

REQUEST FURTHER PARTICULARS: B 626/62The State vs Charles Makuliso and Looksmart Solwandle:

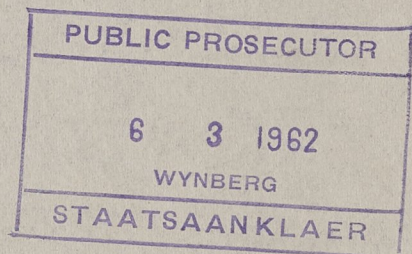
In that upon or about the 18th of February, 1962 and at Langa, in the district of Wynberg, the said accused did wrongfully and unlawfully incite and instigate certain other persons there present to assault, resist or wilfully obstruct hinder or interfere with members of the Police force there being, in the execution of their duties or functions and did thus contravene Section 18(2)(b) of Act 17 of 1956 read with Section 27(a) of Act 7 of 1958.

V. Banks

Public Prosecutor "B"/ Wynberg.

TO:

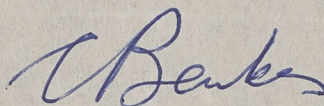
Messrs. Frank, Bernadt & Joffe,
P.O. Box 252,
CAPE TOWN.



REQUEST FURTHER PARTICULARS: B 626/62

The State vs Charles Makuliso and Looksmart Solwandle:

In that upon or about the 18th of February, 1962 and at Langa, in the district of Wynberg, the said accused did wrongfully and unlawfully incite and instigate certain other persons there present to assault, resist or wilfully obstruct hinder or interfere with members of the Police force there being, in the execution of their duties or functions and did thus contravene Section 18(2)(b) of Act 17 of 1956 read with Section 27(a) of Act 7 of 1958.



Public Prosecutor "B"/ Wynberg.

TO:

Messrs. Frank, Bernadt & Joffe,
P.O. Box 252,
CAPE TOWN.

PUBLIC PROSECUTOR
6 3 1962
WYNBERG
STAATSAANKLAER

IN THE MAGISTRATES COURT FOR THE DISTRICT OF WYNBERG
HELD AT WYNBERG

6

CASE NO. B 626/62

In the matter between

THE STATE

versus

CHARLES MAKULISO AND LOOKSMART SOLWANDLE
Accused

REQUEST FOR FURTHER PARTICULARS

The following Particulars to the Charge Sheet are required in respect of each accused:-

- 1) Precisely where and when is it alleged the offence was committed?
- 2) In what manner is it alleged that such incitement and instigation took place? If such incitement or instigation is alleged to have been done by way of language, the precise words used are required. If the exact words used are not available then the import of what was said with as full particularity as is available is required.
- 3) Whom is it alleged that the accused incited? The names are required, or if not available, the approximate number and kind of persons.
- 4) Against what policemen is it alleged the incitement took place, and what were the duties or functions being, or to be, executed?

DATED AT CAPE TOWN THIS 13TH DAY OF MARCH, 1962.

FRANK, BERNADT & JOFFE

per:
Accuseds' Attorneys,
85, St. George's Street,
CAPE TOWN.

TO:
The Clerk of the Criminal Court,
Magistrates Court,
WYNBERG.

Advocate A. G. Sachs.

With the Compliments

of

Frank, Bernadt & Loffe

Attorneys, Notaries & Conveyancers

Netherlands Bank Building,
85, St. George's Street,
Cape Town.

P.O. Box 252, Cape Town.
Phones 2-1556, 2-1557, 2-1558.



Geliewe in u antwoord te verwys na:
In reply please quote:

5/5/2/7

No.....

**KANTOOR VAN DIE MAGISTRAAT,
OFFICE OF THE MAGISTRATE,**

CAPE TOWN,

9th May, 1962.

Messrs. Frank, Bernadt, & Joffe,
Attorneys-at-Law,
85 St. George's Street,
CAPE TOWN.

Gentlemen,

re: THE STATE VERSUS CHARLES MAKAHLISO AND ANOTHER.

With reference to your request for further and better particulars of the 30th ultimo, I wish to advise as follows:

1. A copy of the charge sheet is herewith enclosed.
2. The facts as requested are a matter of evidence.
3. The particulars of the words used and already furnished appear to satisfy the original request for such particulars.

