were also A.N.C. meetings at which A.N.C. leaders were criticising the pass laws? -- Yes, there were that meetings previous to this one, the meeting of the 28th Feb

About the same time? -- Yes.

And that part of the criticism of the A.N.C. opinion was that Africans should not carry these passes, because

they were a symbol of oppression, is that correct?—

That is correct.

New, the A.N.C., is a body that has been es-

tablished since 1912, or if you can't speak to that it

has certainly been established for a very long time, is

that correct?— Yes. I don't know when it was estab-

lished.

For a very long time?— A very long time.

I take it you would further agree that despite

the breakaway movement of the P.A.C. the following among

the A.N.C. is still fairly considerable?— That is

quite correct.

And apart from any particular people who may be

followers either of the A.N.C., or the P.A.C. unattached

Africans are also critical of the pass-laws; that's

correct, isn't it?— You mean the other people?

Yes, people that large who may not be members of

A.N.C.?— Yes, I sometimes hear people even at meetings

criticise passes, other than a speaker.

It would be fair to say, wouldn't it, that the

administration of the pass laws is almost universally

criticised by the African people at large; would it be

fair to say that?— I can't answer that one.

But you frequently encountered this criticism

from all sorts of African people in all sorts of places

at all times, at all sorts of times, is that correct?—

That is so, yes.

Now, would you say that these various phrases that

you read out in your notes of the meeting of the 28th Feb

ary criticising the A.N.C., in your opinion as a poli-

tical observer, came from the internal division of opin-

between A.N.C., and P.A.C. leaders, when they said, for

of the people that turned to the people and they became

angry. Then the chairman ruled them, then they coo.
down again. That is what I mean by that.

example: "The A.N.C. is bluffing. The A.N.C. adopts different ideas, and the struggle of the A.N.C. is a waste of time." Would you say that this criticism arises from differences between the leaders?— I can't answer that. The man who said it he knows better about it.

You are not able to give any views?— No, I am unable to give any views on the matter.

Now, you told us earlier that you couldn't get down everything that was written, or rather, that is said although you got down, you claim, more than half; but certain portions you did leave out?— Yes, some of the sentences I did not write down. Only those which I was able to write, irrespective of whether it was ever

Now, on page 15 there appears the following: This is the meeting of the 28th February, 1960. "If the white people do not listen to what the Africans say, they must quit South Africa." And then your next sentence is: "Blacks are also oppressing us." ?— That's right.

Now, is it possible at this stage to explain to us in what context that phrase was used: "Blacks are also oppressing us"?— He was referring to the police, because they were pointing to us, on the 28th February.

Now, you also told us that at the end of Mr. Labale's speech, the audience in its reaction showed that some of its members were angry and some clapped their hands. Now, these members who were angry, were they angry at the speaker?— No, not at the speaker. What made them angry, when the police arrived there with the squad car, some of the people they started swearing at the Europeans with the squad car. Then almost the whole mob of the people then turned to the people and they became

people you didn't recognise but people who didn't like angry. Then the chairman ruled them, then they see. what Mr. Labale had said about the A.N.C. ?-- I didn't down again. That is what I mean by that.

You see, my learned friend put the question to you this way: At the end of Mr. Labale's speech, he said, how did the audience react. And I have noted your reply as follows: "Some of them were just listening, some were angry and some clapped their hands." I didn't understand from that that they were angry because of the arrival of the police. I inferred from that it had

something to do with the speech. Is it possible that they were angry because certain of them disagreed with what Mr. Labale had said ?-- Well, I don't know there why they did it, but it is what they did actually.

African people were going to do about them ?-- Yes. They were angry, at the end of Mr. Labale's speech ?-- I can't say they were angry over his speech.

Well, irrespective of whether it was ever Labale's speech or not, you noticed that they were angry ?-- Some of them were angry.

As seen as the speech had concluded ?-- Yes. You can't suggest the reason why they were angry ?-- No.

Would you say that at either of these meetings there were also present members of the A.N.C. ?-- Yes, they sometimes come, members of the A.N.C. come. Then in this one I did not see them, on the 28th February. On the other one, on the 29th November, 1959, they were present.

Did some of them show themselves critical of what the P.A.C. had said in criticising the A.N.C. ?-- Yes.

They were hostile ?-- They were most angry. Is it possible then that on the 28th February the anger that you observed may have come from A.N.C.

people you didn't recognise but people who didn't like

CROSS-EXAMINED BY NO. 1: NO QUESTIONS;
what Mr. Labale had said about the A.N.C. ?-- I didn't
CROSS-EXAMINED BY ACCUSED No. 3: You have told the
see them. They may be there but I didn't know them.

