

INTERPRETERS' COURSE. (present Siwisa,
Mphako, Mandela, Mahabane)

LECTURE 1. Friday 5th April 1940

(by John Gilbert Tyamzashe)

Speak to the Magistrate, when interpreting, as yourself,
not in the manner "he says . . ."

Do not in any way assist the defendant by enlarging
on what he says, because the plaintiff is closely watching you
and may challenge your version. Be just honest.

Go and stand near the plaintiff.

Be civil always, and smart in appearance.

Do not stand with hands in your pocket, nor slouch, nor lean
against anything.

Speak very loudly and clearly, for everybody in the court and
even outside to hear, but particularly the man concerned along
with the Magistrate.

In experience you will find it more difficult to render into
English than into Xhosa (or any other vernacular).

Be prepared to repeat for the benefit of the defendant
anything and everything that has been uttered, even though he
obviously heard it all. Repeat, repeat, repeat, so long as
he asks you "What"?

Asked by the court to ask a question "Have you any
question to ask?", the defendant invariably makes a statement.
It is for you to quickly change and frame that statement into
a question, so as to satisfy court procedure. Keep yourself
always ready to alter such statements, short or long, into their
equivalent questions, e.g. "Isn't it true that?"

ASSAULTS. Assaults vary greatly :- e.g. "with intent to
do bodily harm";
"with intent to rob"; "with intent to rape".

COURT DISCIPLINE.

Court opens at 10 a.m.

Be there before 10, otherwise accused
will be charged with "Contempt of court".

The court (policeman) orderly shouts "SILENCE" in stentorian
and terrific tones. Directly he does that, EVERYBODY present
must stand, you too.

Read the charge so that accused may understand it.
Simplify all things for him as though he were a child.
You must simplify all the decorative legal jargon for it
often comes out in strings of almost synonymous terms and
phrases like "maliciously, wrongfully, etc.", words that are
confusing and meaningless to the accused.

Stand about half-way between witness and accused, but as
occasion demands, go nearer and invoke him to speak louder.

Aim at using simple ordinary English, avoid flourishes,
and words liable to carry two meanings, for the Magistrate
is busy writing down everything, and his record may go to the
judges on appeal. Hence it is very important to achieve sense,
or else the Magistrate will keep asking you "What does that
mean?" Give exactly what accused says, for the witness
is watchfully listening. Be absolutely CORRECT at all times,
giving a true translation of what is said.

MOST DIFFICULT. Accused when asked to question witness, will often say "Yes, I have many questions", but straightway proceeds to speak and make an ordinary speech or statement. Try and urge him in a whisper to ASK QUESTION, and at the same time convert his statements ~~into~~ into questions.

OATH. Translate the oath for the witness. Remember that the crime of perjury hinges on the interpreter. Be economical of your voice. Save your voice as much as possible, for you have to use it all the time between 10 a.m. and 1 o'clock and again from 2 to 5 p.m. every day; and there is simply NO COURT when the interpreter is sick or has lost voice. Hence always AVOID COLDS, sleep early! Do not loaf about the streets at nights till you catch a cold.

Collect idioms and proverbs in the evenings always into a thick-covered exercise book of your own, and be always busy translating these very lectures mentally.

BEWARE. Your conduct and behaviour in private and public must be invariably good. Know that you are being assiduously watched by both black and white officials. Lead honest lives, lives above board. Be helpful to your people. Interpretership is a sort of Lord's Mission, serving the people, but people unable to speak a correct sentence, because they are usually nervous at the very thought of being in danger of imprisonment, as well as being frightened by the sight of White men all around!

Often you will be tempted to save your own relative when you see him giving away his case by speaking stupidly to the detriment of his own case. Yet, translate exactly what he says, and take no sides.

Both officials and Natives must have confidence in you, otherwise you will find yourself challenged on minor points of translation. Hence interpret exactly, not more nor less than what is spoken. It is no fault of yours if a witness damages his case.

CHARGES. Charges are of numerous types. Some are already documented in Xhosa, and you are to translate them on the spot without previous preparation. Here, the reputation of your college is at stake. Keep its name pure.

TYPE-WRITING. You must all learn to type, at once, for in your spare time between interpreting for cases you are clerks. There is no need to type scientifically according to rules of professional typists. Type as any amateur does, so long as you attain accuracy of spelling.