Yours faithfully,

J. W. T. ...
REGIONAL COURT PROSECUTOR.

CHARGE SHEET: REGIONAL DIVISION.

No.	19
Have finger-prints been taken?	
Police Station	Langa.
	553/2/62
R.C.A. No.	

IN THE COURT OF THE MAGISTRATE.

For the Division of the Cape Peninsula, held at Wynberg
 Before _____, Esquire,
 Magistrate for the said Division, on the 17th day of May, 19 62.
 the State

REGINA versus

Insert following particulars after each accused's name:—
 Sex.
 Race
 (whether South African born or otherwise).
 Occupation.
 Approximate age.

- (1) CHARLES MAKAHLISO, A/Bantu Male 44 years.
- (2) LOOKSMART SOLWANDLE, A/Bantu Male 39 years.

_____ (hereinafter called the accused),
 charged with the offence of contravening Section 18(2)(b) of Act 17 of 1956;

in that, upon (or about) the 18th day of February, 19 62,
 and at or near Langa,

_____ in the said Division,
 the said accused did wrongfully and unlawfully incite, command or procure various unknown persons to commit the crimes of Malicious Injury to Property, and/or Murder.

The accused, being arraigned, pleaded _____

Judgment _____

Sentence _____

Magistrate of Regional Division.

FOR THE CROWN: _____

FOR DEFENCE: _____

INTERPRETER: _____

IN THE REGIONAL COURT FOR THE DISTRICT OF WYNBERG

HELD AT WYNBERG.

In the matter between :-

THE STATE

and

CHARLES MAKULISO and LOOKSMART SOLWANDLE

REQUEST FOR FURTHER AND BETTER PARTICULARS

BE PLEASED to furnish the following further and better particulars to the charge in the abovementioned matter :-

1. Precisely what offence is it alleged that the accused committed.
2. By virtue of what facts is it sought to hold each of the accused liable?
3. Much fuller particulars are required of the words used in the full context of the speech or speeches in which they appeared.

DATED at CAPE TOWN this day of APRIL, 1962.

FRANK, BERNADT & JOFFE.

per:

Attorneys,
85 St. George's Street,
CAPE TOWN.

TO:

The Clerk of the Regional Court,
WYNBERG.

Dear Alvir to

Mr. Advocate

A. Sachs

From,

FRANK, BERNADT & JOFFE



In reply please quote:
Geliewe in u antwoord te verwys na

No. 5/5/2/7

UNION I DREKOVAN AFRICA - UNIE VAN SUID-AFRIKA.
REPUBLIC OF SOUTH AFRICA

MAGISTRATE'S OFFICE,
MAGISTRAATSKANTOOR.

CAPE TOWN,

24th April, 1962.

Messrs. Frank, Bernadt & Joffe,
Attorneys-at-Law,
P.O. Box 252,
CAPE TOWN.

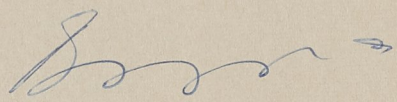
Gentlemen,

re: THE STATE VERSUS MAKAHLISO AND
ANOTHER.

With reference to the above and your request for further particulars of the 4th instant, I have pleasure in advising as follows:

1. The offence is alleged to have been committed during the afternoon of the 18th of February, 1962, at Makana Square, Langa.
2. The exact words used by the accused are not available but in effect they were inciting others to assault, attack and/or kill members of the Police Force because amongst other reasons the Government was using them to oppress the Bantu people.
3. Approximately 50 Bantus whose names are to the Prosecutor unknown.
4. The alleged incitement was directed against members of the Police Force generally and where and whenever they may be found in the Location.
5. As arranged with Counsel, Mr. A. Sacks, the matter has been placed on the roll for hearing at Wynberg on the 17th of May, 1962.

Yours faithfully,


REGIONAL COURT PROSECUTOR.

ASMcC/SO

CHARGE SHEET: REGIONAL DIVISION.

No.	_____	19	_____
Have finger-prints been taken?	_____		
Police Station	Langa.		
	553/2/62		
R.C.A. No.	_____		

IN THE COURT OF THE MAGISTRATE.

For the Division of the Cape Peninsula, held at Wynberg
 Before _____, Esquire,
 Magistrate for the said Division, on the 17th day of May, 1962.
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REGINA versus

Insert following particulars after each accused's name:—
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The accused, being arraigned, pleaded _____

Judgment _____

Sentence _____

Magistrate of Regional Division.