Court: two surprising things. You told the Court that the
But it is possible that this may have been the
two meetings you attended you found that the men were in
anger of A.N.C. people at the meeting ?-- I don't know.

the majority. What is surprising secondly is that in the
So I take it from that that it is clear that at
meetings you attended you said it was merely the lang-
both these meetings there wasn't unanimous approval of
things which you understood which were spoken there,
what the speakers were saying, that there were certain

Zulu, Xosa & Sesotho ?-- That is so.
sections who disapproved at what was being said ?-- Es-
BY THE COURT: Were there any meetings where other languages
pecially the first ones, the first meeting.
were spoken ?-- At one of the meetings a speaker spoke

English.
Now, from time to time before the 21st March
of this year, there were suggestions thrown out at
English, Xosa, Zulu & Sesotho ?-- Yes.

various meetings about the pass laws and what the
Any other languages ?-- No.
African people were going to do about them ?-- Yes.

CROSS-EXAMINATION BY ACCUSED No. 3. CONTD.: You have
And I take it you will agree that there was
told the Court that you only passed Std. 6 at school
a difference between the attitude of the A.N.C. on this
but here having left school in Std. 6 you were able at
and the attitude of the P.A.C. on this ?-- Yes.

these meetings to understand and record at the same time
This attitude was reflected among the followers
the English language which is not your language as well
of A.N.C., the difference was reflected among the fol-
lowers of A.N.C., and the followers of P.A.C. ?-- Yes.
is, Zulu or Sesotho, then I would easily translate that

If there was any plan of the A.N.C., it wasn't
into English. Because it was quite clear what he was
revealed until almost the last minute, with Chief Luthuli
saying I could easily understand it.
burning his pass, is that not so ?-- That is correct.

I think perhaps it is your duty if the circum-
BY THE COURT: I make it clear that these notes handed in
by the witnesses will not be taken as supporting what
in the language you heard the speaker speaking; for example
the witness said, but are merely handy and can be used
Xosa when the speaker is speaking Xosa, or any other
by the Accused for cross-examination purposes, and so on.
native dialect. That would be much easier for you, is
(Inaudible)

is not ?-- But Xosa is not official language.
(Notes handed in Exh. D & E.) (Exh. D., meeting 29/11/59
BY THE COURT: But wouldn't it be easier ?-- It would
and Exh. E. meeting 28/2/60)
be easier.

For you to record in Xosa what is said in Xosa
?-- It would, but it would be allowed.

CROSS-EXAMINED BY NO. 1: NO QUESTIONS:

CROSS-EXAMINED BY ACCUSED No. 3: You have told the Court two surprising things. You told the Court that the two meetings you attended you found that the men were in the majority. What is surprising secondly is that in the meetings you attended you said it was merely the languages which you understood which were spoken there, Zulu, Xosa & Sesotho?— That is so.

BY THE COURT: Were there any meetings where other languages were spoken?— At one of the meetings a speaker spoke English.

English, Xosa, Zulu & Sesotho?— Yes.
Any other languages?— No.

CROSS-EXAMINATION BY ACCUSED No. 3. CONTD.: You have

told the Court that you only passed Std. 6 at school but here having left school in Std. 6 you were able at these meetings to understand and record at the same time the English language which is not your language as well as Xosa?— A speaker would speak any language, that is, Zulu or Sesotho, then I would easily translate that into English. Because it was quite clear what he was saying; I could easily understand it.

I think perhaps it is your duty if the circumstances, or the regulations permitted it, to record in the language you heard the speaker speaking; for example Xosa when the speaker is speaking Xosa, or any other native dialect. That would be much easier for you, is it not?— But Xosa is not official language.

BY THE COURT: But wouldn't it be easier?— It would be easier.

For you to record in Xosa what is said in Xosa?— It would, but it would be allowed.
Do you know the Accused persons now sitting in Court?— I don't know them.

Yes, I want you to give an explanation of the three words. **Q** Do you not see them at the meetings you attended? **A** No, I have never seen them.

Q What is it? If you had seen them would you be able to recognise them today? **A** Yes, your explanation of the word, you (No further questions) explanation. I want you to explain the

CROSS-EXAMINED BY ACCUSED No. 4: I heard you saying in your evidence in chief that the audience showed its approval by clapping their hands and cheering the speaker when he is making his speech, is that so? **A** That is right, witness

Q How would they be showing that they are pleased about the speech? **A** Yes, by clapping their hands and cheering, if that is not

what you mean. **Q** And at the same time you told His Worship that there were amongst the audience those who showed some of the angry? **A** Yes, that is true, in Sesethe....