LECTURE 2.

DUTIES OF AN INTERPRETER.

The official duties of a court interpreter are these :-

1. Interpreting.
2. Assisting with office clerical work.
3. Typing of records, etc.
4. Registration of Coloured and Native Births & Deaths.
5. Rendering monthly & quarterly Birth & Death returns.
6. Despatching correspondence.
7. Writing out Cattle Removal Permits.
8. Attending to the Record Room.
9. Keeping the following books :-
 - i. Births & Deaths Registers.
 - ii. Births & Deaths Indexes.
 - iii. Pauper Order Book.
 - iv. Urgency notifications of Infectious Diseases to be delivered to the Municipal Town Council Clerk & Divisional Council clerk.
 - v. Native Registered Voters' book (containing certificates to be issued to all such).

PAUPERS. Be on the look-out for them, and sympathetically show them the way about the court buildings to the appropriate doors.

BIRTHS and DEATHS occupy much time, e.g. you may have to deal with 1,000 births in a single month!, and from 600 to 700 deaths per month.

You must be absolutely exact, for these forms go to Pretoria every month as State official records. There must be no mistake whatever here because there are duplicates kept in Pretoria for checking purposes.

School frequently come to ask for their birth certificates for application into institutions, and these must be faultless.

The quarterly return is very complicated and difficult to correct once there is the slightest error anywhere.

All judicial records have to be typed! These judicial records are required in case of appeal, and only your copy goes to appeal, but the original is used when the Judge comes. There must be three copies, one for the Solicitor General
 one for the Crown Prosecutor
 one for the Defence.

White clerks often impose their work on you, but the above DUTY SHEET is there to protect you.

(Mr Tyamzashe then exhibited a sample record of a complete case - U.D.J. 25).

THE WITNESS.

The witness often repeats what he was told by other people. Try and prevent him from saying things that happened where and while he was absent. Discourage him from making very lengthy sentences, especially involved sentences, because when asked to repeat them he fails to know where he himself started.

By all means do let the court see the face of the witness. The court must be in a position to see his expression.

A witness is liable to answer without thinking at all, because he is dead frightened by his dreadful surroundings. Stop that. Stop him from answering before you finish interpreting.

THE OATH.

Administer the oath correctly :

"Ndiya funga ukuba ndiya kuthetha inyaniso epheleleyo; andiyi kuthetha nto yimbi ngaphandle kwenyaniso, inyaniso epheleleyo; uz'undincede Thixo (or Undincede Thixo)".

Convey the questions audibly to the witness. If accused is not intelligent enough to ask a question but makes a statement, form a question yourself out of his statement and let the court know what you have done, but do not go beyond his statement, lest you be accused of helping him, for his opponents are watching you.

If the accused is nervous, try and be kind to him. Never be impatient because of his ignorance. Try and encourage the accused to call as many witnesses as he requires for his defence, even though if it means more work for you.

At some stations sub-poenas have to be undertaken by the Prosecutor. Please give that official all the assistance you can. (a sub-poena brings someone to come and give evidence). For instance, the Prosecutor often cannot spell the names given by the accused to call as witnesses. Correct the addresses too.

In preparatory examinations/ proceedings, when asked for their ages, witnesses can only give historical events connected with their birth, e.g. The War of Ncha-yechibi (1877). For a complete compendium of such Xhosa events buy the booklet "IziGaneko zamaBali" by D.D.T. Jabavu, 3d, Lovedale.

Tuesday 9th April 1940.

LECTURE 3. Accused is charged at the close of the case of witnesses; he is then warned against his making statements that may incriminate himself.

He is asked if he wishes bail or security. The interpreter should oblige by filling in the bail bond, and not wait till he is asked. Have these in duplicate, for the Prosecutor and interpret them. Lead them here. Accept no presents or gifts for this for you may be instantly dismissed.

Always be above-board. Shun bad company. Keep up always a tidy appearance. Respect the officials and general public down to the lowliest man in the street. Keep out of debt. Live within your means. Do not mix up with the police in their activities because the interpreter should not know what the accused has done or said to the police before being brought up to court.