FOR THE CROWN: _____

FOR DEFENCE: _____

INTERPRETER: _____

5/5/2/7

CAPE TOWN,

14th May, 62.

Mr. Sachs,
1 Dorp Street,
CAPE TOWN.

Sir,

re: THE STATE VERSUS CHARLES MAKAHLISO AND
ANOTHER.

With reference to your request for further and better particulars I have pleasure in advising as follows:

Charles Makahliso acted as Chairman at the meeting. Locksmart Solwandle addressed the meeting in a bantu language and the import of such address is as follows:

The Government by grouping the people according to their races is causing hostility. The Reference books do not only oppress the Bantu people but the Government is making a business out of it.

He cannot see any reason why the police should not be assaulted.

"Ons wil nie die pas en die permit hier in Langa hê nie.

Ons praat nie net van Langa nie, ons praat van ons land Suid-Afrika.

As die blanke polisie alleen by die streke gaan dan moet hy doodgemaak word.

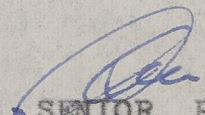
Die Bantopolisie moet almal dood gemaak word want ons is baie mense ons kan hulle maklik doodmaak.

Die blanke mense van ander plekke sê ons moet ontslae raak van die regering, ons wil hom nie hê nie.

Ons moet opstaat teen Matanzima want ons wil nie daardie regering hê wat hy maak nie.

Die mense moet die assegaai en kierie vat en hom slaan."

Yours faithfully,


SENIOR PUBLIC PROSECUTOR.

AN/SO

STATEMENT Reference to Mr. C. Makholiso at the Meeting held on the 18th February 1962. At Makana Square (Langa).

I was the Chairman of the meeting. The ^{SKUP 51/2} aims of the Meeting were about (1) Bantu STAN, (2) Group Areas Act, (3) Bantu Council, (4) Pass Laws, (5) Bear Hall. All the above mentioned Points were to be abolished. My first words before opening the Meeting was that, This Meeting is for the Youth League. I spoke about the Pass Laws. All that is happening at the Transkei is due to this Pass Laws. I told the People that the Pass Laws are like a Big tree with a long root intruding or Penetrating into the soil, so it's our duty to dig the root out. I tried by all means to show the Africans that a Pass is the most rotten thing you can find here in South Africa for the Africans. It makes you Guilty though innocent. The most serious thing is that the Pass was forced to our poor women and school children who struggling for the poor Education. Our poor African women are bearing babies at streets and in the Gables on jail. This Pass Law is forcing hatred to husband and wife. At the same time this Law is letting down people who are desperately poor to be sent out from Town to Country. It was worse when our own people were shot dead at the Langa Flats and Sharville on the 21st March 1960. instant. That is where ~~it~~ it showed itself that it was not fit to be carried by a living person. The time has come that we Africans should look forward for Freedom. Those were my last words and I declared the Meeting opened.

C. Makholiso

J. Schwanke

Youth League Meeting 18/2/62, Makana Square

Beer Halls;

It is a pity that the priests are not here because it is their duty to lead a nation. As Christians they are the ones ^{who ought} ~~supposed~~ to be holding this meeting, rejecting the introduction of Beer Halls into the locations. But because they are scared of the government and are working for it, they are not. Here liquor is the destroyer of a nation, yet the price for drunkenness is high.

Pass Laws;

Passes are the backbone of the government, they are a plague to the nation, it is a source of profit to the government, it enslaves you,

it binds you to work where you don't want to work,
and work like a slave. The government has
decided to wick us from the Western Cape, taking
us to the arid areas where it is impossible to
make a living, where there is no land to cultivate,
because most of the land belongs to the farmers.

If I am endorsed out, I shall show the white
farmers I find at home my pass, and tell them
that they too must leave so that I may
get land to cultivate.

The Police

They must stop raiding people at night ^{in their sleep} for
passes and permits, also raiding women.
This is another way of making money, we
are turned into jackals. When you sleep at
Sea Point with your girl friend you are

courses, when you take us to the place
you pay rent for, you are also arrested.
Gentlemen let us try and stop these things.
By uniting we can stop these things. The
police can stop this if we can stand together,
and send deputations to the Police Authorities
Non-Cooperation:

The Maritzburg Decision Says: If the
Government refuses to convene a National
Convention of all people, ^{the people} ~~the~~ must refuse
to cooperate with it. Supporters of Bantu Authorities
must withdraw, members of School Boards and
School Committees must also withdraw from these
Committees. Let the Government ^{itself} carry out its
dirty policies, Matanzima who is the enemy of

4

The people cannot be their ruler. If there
is freedom in the Transkei the State of Emergency
must be lifted. The Transkei leaders who are now
in jails and in banishment must be released
and be allowed to air their views. We do not
want this country to be divided.

Meeting held at Langa 18-2-62.

Beer Halls It is a very sad thing to see no leaders of the church here in this meeting, the very people who are supposed to lead the struggle for freedom of the people. I know why they are not here, it is simple because they are afraid of the government, as they are working for him they are not the true leaders as Shedrick and Mashake. To bring battle stones and Beer Halls to African townships is to try to kill and destroy our nation, we must stand firm against this law.

Pass laws. Passes are the main root of the oppression, the government is making busenes of these passes. Raids of permits and girls at Langa hostel is a horrible thing, men and women must try by all means to stop this cruel system when we go to sea-point to our girl-friends we are arrested, when we bring them to our hostels where we pay high rents we both arrested. What wright thing can we do. We must write and send deputations to officials of the police this nonsense must be stoped by the police Self-government. Mr. K. Matanzima is a Murderer how can such a man be made a Prime minister, there is no freedom while leaders are in jail, Banned, Bannished and state of emergency still exist. government must free the leaders of Transkie let them speak for their freedom, choose their freedom themselves. we don't want state within a state S.A. is one

Non-co-operation If the government don't
call national convention we africans
don't cooperate with him, then we
call upon to all people who are
serving under Bantu ~~authorities~~ authorities
to resign, people serving under school-
boards, school committees to resign
to any body who is who is working
for government

Beer Halls Kuhluzizi ukuba babe abefundisi
benkonzo abakho apa ngoba ngowona
msebenzi wabo lo wokuqhokela isizwe.
njengama krestu bekemete ukuba ngabo
abami pambi kwalentsanganiso be-
chasa ukufakwa kotywala ezilokhifi
ngenxa yokuba besoyika n. Kuhlumentē
abasebenzela yena abakho apa. Utywala
ngumtshabalalisi wesizwe, kanti
nebatala yokunxila ipakamile

Pass laws. Ipasi ngowona ngolo aqine
ngawo ukhulumentē, lin gumtshabalalisi
wesizwe, line ngeniso engum angaliso
khulumentē, khwenza ikhoboka
khwenza usebenze apo ungalandhi kona
usebenze njengekhoboka. U. Kuhlumentē
ngqike ukuba abantu bagaduswe
kweh' lentfanalanga. Wisa apo komi-
leyo kungeloko ndlela yakupila
singenawo namhlaba wakulima
ngoba sisaxinwe zifama ezinye
mna xa ndifumene upuma. Upele ndaku-
fika ekaya ndobonisa ibulu elipa
ipasi lam, nditi nalo malimke ukhize
ndifumane indawo yokulima.

amapolisa manayeke ukhugogga
ipasi ne pemete ebuntn abasebenzi
belele, eggogga namantombazana
yenze yendlela ekwenzina ngayo imali
senzina ifetri, wabulala e. Sea-point
nyanjwa nalentombazana wakuzanayo
apo u rentu kona niyabanjwa.
madoda make sizame ukuba ezizi

nto mazijele, ngokumanyana kwe-
thu zingapela ezizintu. Amapolisa
angayizeka lento, xa sinokuma-
nyana sithumele izithunywa
kuba pathi mapolisa

ii. Bambe zakhe. Izindululo sase
ngungundlorn sathi, xa esala nku-
kiza ingqungquthela ~~ke~~ yabantu
bonke ke S.A. kufuneka ke aba-
ntu babambe ezabo. abaxhasi
bakhagunyaziwe mabaxoxe, i school
Boards, ne komiti jazo mazirose,
abe Bantu Councils Maba roxe, zonke
ezizintu zimelaha zingafunwa nga-
bantú mahazenzela ngokwakhe

iii. Matanzima ongumbulali akana
kuba ngumpathi wabantu, xa
iyinkululeko yefa kwenciba masi-
pele i state of emergency. Inkheli
zakona ezise tolongweni nasentlango
mazikululwe zizitetele ngokwazo
asifuni elilizwe labulalululwe

Please note; In most cases
here I have ~~not~~ printed
the letter I in Capital
Letters just as the whole
thing is, the typist does not
necessarily have to type
Anything in Capital letters
where there is no full stop.

I am very much
referring to the I's

On lines 12 & 14 the
word EZINGELA is
substituted with EGQOGQA
UKUZINGELA WITH UKUGQOGQA
AZINGELA WITH AGQOGQE

Please have the enclosed
Yhosa text and translation checked.
I in fact want a strictly accurate Yhosa
version of the English text.

Thereupon please have

1 + 4 copies of both the
English & the Yhosa typed,
preferably doublespaced.

FOR ATTENTION MR. BROWN -

FRANK, BERNAOT & JOFFE

KULUSIZI UKUNGBONALI KWEENKOKHELI ZECAWA KULE
NTLANGANISO. NGABONA BANTU BEBEFALE UKYKHOKHELA
KOLUDABA LOKULWA UKUMISWA KWEZINDLU ZOKUSELELA
NEZOKUTHENGISELA UTYWALA. KUFUNEKA SIYICHASE
SIWUCHASE NGOKOMELELEYO LOMTHETHO WOTYWALA. SIFUNA
INKULULEKO ASIFUNI ~~TY~~TYWALA.

AMAPASI NGUWONA MNOMBO WENKATHAZO. AMAPASI
~~ASIBOPHELELA~~ ASETYENZISWA EKUSIBOPHELELENI NDAWONYE
UNGABINAKUYA KWINDAWO ETHILE. ~~NGABA~~ NGAPHEZUKWAMAPASI
KUKHO IIMVUME. KUFUNEKA UBENEMVUME KHONUKUZE
UHAMBELE ~~EN~~ ISIZALWANA SAKHO ENYANGA. AMAPOLISA
ASOLOKO ^{GOOGQA} ~~EZINGELA~~ IIMVUME, YAYE IMEKO IMBI KANYE,
NGAKUMBI NGEEMPELAVEKI AMAPOLISA AWAZE AYEKE
UKU^{GOOGQA}ZINGELA EZIMVUME, ^{AGOGQE} ~~AZINGELA~~ NAMANTOMBAZANA.
UKUBA UFUNYENWE UNENTOMBAZANA PHAYA KWEZIYA
ZINDLU ZAMASOKA KUFUNEKA UHLAWULE. UKUBA UYA
E SEA POINT ENTOMBAZANENI YAKHO AYAKUBAMBA
NGOKUBAKHO KWINDAWO ONGENALUNGELO LOKUBAKHO
KUYO. ASINGUWO MMANGALISO UKUBA AMADODANA
ABENOBUMDLADIYA AQUMBE.

UNOKUWAFUMANA AMADODANA AMANINZI
ANGENAWO AMAPASI, ANGENAKUWUFUMA ANGENAKUWUFUMANA
UMSEBENZI, ACHITHA IYESHA LAWO EMATYHO LWENI
EDOBOLA, EPHANGA IZINTO ZABANTU. SENDIKHE NDAWABONA
NGOKWAM. ~~ATHI AWABONI~~ SIZATHU SINOKUBATHINTELA
UKUBA ANGAWABULALI AMAPOLISA. IMEKO IMBI KANYE,
LWAYE OLUGOGGO LWENZIWA NGAPOLISA LUSINGISELA
EKUBENI AMAPOLISA ABULAWE. ~~ATHI~~ KUFUNEKA SIBAMBE
AMAPOLISA AMALOPHE KA EFIKI APHA ELOKISHINI, YAYE
NANTJENGOKO SIBANINZI KUFUNEKA SIWABULALE NALA
AMNYAMA AMAPOLISA. LE NDITHI YINDLELA EKUMEKE
NGAYO NAMHLANTE, DE SIBE SINOKUPHELISA
OLUGOGGO LWEEMVUME ASISAYIKUZE SIFUMANE
LW. LONWABO ELOKISHINI.

MASINGATH MASINGATYHAFISWA ELUD ELUDABINI LWETHU.
ABANTU ^{BAMANYE} ~~BEZINYE~~ ^{AMAZWE} ~~IZIZWE~~ BABONAKALISILE KULA
NTLANGANISELA YEZIZWE OKOKUBA ABANTU ^{LUFUNI} ~~LUFUNI~~ UMKH
UCALULO. ~~LENTO~~ KUTHIWA KUTHIWA

MASINGATYHAFISWA ELUDABINI LWETHU.

ABANTU BAMANYE AMAZWE BABONAKALISILE
KULA NTLANGANISELA YEZIZWE OKOKUBA ABALUFUNI
UCALULO. LE IBIZWA NGOKUBA NGU RULUMENTE-
WOKUZILAWULA WOMPHESEYA KWE-NCIBA
AYISAYIKUMNCEDA U-RULUMENTE. INKULUMBUSO
IZAKUBA NGU MATHANZIMA. ABANTU BAMTHIYILE U
MATANZIMA. AKASIYONKOKHELI YABANTU, KODWA
NGUMNGCATSHI. NDIYANIXELELA UHLALA NGENTONGA
NOMKHONTO, NANGOKUBETHA ABANTU (ETSHISA)
ETSHISA NEZINDLU ZABO.

ASIMFUNI U MATANZIMA. MASUYOYISE
YONKE IMIZAMO YAKHE YOKUBANGUMPHATHI
WABANTU BETHU. NDIYAKUBULELA MHLALINGA-
PHAMBILI NGALENXAXHEBA YOKUBA NDITHEHE.

Kulusizi ukungabonali kweenkokheli zecawa kule ntlanganiso. Ngabona Bantu bebefale ukukhokhela koludaba lokulwa ukumiswa kwezindlu zokuselela nezokuthengisela utywala. Kufuneka siwuchase ngokomeleleyo lomthetho wotywala. Sifuna inkululeko asifuni tywala.

Amapasi nguwona mnombo wenkathazo. Amapasi asetyenziswa ekusibopheleleni ndawonye ungabinakuya kwindawo ethile. Ngaphezukwamapasi kukho iimvume. Kufuneka ubenemvume khonukuze uhambele isizalwana sakho enyanga. Amapolisa asoloko gqogqa iimvume, yaye imeko imbi kanye ngakumbi ngeempelaveki amapolisa awaze ayeke ^{uku}gqogqa ezimvume, agqogqe namantombazana. Ukuba ufunyenwe unentombazana phaya kweziya zindlu zamasoka kufuneka uhlawule. Ukuba uya e e Sea Point entombazaneni yakho ayakubamba ngokubakho kwindawo ongenalungelo lokubakho kuyo. Asinguwo mmangaliso ukuba amadodana abenobumdladiya aqumbe.

Unokuwafumana amadodana amaninzi angenawo amapasi, angenakuwufumana umsebenzi, achitha ^{ixesha} ~~ixesha~~ lawo ematyholweni edobola. Ephanga izinto zabantu. Sendikhe ndawabona ngokwam. Athi awaboni sizathu sinokubathintela ukuba angawabulali amapolisa. Imeko imbi kanye, lwaye olugqogqo lwenziwa ngapolisa lusingisela ekubeni amapolisa abulawe. Athi kufuneka sibambe amapolisa amhlophe xa efika apha elokishini, yaye nanjengoko sibaninzi kufuneka siwabulale nala amnyama amapolisa. Le ndithi yindlela ekumeke ngayo namhlanje, de sibe sinokuphelisa olugqogqo lweemvume asisayikuze sifumane lonwabo elokishini.

Masingatyhafiswa /

Masingatyhafiswa eludabini lwethu. Abantu bamanye amazwe babonakalisile kula ntlanganisela yezizwe okokuba abalufuni ucalulo. Le ibizwa ngokuba ngu rulumente - wokuzilawula womphesheya kwe-nciba ayisayikumnceda u-relumente. Inkulumbuso izakuba ngu mathanzima. Abantu bamthiyile u matanzima. Akasiyonkokheli yabantu, kodwa ngumngcatshi. Ndiyanixelela uhlala ngentonga nomkhonto, nangokubetha abantu etshisa nezindlu zabo.

Asimfuni u matanzima. Masiyoyise yonke imizamo yakhe yokubangumphathi wabantu bethu. Ndiyakubulela mhlalinga phambili ngalensexheba yokuba ndithethe.