Q How did you make out that they were angry? **A** It is easy to see when a man is angry, by his motions and how he talks. **Q** Yes.

Q You have told His Worship that you could see those who showed their pleasure at the speeches made there by clapping their hands; will you then tell the Court how you then saw those who were angry, what emotions did they show that they were angry? **A** To see an angry person, just when you see a happy person; you just judge by the way in which he is reacting to that particular thing.

CROSS-EXAMINATION: You have recorded these speeches here in your notes which you made on the 29th November, 1959, the speech of Labale, I see these words here "domination and foreigners and monument" -- I want you now to give the meaning as given by Labale at the meeting in Sesethe of these three words, domination, foreigner and monument? **A** Must I interpret into Sesethe? **Q** I have just quoted to you, is that

Yes, I want you to give an explanation of the

three words in Sesethe; what is domination in Sesethe?--
the sentence suitable for you to record it down there as a

Demination is.....
main point?-- In my opinion I felt it was quite useful
What is the other word....
to have it down.

I don't want your explanation of the word, you
are giving your own explanation. I want you to explain the
words, the three words I have given to you, as explained
Labale in his speech when he made his speech; what did he
say.....
tebe recorded down and to be shown to your officials at a
later stage?-- I thought it useful to write it. I have
already answered it, a number of times.

BY THE COURT: I'm sorry, that is what you asked the witness
How would he put demination in Sesethe; now put foreigner
in Sesethe and put monument in Sesethe; if that is not
what you want, tell him what you want.....

CROSS-EXAMINATION BY ACCUSED No. 4. CONTD.: I want the
meaning of the three words in Sesethe....
?-- That is quite true, they were present.

BY THE COURT: What do you mean, you want the meaning?
In what? In English.....
being present there at the meeting was not for the purpose

BY ACCUSED No. 4.: Yes.
of attending the meeting and to find out the differences
between the two political parties, but to record what you
with the other meanings. The next one is foreigner,
think is said there according to your duty?-- As long as
in Sesethe please?-- (Witness puts word in Sesethe)

I thought in my opinion that it was useful, I simply wrote
Monument?--
it; Anything which I hear in any meeting which I think
I think that is the proper word for it.
could be useful for me to record, I would just write it
down and record it.

All right. You have got that point. Now proceed
with your cross-examination.
(No further questions)

CROSS-EXAMINATION BY ACCUSED No. 4. CONTD.: You have already
ready told His Worship that you only record the main point

RE-EXAMINED BY P.P.: In what light did you consider any
which they suit you or suit your authorities, as the case
discussion or criticism of pass laws from a security point
may be. I will now quote this word and you must tell me
of view; in what importance?-- Well, I was watching criti-

whether you are supposed to record it or not: "For 50
years we wasted our time in the A.N.C. just like an old
Government, it might not have been passed, anything,
deg." The sentence I have just quoted to you, is that

BY THE COURT: What about "anything" that might affect the
Government; is that what you were listening for, or what

?-- No, I was listening to any speech of a speaker.

... particularly... I would pay attention to...
the sentence suitable for you to record it down there as a
main point?-- In my opinion I felt it was quite useful
to have it down.

RE-EXAMINATION BY P.P. CONNER: But I am putting it to you that this particular
phrase I have just read out to you, it does not go in con-
formity with what you have told the Court that you only
record the main points, or those points which are necessary
to be recorded down and to be shown to your officials at a
later stage?-- I thought it useful to write it. I have
already answered it, a number of times.

In these meetings you have already said that
there were the members of the A.N.C. as well as the members
of the P.A.C. who did not agree with one another's policy?
-- That is quite true, they were present.

Then I am putting it to you that your duty of
being present there at the meeting was not for the purpose
of attending the meeting and to find out the differences
between the two political parties, but to record what you
think is said there according to your duty?-- As long as
I thought in my opinion that it was useful, I simply wrote
it. Anything which I hear in any meeting which I think
could be useful for me to record, I would just write it
down and record it.