Let the police conduct their own investigation of cases without the interpreter's assistance. If you work with, or assist the police, you will find yourself figuring as a witness in the cases and then you cannot be used as an interpreter as well as a witness in the same case. Try hard to keep away from gazing at street fights if you live in a town location and then you will never be called in as a witness.

CLERICAL WORK.

Instructions are printed on the back of most of the forms, for guidance in filling them in, but remember that you have to take statements given in Xhosa down in English. It is best to take them down first in pencil as given in Xhosa, and then to type them in English. Usually the Native interpreter is the best hand-writer in the whole office staff; and for that very reason all written work requiring to be done neatly is passed on to him. He is then often heavily overworked if he does not care for himself and insist on doing this only within his working hours. The Assistant Magistrate or the Chief Clerk has the supervision of the staff; and any complaints about the distribution of work should be referred to him. Never refuse to do work given you, but you have every right to appeal for consideration if you think you are overworked. Appeal to the Magistrate or to the Registrar in the Supreme Court (NOT to the Judges).

Take no monies in payment for fines of accused persons or their relatives, because if you keep handling public monies you will be forced to contribute to the Guarantee Fund as suspicion will cling to you. Often people will come to you saying "Please pay my tax for me and bring me my receipt". The authorities do not like that.

Be punctual and sign the attendance book as soon as you come in to work; and sign off when the office cleaner locks up.

WEDNESDAY 10th April 1940.

LECTURE 4.

CASES. When a case is remitted to a Magistrate for trial with increased jurisdiction, notice is given to the accused or his representative of the date of the trial, given him in jail or to attorney, and bailed. Witnesses are then subpoenaed to appear on accused's behalf. The case on being concluded, the court passes sentence e.g. to be imprisoned for three months with hard labour, or to pay a fine of £15, and in default, three months in prison. The accused is thereupon informed that the proceedings would be sent to the Registrar of the Supreme Court (every sentence of 3 months & over, or £15 has to be reviewed and confirmed) who then transmits it to the judges in Chambers. If the accused, when unrepresented, wishes any point to be brought to the notice of the reviewing judge, he should submit a statement to be sent with the record for the confirmation of the judge.

If the accused is illiterate, the interpreter must help him to do so. The record comes back, more often than not, with the endorsement of the judge; Once the sentence appears to be in accordance with real and substantial justice, the sentence is confirmed, and the judge signs the endorsement.

If the judge is not satisfied of the guilt of the accused, the sentence is then either quashed or the case is returned to the Magistrate for a proper sentence, if the sentence does not fit the crime. The interpreter must tell the accused of the quashing of it. If the sentence be quashed, the clerk of Court is instructed to issue a liberation warrant to the gaoler to discharge accused from goal.

Sometimes the sentence is six months hard labour suspended for one year or two years subject to good behaviour by the accused during that time - the interpreter to tell the accused accordingly

"Inkundla ikunika isigwebo esixhonyiweyo okanye esijingayo senyanga ezintandathu entolongweni usebenza nzima, kodwa esi sigwebo asisayi kusebenza ukuba uziphethe kakuhle okwethuba lonyaka okanye iminyaka emibini uhamba phandle. Ukuba uyigqibile iminyaka emibini ungonanga nto nokuba yeyaluphi na uhlobo, eli tyala loba liphelele. Kodwa ukuba xa uthe wanenye into oyonayo ungaphelanga unyaka okanye iminyaka emibini waza wagwetywa ngaleyo nto, esi sigwebo senyanga ezintandathu sijingayo soqala ke sisebenze kwa neso saleyo into".

The Magistrate in certain cases where an accused person has been sentenced for two separate offences at one time, may pass the sentences separately and add "the sentences to run concurrently", e.g. (a) two months hard labour, (b) two months h.l. That means that the accused serves only two months instead of four.

Again he may say "the sentences to run consecutively". Sometimes the judge finds from the evidence that the sentence imposed on the accused is too excessive in comparison with the crime. He then asks the Magistrate to reduce the sentence. On the other hand if he finds the sentence too lenient, the law does not allow him to increase it.

In civil cases judgments are given either for the plaintiff (ummangali) or the defendant either with costs or with no order as to costs.

The difference between (a) judgment and (b) sentence is self evident: (a) judgment implies the conclusion arrived at, and (b) the punishment to be meted out: those things, respectively; *segotno kanioto, koto, respectively.*

When a judgment is given for plaintiff or defendant for the amount claimed plus costs granted by the taxing officer is not paid, then the party entitled to get the amount and costs in the case applies to the court for an order to attach the goods or chattels of the defaulting party: On obtaining this order, he passes it on to the messenger of court (*unothimba, monshi*) to attach and sell the goods to cover the amount plus the costs of the messenger of court. These amount up very rapidly if goods of any value are found and are sold by public auction. If someone else's property is among the attached goods or stock, the owner of the property has to file with the clerk of the court an "interpleader action" (i.e. affidavit telling the court that the goods are his and not those of the party who lost the case. If the court is satisfied that the interpleader action is genuine, then the goods are released, but if not, they are sold.

Tuesday 16th April 1940.

LECTURE 5.

There are thoughtless and foolish people who go as far as to insult the Magistrate. Some of our people are indeed thoughtless. One accused refused to take the oath!

KAFFIR BEER CASES.

Numerically this is the most predominant offence in the larger towns and probably has to deal with the minutes of ingredients that go to make up diverse kinds of concoctions :- IMITHOBO (sprouted grain), IBUDU (liquid grain), INTLAMA (dough), IGWELLE (yeast), ~~sekh~~OSEBUDILILE UTYALIA (fermented), OSEBUDILILE (strained beer), IGOGO or IGONGO (four gallon tin-ful), IFATYI (barrel), IDOGO ELINGILANE (one gallon tinful), and so forth.

When the manufacturers are brought up to court for beer brewing, the number of gallons is always in question for purposes of sentence on conviction. If an accused is charged with brewing twenty gallons, tell him or her that the charge against her is that of having made five 4-gallon paraffin tinsful.

NALES : QHILIKA (sugar, syrup, prickly-pear, or honey beer) YESWE-KILE, YANTHOBANTHORA, XELOLOFYA, or YOBUSI, as the case may be.

DAGGA.-a habit forming drug : UUYA or INTSANGU.

If accused is not yet sober, bring that to the notice of the court, or if he appears sick.

CONFESSIONS by accused persons may be voluntary, without threat, or promises nor inducements from anyone. A confession is only against yourself; it cannot complicate others.

Often people arrested express a wish to make an admission of having committed a crime and are taken to a Magistrate or J.P. (Justice of the Peace) or Commissioner of Oaths.

After a confession is taken down in writing, it is read over and translated to the accused by the interpreter. If he agrees, he signs it, and the interpreter signs as translator and witnesses to the signature of the accused. But before this confession is taken down in writing, the Magistrate gives the usual caution that "he is not obliged to make any statement etc."

Someone else should be used by the court to act as interpreter in such instances, and another Magistrate to try the case.

The accused may deny having made the confession.

Tuesday 16th April 1940.

LECTURE 6. KAFFIR BEER TERMS used in courts are INTLUZELO (beer strained from scum), AMASHIQA (beer squeezed from sediment called ~~AMASHIQA~~, INTSIPHO), ISISINDLEKO beer that is served for the entertainment of respected guests) or UKUSINDLEKA (Transkei = UKUHLINZEKA), IVANYA (beer freshly made from fresh sediment), UFEPHWE (small tin-can-ful)=ISIKALI. INKONKXA YOTYWALA (oil-drum-ful), UMTHAYI (big barrel-ful), IJOMA (big tin-ful), ISIMAHLA (small tin can =isikali), carimoor, or karric moor =IMULA (sediment) YEQHILIKA.

Mostly, the brewers cannot be caught easily; and the police resort to trapping (ukucupha) as Native witnesses often spoil trapping cases through ignorance.

The interpreter when asked to put questions, he must put them as asked by the Prosecutor or attorney and must not go too fast but to listen carefully to the Prosecutor, because evidence has to be led step by step. The traps (abacuphi) are given marked coins with which to go to suspected houses or shebeens - there they ask for 6d worth, drink it there and then (not taking it away) lest he be a police trap. He drinks the liquor and a sponge in his mouth absorbs some of it enough for a court sample on trial day. This has to be watched by police in charge of the trapping case and must not be lost sight of by the trap till they raid the suspected house. They are first searched so that they have no money or liquor in their pockets (bayapokotwa) other than that used for trapping and which is marked. When the traps hand over the money for the liquor they have to watch the seller to see where he puts the money taken from the buyers - police officers (oontaminani) watch the traps come out and give a signal (uphawu) to the officers (e.g. striking a match if dark etc.). The officers receive the sponge and search the house for the marked coins and if these are found, the sponges are squeezed into a flask in presence of the seller and she is arrested.

In court the trap must say they went to accused's house and make clear they met no one on the way from whom they could get liquor, and inside nobody else was serving customers except the accused.

The police cannot use the same person more than two or three times for trapping as he will be widely known for this class of witness it is hard to get the services of reliable persons as it is a "dirty job" by both Black and White persons.

Yet you will always find someone trap another for pure jealousy (e.g. of one ~~person~~ seller jealous of another seller because she gets more customers).

When the trap has given his evidence-in-chief . .

LECTURE 7.

Criminal records of accused persons sometimes are read over to the accused persons who are brought up from gaol to admit or deny previous convictions for various offences. The interpreter has to read a list of convictions to an accused person ranging sometimes to many years back; and these persons have all sorts of sentences passed on them, e.g. theft, house-breaking & theft, robbery, assault, fraud, perjury, forgery and uttering forged instruments, etc., with sentences of one month, three months, one year, three years, five years h.l., with also warning of indeterminate sentence. Such a person, whether stealing a three-penny bit has to be tried by the High Court.

C.I.D. CRIMINAL INVESTIGATION DEPARTMENT.

FINGER PRINT EXPERTS. Some of the police are called C.I.D. officials, and these officials are finger-print experts, and their evidence in court is very much refuted by the Bantu accused persons. The interpreter always finds difficulty in being understood by the accused in these cases. Therefore it is necessary for the interpreter to have a little knowledge of this invention. An accused person is in many instances convicted on the evidence of one person only, namely, the finger-print expert.

A thief breaks into a house where no one sees him do so, but in breaking a pane of glass he leaves his finger prints on the broken glass. The broken piece is handed over to the expert, who finds clearly defined imprints on the large broken piece of pane, from which the identity can be established. These finger prints are photographed by the experts and an enlarged photograph copy of the glass impression is then sent to the finger print bureau in Pretoria, where files of all convicted persons are kept. The reply then comes back stating the name of the person who owns the prints, if the offender has been convicted before. If he has never been convicted, it will now be impossible to know who owns those prints appearing on the glass. If the culprit has a record in the Bureau, then it will be able to give the name and the aliases of the person who broke into the house.

When a juvenile offender has been convicted, the court does not send these youngsters to gaol, fearing to mix them up with hardened criminals in jail. The magistrate sends them to Reformatories for a number of years although the crime be not great.

AGE OF ACCUSED.

The interpreter is often asked for his estimate, by the court, of the age of the accused, if no trace can be found of his age in the Births Register books. He should give his estimate to the best of his judgment, for he is expected to be better able than others to judge the ages of his own people. He should try and be honest, and not abuse the trust reposed on him by the court. Sometimes the matter is important from the government's view-point because it may be a case where a young Bantu has not paid his Poll Tax. The interpreter should not hesitate to tell the court his candid opinion of the age of the accused even if the accused happen to be a GREAT FRIEND of his, (iqabane, umlingane, umhlobo).

MOTOR MATTERS.

MOTOR MATTERS.

The interpreter should have some knowledge of the motor-car. This is easy if he owns one. In these days, so many cases come to court in connection with motor accidents, and offences against the motor ordinance. The latter, as you know, like buying old cars and second-hand cars. They get these cars dismantled and renovated with odds and ends of parts. It is necessary for the interpreter to know the names of the different parts of a car; for this knowledge saves the time of the court; otherwise the court has to make adjournments to go outside to ascertain what part it is that is being referred to, and having these pointed out. The accused may just be able to give them in his own way, using a line that you may not follow; but it will be easier if you know the names of spare parts before hand.

APPLICATIONS FOR EXEMPTION FROM TAX.

All day long the interpreter, when not interpreting, is visited by many hard people who all wish to be taken to the magistrate for the purpose of securing exemption from paying the Poll Tax.

The reasons are (a) Physical disability (b) Old age (c) Poverty.

He should divide them into groups.

(a) Physical disabilities. For these you must write letters to the District Surgeon asking that official to examine the applicant as to fitness or otherwise to pay the Poll Tax.

(b) Old age applicants. Take these to the magistrate and then questions them individually through the interpreter about their various ages. Here the list of events connected with their birth will be useful (Lascar's booklet). Take back those exempted by the magistrate through the tax office for issue of the Exemption Certificate to them.

(c) Poverty. Certain particulars in these cases are to be noted down by the magistrate in writing, about means of subsistence. When these are completed, they are told to go home, after the interpreter has noted their addresses. The police are subsequently asked to report ϕ on the economic position of these applicants. Some magistrates prefer this duty done by the headman.

When the men of Group (a) return from the District Surgeon, each with his note, those certified as permanently unfit to earn a livelihood, are permanently exempted by order of the magistrate. The rest are told to pay the tax, the District Surgeon having stated they were fit to earn a living and to pay the tax. There are always some who are stated to be temporarily unable to pay, and temporary exemption certificates are then issued to them. The interpreter should tell each and all of them what they are required to do. At some stations, a Native Constable does this work, and the interpreter helps when the constable cannot quite satisfy the magistrate.

INQUEST PROCEEDINGS.

When a person dies from an unnatural cause, such as from burns, scalds, lights, etc., the magistrate has to cause investigations to be made by the District Surgeon and the police; and no burial ϕ of the body can be take place without an order from the magistrate, or until the District Surgeon has completed his post-mortem examinations.

Evidence is taken by the magistrate from various witnesses who saw what transpired, and these Inquest Proceedings are/

are then sent to the Solicitor-General for his consideration; and if no one is to be prosecuted, the proceedings are returned to the magistrate to be filed in his office. If somebody is found responsible for the death, from the evidence taken, or from the finding of the magistrate, that person is dealt with by the Prosecutor on instructions from the Solicitor General in the ordinary way in the Criminal Courts and charged with Culpable Homicide.

In the case of Murder, i.e. taking another's life, with Premeditation. The procedure is the same as that conducted for serious criminal cases, a preparatory examination being held before the magistrate, and subsequently the case being tried before the High Court on instructions from the representative of the Minister of Justice, § i.e. the Solicitor General.

Sometimes a charge of assault with intent to do serious bodily harm is altered to one of murder.

The interpreter and the magistrate very often have to go to a hospital and take a dying declaration from a person who has been assaulted before he dies from the effects of the assault. The interpreter should never leave his magistrate's office without the knowledge of his chief.

Note the forms of address :- "Your Worship" to everybody sitting on the Bench. "Your Lordship" to the Judge.
Answer "Yes, Your worship", "Yes, Your Lordship" respectively.

There are various degrees of Crime of Assault :-

- (a) Assault (common)
- (b) Assault (Indecent)
- (c) Assault with intent to do grievous bodily harm.
- (d) Assault with intent to commit rape.
- (e) Assault with intent to rob - this being treated

as two charges, the one to assault, the other to rob. Hence it would be absurd to translate "assault" as "ukubetha" in every case. For instance, holding up anyone against his will and refusing to let him pass is an "assault".

To translate correctly, it is necessary to read the whole of the charge to yourself and then to translate intelligently to the accused, not literally, so that he may perfectly understand.

ABIDE BY YOUR INTERPRETATION. The interpreter should abide by his interpretation. Often while interpreting, you will find the Prosecutor or Defending Counsel of an accused person trying to alter what the witness in the box has stated. Please do not allow him to do that; for sometimes they want the witness to say things their own way, and say to the court "Your Worship, I think the witness means to say this or that". Just remind them that you do not interpret what they intend to say, but what they actually do say. Do not allow yourself to be swayed about. If you happen to have made a mistake, correct yourself quickly, and do not give anyone else a chance to correct you.

STRANGE EXPRESSIONS. Sometimes the interpreter in the course of his duties in court is faced with with an expression that is new and strange to him. It would be better to give the translation in such a ~~///~~ case literally, and to inform the court you do not know what it conveys, and try to get an explanation from the witness making it. If that explanation is not satisfactory, offer the court the use of your Xhosa dictionary.

Many/

Many of these expressions will trouble you at first, but as time goes on they become few and far between. The dictionary (Xhosa) should ALWAYS be at hand. Politeness to other officers in court is essential to Counsel for Defence, to accused, to witnesses.

Carry out the instructions given CHEERFULLY to the end, and remember that the smooth working of court work hinges much on the thoroughness with which the interpreter discharges his duties.

The Attorney or Advocate of Defence knows more than you do of the case, before it has come into court; and therefore be very careful of your ground when a dispute arises.

If you do that and study all the languages you have to use in interpreting, thoroughly, the dignity of the position of interpreter in your court will be upheld.

If in a case charging an accused person with practising as a doctor without being registered as such you come up against a strange expression like "Uthe umkhonto wakhe woba yiponti enesi-hlanu" (He said his spear for retaining his services would be twenty-five shillings), ask witness what "umkhonto" (spear) means in the sense in which he employs it, and if he is able to explain it to you convey that to the court. If not, consult your dictionary. What will also give you worry when new to a place is that these terms have different meanings at different places, and different expressions are used for the same things at other places. They are local terms.

RECOMMENDATIONS BY INTERPRETER. If you should be asked to recommend persons to officials for employment, please do not favour any ~~of~~ particular friends to the posts, but consider the character and the suitability of the person for that post according to merits, as you may be let down and damage your good ~~name~~ name. Be civil to all members of the public and never let anyone come away from the office with a grievance against you personally. Try and meet the wishes of everybody coming to you as interpreter. Avoid as best you can the bad habit indulged in by many educated young people holding positions of interpreter in public offices, that of putting off the Native who wishes to see the magistrate or the High Court Registrar.

Expressions like "theleka", "thwala", are used by magistrates and judges especially in cases of the raw and uneducated Bantu. Remember that the uneducated are weak and should get your greatest assistance, much more than the educated persons who can look after themselves to a certain extent. It may be, the magistrate as chief representative of the King, might give the person better advice and help than you can give. Avoid such expressions as "This is not a matter for a magistrate to deal with", or "This is too trivial a matter to see the magistrate about", or "He is too busy and will not see you". If he is really too busy tell the person so and ask him or her to wait a little. When he is disengaged, tell him about the visitor and bring the visitor in to him if he is free and say so.

Translate exactly what each person says in and out of court. If the person translated for is rude, there is no help, convey it as given you. One day a very just and conscientious official was on the Bench and he asked the accused if he did not wish to make a statement on oath. The man stated he preferred making it where he was, i.e. in the dock. (The charge is kept in dock). The magistrate explained it might help his case if he made his statement on oath, but the man insisted in making his statement in dock and said he knew he would be convicted in any case. The magistrate

asked/

asked, why? The reply was that because his skin was black and "In this country there is no justice meted out to a black man". The magistrate felt insulted and ordered him to get into the witness box, put the oath to him, and when his evidence was through, the prosecutor put a few questions to him. The court then explained it could not disregard evidence given on oath, before him, against accused, unless accused gave evidence also on oath to rebut that given by complainant and said "Although accused had made reflecting remarks against courts of this country generally, he for one had a clear conscience in the matter, and the remarks would not have affected the judgment of court about to be given. The probabilities are in favour of accused and there was a doubt in the matter which he should in law give the benefit of to the accused. He would be discharged". Accused said "Enkosi Mhlekazi" and never even apologised for insulting the court, and left.

This shows the thoughtlessness and insolence of our people.

NOTES. In Mr Tyamzashe's notes in preparation for subsequent lectures there are Xhosa phrases to be put into English. Types of stock theft and idiomatic phrases arising therefrom; fights at beer drinks; dagga cases; divorce cases, etc.

Fort Hare, Alice
2nd July 1940

Mr Samuel Nongogo
58, Mtimka Street
McNamee Village
Port Elizabeth

Dear Mr Nongogo,

With the above, I have now finished off all that was left of Mr Tyamzashe's notes, and I hope this will be of some help to you.

You will see that your time will necessarily be occupied with actual practical interpreting rather than lecture theory, and you will have much material in reducing the above lectures into actual translation which the students now await.

Best regards from
Yours sincerely,

D. D. T. Jabavu.

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