(No further questions)

NO QUESTIONS BY ACCUSED Nos. 8, 38 & 39a

RE-EXAMINED BY P.P. CONNER: In what light did you consider any
discussion or criticism of pass laws from a security point
of view; in what importance?-- Well, I was watching cri-
ticism about passes, but anything which is affecting the
Government, it might not have been passes, anything attend-

BY THE COURT: What about "anything" that might affect the
Government; is that what you were listening for, or what
?-- No, I was listening to any speech of a speaker.

meetings Yes, what part would you pay attention to particularly?-- I would pay specially attention to anything whenever he talked about the pass, or anything which they think anything they want to do in the location.

RE-EXAMINATION BY P.P. CONTD.: How important do you regard anything said of passes, which you would try to find out. Do you want to find out how important you regard anything said about passes?-- How important?

Did you regard that as important or not?-- Yes. I regarded it to be important. Now, you mentioned under cross-examination that you did go over your notes?-- Yes. Now, did people express the date of the meeting?-- The very same day. Seen after the meeting.

And did you make any corrections or additions?-- First of all, did you make any corrections to your notes after the meeting?-- No, I did not make any corrections.

Then you stated in cross-examination from time to time until the 21st March there were suggestions made at meetings about passes and what could be done about them. After the 21st March, 1960, were there any suggestions thrown out at meetings as to what should be done about passes?-- Yes.

BY THE COURT: Suggestions by whom?-- By anybody usually comes to all meetings.

MR. UNTERHALTER OBJECTS.

DISCUSSION ON OBJECTION

RE-EXAMINATION BY P.P. CONTD.: Did you attend any political meetings after the 21st March 1960?-- Yes.

Now, were any of these meetings that you attended these of the Pan-Africanist Congress?-- They were the

meetings of the Pan-African Congress,

And when after the 21st March, 1960, did you attend the first Pan-African Congress meeting?— It was this one of the 28th February.

No, I am talking about the 21st March; the day when there was trouble here at Shapeville. I repeat my question. Did you attend any Pan-Africanist Congress meetings after that day, the 21st March, 1960?— No.

Now, you mentioned something that at the first meeting especially there was disapproval of what was said. Now, the first meeting on which you gave evidence was the 29th November, 1959, at Naledi. Now, did people express their disapproval at that meeting?— They were just quarrelling between the A.N.C. people and the A.N.C. There was a quarrell.

Is that what you mean when you say there was disapproval at the meeting?— Yes.

Now, what was the nature of the quarrel which was expressed at that meeting on the 29th November?— The members of the P.A.C. were criticising the A.N.C., then the members of the A.N.C., were cross; they wanted to exchange blows.

Was that the meeting that the squad car arrived on the scene?— Yes.

Because of that trouble that arose at the meeting?— Yes. But the squad car usually comes to all meetings. Whenever there is a meeting.

Did this squad car come to this meeting on account of quarrels between the A.N.C. and the P.A.C.?— It comes usually.

It came there in the ordinary course. And how did it come about that there was trouble, people became

Yes.
particular...
whenever he said
think anything
RE-EXAMINATION
anything said of
Do you want to
said about these
Did you
I regarded it to
Now,
You did go over
When
date of the meet
the meeting.
And did
— first of all,
after the meeting
Then you
to time until the
at meetings about
After the 21st March
thrown out at meet
.....
BY THE COURT: S...
BY THE P.P.: S...
MR. UNTERMEYER O...
DISCUSSION ON O...
RE-EXAMINATION BY
cal meetings after
Now, were
of these of the Pan

angry with the European policeman of the Squad car?--
When the police arrived....

When the European police arrived?-- Yes, when
the European police arrived.....

But what caused the trouble to start?-- I cannot
say what was the cause of the trouble. Soon after the
speaker had criticised the members of the A.N.C. then a
quarrel started.

BY THE COURT: But what had the arrival of the European
police to do with it then?-- They were coming over;
they usually come....

I knew they came; did it have anything to do
with the quarrel or not?-- No, it had nothing to do with
the quarrel;

RE-EXAMINATION BY P.P. CONTD.: Now, you have said that
there was some difference of opinion between the P.A.C.
and the A.N.C. Now, what was the main criticism that the
P.A.C. had of the A.N.C.?-- The P.A.C. people criticised
the A.N.C. people for associating with the white people.
According to the policy of the A.N.C.

Now, was there any difference in the method or
the way in which the A.N.C. and the P.A.C. wanted to ob-
tain the abolition of the pass-system?-- No, there was
no difference.

Now, you said you had attended other political
meetings apart from those of the Pan-Africanist Congress.
Now, at meetings that you attended which did not belong
to the Pan-Africanist Congress, did you see a flag, a green
flag, with a black Africa and a golden star?-- No.

(No further questions)

COURT ADJOURNS: