

By the way, looking at that last sentence, what is the official Congress movement viewpoint about the imperialist countries and war? Does the Congress movement believe that the imperialist countries absolutely - are absolutely bent on precipitating a third world war? 5  
That they desire a war? --- On very many occasions it did seem so, My Lord.

And Britain and America particularly were the - one could almost describe them as being the arch criminals in this conspiracy to start a new war? --- 10  
My view is that if Britain had not been there America would have plunged the world in a war already, it has been a restraining influence on many occasions.

But is it correct that your organisation does not consider Britain herself free from guilt? --- No, 15  
My Lords, as is shown on the attack on Egypt.

Or as is demonstrated by British action against the national liberation army in Malaya? --- That is possible, I don't know much about the Malayan situation  
My Lord. 20

Britain's guilt as far as the Congress is concerned would certainly be shown by her action in Kenya?  
--- That is correct, My Lord.

And her guilt would furthermore be shown by her action in the Federation, as far as Nyasaland is 25  
concerned? --- That is correct, My Lord.

Next would you turn please to - pausing there for a while, I quoted you the example of Malaya, I see that this article in fact deals with Malaya. Would you please read from line 8, where the article says - not 30  
the article, but there is an article dealing with the Malayan war, which says "There is now a very real possibility

of an end to the long war in Malaya between the British army and the Malayan People's Army. Preparations are being made for a meeting between the chief ministers of the Malayan Federation and the Communist leader of the People's Army, Chin-Teng." And then if you look at the foot of the page, line 25, it says, "The war in Malaya began seven years ago when the British met the demands of the national liberatory movement for independence and of the trade unions for high wages with military terror of the same kind as that being employed by them in Kenya today." Now did the Congress movement think that in South Africa the demands of the national liberation movement would also be met by military terror on the part of the government? --- It has clearly been shown that it has been met with harsher laws in South Africa, that the demands of the people have been met with more oppressive laws.

BY MR. JUSTICE RUMPF :

The question is really what the Congress movement expected, whether it expected its demands to be met by brutal methods? -- That was a possibility, My Lord.

BY MR. HOEXTER :

Would it be right to say that the Congress movement regarded it as a probability? --- No, as a possibility.

Next Mr. Lollan, would you look please at page 4040. I want to be very brief here, Mr. Lollan, because this article has also been referred to before in this Court. My Lord, this is the issue of the 17th November, 1955, and there is an article, under the caption--in the course of the campaign to win a million signatures for the freedom charter, the author is described

being  
as/"Inkulukeku". I just want to quote you a brief por-  
tion from line 8 on page 4040 the one that says, "The  
Charter does not propose merely as a form of the present  
system, a patching up of its worst evils, an amelioration  
of some of its worst conditions. This Charter proclaims 5  
that only a complete change of state form can result in  
the people achieving their aims. Some groups, like the  
Liberals, have the illusion that real democracy can be  
achieved within the existing constitutional setup. They  
believe that the repeal of certain laws on the state book 10  
is sufficient. Such a purely reformist attitude is  
unrealistic and takes no note of history." Now Mr.  
Lollan, the position is that the Congress movement did  
not believe that real democracy or true democracy could be  
achieved within the existing constitutional setup, did 15  
it? --- No, My Lords, the existing constitutional setup  
is based on the Act of Union, which does not grant univer-  
sal suffrage, and therefore within the existing constitu-  
tional setup you cannot have a democracy of all the people.

And assuming that you have universal 20  
franchise, that the constitution is altered so as to  
provide for universal franchise, would that by itself  
mean the achievement of real democracy? --- My Lords, you  
would have to radically alter - that is what the Congress  
movement believes, that you cannot without almost - say 25  
scrapping the Act of Union have any of the aims which  
we want, because in the Act of Union you have apartheid  
in the Civil Service of the country.

I am putting to you, assuming that the  
constitution is scrapped, and that the new constitution 30  
provides for universal franchise, would that by itself  
mean the achievement of real democracy? --- The scrapping

of the franchise clause and the colour bar clauses in the South Africa Act, yes.

Nothing further would be required? ---  
I don't remember all the clauses of the South Africa Act.

Do you remember the clauses of the Freedom Charter? --- More or less. 5

Do you agree that more universal franchise would only be one step in the direction of your people's democracy? --- That is correct, according to the Freedom Charter. 10

BY MR. JUSTICE BEKKER :

I suppose if the Congress movement got universal franchise that would be the end of White supremacy in this country? --- That would be correct, My Lord.

And on rough figures or on the basis of one man, one vote, would it be correct to suggest that one might find the same proportion as there is between the European and the non-European population in the country, on a proportional representation basis, ten to three - ten to four in parliament? -- My Lords, that is correct, except that if we have universal franchise it is quite possible that an African standing in the same constituency with a European, that the European may be preferred by the Africans in that area because of views he holds and so forth, that he would represent them in parliament. 15 20 25

What do you think would have happened during the period of the Indictment? --- That you would find the Africans in the majority in the House of Parliament, that is correct, My Lord. 30

Would you expect, in view of past Union legislation any African inclined to vote for a White

candidate? --- I think so, My Lords, that is what the Congress has preached. The three Congresses have always preached that the Africans - there should be respect for each other amongst the community,...

I understand that, but what I have in 5  
mind is this. I don't know whether the Congress alliance considered it at all or not, was this question ever debated in the Congress alliance, how if universal franchise would mark the end of White supremacy in this country, how the White rulers would act to that demand? Was 10  
that considered at all? --- If universal franchise was...

If the grant of universal franchise would mark the end of White supremacy in this country, did Congress consider in what fashion White supremacy in this country would react to a demand for that which would 15  
bring about its downfall? Did Congress debate that at all? Did it consider that question? --- My Lords, I think it has been shown over the years, Congress has been making the demand for an end to White supremacy, and I think it has been shown by the emergence as such groups as the 20  
Liberal Party and very recently the Progressive Party, that that view is being shared by more Europeans.

I don't think that either of those parties stand for universal unqualified franchise. They have got all kinds of tags to...? --- My Lords, when the 25  
Liberal Party was formed, it stood for the qualified franchise. Very recently it has been coming more and more to the idea of a universal franchise.

Take the actual position in this country. The Liberal Party and the Progressive Party happen to be 30  
in the minority? --- At the moment, yes, My Lord!

The ruling class happens to be that

section which has been attacked consistently by the Congress movement? --- That is so.

Not only the Nationalist government but previously the United Party, and you can go right back?

--- That is correct.

5

Now what I want to know is this, Congress alliance in formulating claim one in the freedom Charter, that is general franchise, I suppose did realise that if that was obtained, it would mark the end of what has been called White Supremacy? --- That is correct.

10

Was Congress alliance alive to that fact?

--- That it would mark the end of White supremacy, yes.

Did Congress ever consider how or in what manner White supremacy would react to that which would bring about its downfall? ---As I say, My Lord.

15

Congress has seen how White supremacy has reacted.

That is another point, it has seen, - I don't know how Congress movement sees that. What I want to know is did the various Congresses come together and consider the matter and discuss the question, how would White supremacy react to this demand? --- Well, My Lords, I cannot say it was formally discussed, but if you put forward a demand of universal franchise, you - we fully expected the majority of the Europeans to say, they are mad. But with agitation as the Congresses have shown all these years, there are more and more Europeans coming to think well, it is not such a mad idea after all.

20

25

If you back up that demand with pressure, did Congress consider what may then happen? --- That you will find more and more people coming to that idea.

30

I don't want your theories, your opinions?

--- Congress never sat down and discussed what would

happen in this case. It is a generally accepted change that would come about.

Wasn't it regarded necessary as an item on the agenda, to consider this question, if the idea was to go for that which would bring about the end of White 5 supremacy in this country, and if that is backed up by pressure, - it is really the same question, how would the European voters in this country react? Would they just knuckle down or would there be a show of teeth? --- No, My Lords, by education of the White electorate, as we have 10 been doing all this time, the White electorate will come to realise that it is in the interest of the country to grant universal franchise.

In the interest of the country, but nevertheless directly responsible for their downfall? --- My Lord, we hold that White supremacy is an unrealistic attitude.

You say the Congress allfance as such did not debate this question? --- Not to my knowledge, My Lord.

BY MR. JUSTICE RUMPF :

I don't follow your answer. Although the Congresses might not have debated the question, I take it that the rank and file of the Congress members had certain points of view about it? --- That may be.

You say according to your view they realised that more and more Europeans would come over to their view? --- That is correct.

And is that what Congress propagated to its members? --- That is correct.

But at the same time too, Congress propagated the idea that there would be bloodshed and terrorism? --- Whilst you are getting more and more Europeans to come to your view, the government, acting quite independent of the European electorate, would increase the oppression.

Being a fascist government, divorced of the democratic ideals? --- As far as the non-whites are concerned, yes, My Lord.

So that you say that the Congresses thought that they would win over the electorate? --- Yes. 5

But they would have to fight the government? --- That is correct.

I am not suggesting violence, that they would have to withstand the government's increase of suppression and terror? --- That is correct, My Lord. 10

BY MR. HOEXTER :

Next, Mr. Lollan, would you turn to page 4071. This is the issue of the 3rd May, 1956. At line 10, there is a letter by one J. J. Hadeba under the headlines, "Wonderful spirit among P.E. Africans"? --- That is correct. 15

Then the letter says, "Recent bannings of meetings, the shooting of volunteer Ngoza Jebe and the imprisonment of shocked and wounded freedom lovers have heightened the spirit of resistance..." - sorry - "in the P.E. area have heightened the spirit of resistance, raised the level of political consciousness and hardened the determination of freedom fighters in this area." Then the article goes on to discuss this particular group of freedom fighters, and towards the foot of the page, line 28, the letter says, "Let the oppressors know that every drop of innocent blood of the suffering Africans goes far and deep in bringing and welding together the souls of the oppressed masses. Our tears and indeed the blood of our blameless fellow men shed by the oppressors for the sake of upholding the bitterly hated White supremacy ideology in this country, 20 25 30

will be taken into account on the day of reckoning which is fast drawing nigh". Would you agree that this letter hardly suggests a conference table after certain pressure has been applied? --- I don't think he is dealing with the subject of negotiation, My Lord. 5

Neither do I. You see, he is talking about the day of reckoning and it rather suggests again the notion of reprisals against the people who are now the oppressors? --- That is possible, My Lord.

Isn't that a fair interpretation? Is 10  
not that really the central idea of this paragraph? Do you know a person by this name J.J. Hadebe? --- I know a James Hadebe.

Was the person to whom you refer an accused at the Preparatory Examination? --- That is correct. 15

What does he mean or what impression does it create in your mind when he refers to the day of reckoning which is fast drawing nigh? --- Possibly that when everybody has achieved in this country, many people will say that if we did not pass those oppressive laws 20 we would still have had white supremacy in South Africa. That those were the things that welded these people together.

Any other - to your mind, could the day of reckoning mean something else? --- It could mean that we will take reprisals against them. 25

You read a little further on the same page where it says "I was also moved by the volunteer corps' diligence, sense of responsibility and the way they respond to instructions from their leaders. Without question decisions are carried out at once." The National 30 Volunteer Board fell within the ambit of the National Action Council of the Congress of the People, not so? ---Yes.

Was your impression that the volunteers would be prone to carry out decisions of their leaders without question? --- They were expected to carry out the decisions of their leaders within the policy of Congress without question. 5

Wasn't the thing that was drilled into them the fact of absolute obedience? --- Discipline, yes.

Were you present at West Street in November, 1956, at that meeting at which the tape recording was played which was - at which the tape recording was made which was played in this Court, the 22nd November, 1956? --- No, My Lords. 10

Do you remember the speech made on that occasion, there was evidence that the speaker was the Accused Resha? --- That is correct, My Lord. 15

You knew that he was the Transvaal Volunteer-in-Chief? --- That is correct, My Lords.

He was also the national second in command of the volunteer corps? --- I think so, yes.

Do you agree with his description of what the duties of a volunteer are? And in particular do you agree with the way in which he describes the discipline and the obedience which is required from a volunteer? --- That is correct, My Lord. 20

Is that speech clear in your mind that he made on that occasion? --- Yes, that the volunteers should be disciplined and that they should carry out the orders given to them. 25

I am putting this question to you as a man who was a member of the National Action Council of the Congress of the People. In that capacity, is the position that you have no criticism whatsoever to make 30

with reference to that speech of Resha's on volunteers?  
--- My Lords, except for that - he asked the volunteers to  
be disciplined and was very dramatic about it. I don't  
see that he asked them to do nything else. I say that he  
exhorted the volunteers to be disciplined and carry out 5  
instructions, but was very dramatic about it.

BY MR. JUSTICE BEKKER :

What did you make of the applause after  
that passage, "if you are violent you must murder" or  
something, do you remember the applause? --- I remember 10  
there was applause at various stages, My Lord.

What do you make of the fact that that  
statement was applauded in the way it was? --- My Lords,  
at Congress meetings one is very often applauded in the  
middle of a sentence before you have made a very signifi- 15  
cant point, I don't know.

Here it was at the end of a sentence,  
after he had used these words? How does one interpret the  
applause which that statement received? - -- Possibly that  
the people there agreed that that is the type of discipline 20  
which volunteers should have.

If called upon to murder, they must  
murder? --- There is no volunteer who would agree to  
become a volunteer so that if he is called upon to murder,  
that he would murder. 25

I don't understand the applause for that  
statement. If the policy is non-violent, we would  
expect..? --- No, My Lords, the applause came in after he  
had said that volunteers should be disciplined.

Yes, he said that volunteers should be 30  
disciplined and if called upon to be not violent, they  
should not be violent. But if they are called upon to be

violent, they must be absolutely violent, they must murder, murder, that is all. Then followed the applause. Now what was the applause for? --- That would be at the end of the sense of what he was describing as the discipline of the volunteers. If they are called upon to be non- 5 violent, they must be non-violent. That completes the sense.

That is a completed sentence, and there was no applause? --- I say that completes the sense of what he had said, he was conveying non-violence. If they 10 are non-violent - if they are told to be non-violent, they must be non-violent. If they are told to be violent, they must be violent.

Something which was completely foreign to the whole policy of the Congress alliance? --- Well, 15 My Lord, I think a person listening to it would not isolate the portion, that is if you are told to be violent you must be violent.

You see, my difficulty is this, I know you don't know what was in his mind, but was there room 20 for any such example having regard to the policy of the African National Congress or the Congress alliance? --- My Lords, I would like to give the example of a father saying to a child, you must listen to me, if I tell you to go and sit on the stove you should do so. But no 25 father ever meant that the child should ever be told to go and sit on the stove. And that has often been said.

BY MR. JUSTICE RUMPF :

Except that that would be the case of a father who says you must never go and sit on a stove. 30 Your example would be a good example if the father was also at the same time a father who told the son that he must

under no circumstances ever sit on a stove, and he required discipline to the extent that if he was told to sit on a stove he nevertheless had to sit on a stove. Surely that is a good analogy, because here you have an organisation who says that under no circumstances violence, 5 and the discipline is demanded to such an extent that the speaker says, if violence is ordered you must commit violence? --- My Lord, the policy that has always been explained to the volunteers, over and over again, is that Congress policy is non-violent. So where... 10

Has it been explained over and over again, or has it been merely mentioned casually in a speech. You see, that is the difficulty that one has here in trying to reconcile the two. You have documents and you have speeches in which the phrase is used, we are a non- 15 violent army, fullstop. That is why I asked you this morning, has the ideology of non-violence and its implication, its practical implication, has that been fully explained and if so, where? I may give you another example. We have had evidence here that before the 20 Defiance of Unjust Laws Campaign, the volunteers were carefully instructed as far as their duties are concerned. And they were tested, they were not to commit violence under any circumstances? --- That is correct.

Thereafter, on the evidence before us 25 - now I am giving you my impression of the evidence, the use of the phrase we are non-violent and no more? --- My Lords, apart from - part of the difficulty of the Accused in this case is that they did not write down their speeches at all these meetings, they did not 30 provide the shorthand writers to go from meeting to meeting to take down the speeches, and the police took

down the speeches that they wanted to, and in very many cases it has been proved that what has been said has been left out. So it would be extremely difficult for me to say that at such and such a meeting I explained the policy.

During the evidence of these witnesses 5  
there hasn't been a single suggestion to a witness that he had left out a description, a particular description of non-violence that was made by a particular speaker. You follow what I mean? I am going back to the evidence that full instructions were given to the volunteers when they 10  
were called upon to defy, full instructions were given to those who participated in the demonstration - the procession to the Union Buildings. On the other hand, when it comes to the Western Areas, no instructions whatever as to how they should resist. That is the evidence so far. None whatever. 15  
As a matter of fact, the resistance was left to each individual, members of the A.N.C. and non-members. You see how difficult it is to reconcile this? And then you have a recorded speech here where having regard to a non-violent organisation, one of its leaders quotes an example, even 20  
if he may have been in a dramatic mood, which flies in the face of the very policy of the organisation? --- In that speech, My Lord, I cannot see that he is suggesting that the volunteers should murder. As far as I can remember that speech I cannot see it, My Lord. 25

Let us assume you have a non-violent organisation on the one hand, and the strictest discipline on the other. That you can visualise, both requirements existing at the same time. Now in order to demonstrate the strictness of the discipline the leader shouts out 30  
that if the members are told to be non-violent, they shall be non-violent or they shall distribute leaflets for

that matter. But, he says, if they are told to be violent, they shall be brutally violent, they shall murder, or they shall be absolutely violent, they shall murder. In the face of the expressed non-violent policy, how do you reconcile that? --- My Lord, if you have an organisation 5 that is a non-violent organisation. Here you have a man coming forward and saying we demand absolute discipline. If you are told to be non-violent, you must be non-violent. If you are told you must be violent, you must be violent. It is a more dramatic example for the man that he must be 10 so disciplined in the organisation...

So disciplined that if he gets an order in conflict with the policy he must exercise it? --- No.

How is it then an example of discipline? --- My Lords, nobody is asked in the Congress movement 15 to do anything outside the policy of the Congress.

But now if they are told that if they are ordered to do something outside the policy they must do so? --- No, My Lord.

So strict must be their discipline? --- 20 That is not my impression.

BY MR. JUSTICE BEKKER :

Should it not have been a happier example if he had said if you are called upon to be violent you shall not be violent, to emphasise discipline? --- My 25 Lords I may agree that it would have been a better way of putting it, but that is how he put it and that is how I understand it that he did not call upon them to be violent.

BY MR. HOLXTER :

Mr. Lollan, turn please to page 4101, 30 line 15 there is an article "World Stage" by Spectator. I don't know if you know this feature in New Age? --- I

have seen it, My Lord.

You can take it from me it appears every week. This headline caption says, "People's democracies astir with reform", and the opening part of this article says "The reverberations of the political bombshell exploded by the Soviet leaders at the Twentieth Congress of the C.P.S.U. continue to be felt throughout the world and naturally not least of all in the countries of the People's Democracies. The forthright attack on the cult of the individual, bureaucracy, lack of collective leadership, and gross violations of socialist legality have been enthusiastically taken up and continued by rank and file communists and the mass of the people in all the socialist countries." On page 4102, the second paragraph, line 3, says "Latest in these developments is the re-election of Vadislav Gomulka to the position of First Secretary of the Polish Workers Party, a position which he had previously occupied with great distinction before being expelled and gaoled soon after the Cominform rupture with Marshall Tito. He was released in 1955 and it was soon afterwards admitted that the charges against him had been fabricated". Both on pages 4101 and 4102 again we find this reference to People's Democracies, what is your impression to what countries specifically was the author referring here? --- He seems to be dealing with matters effecting the communist countries, it must be one or other of the communist countries he is referring to.

I am now going to deal with a few references to Fighting Talk. Mr. Lollan, would you take Volume 15 which is next to you. Would you...

BY MR. JUSTICE BEKKER :

Just to get back to Resha's speech.

I think you had better just read that speech some or other time and if you have got any criticism to offer you should do so. If you have no criticism to offer, then that is in order. But I just want you to be quite sure in your own mind that you have got everything in your mind when you 5 say you have no criticism to offer? --- Yes, My Lord.

BY MR. HOEXTER :

Would you turn to page 2976, please.

There is an article there, at line 8, called "Stalin, Leader of the new Type" and it is produced on the anniversary of Stalin's death. It is a long article, and I don't want to bore you with the whole of it, you can assume that it involves praise of Stalin's outstanding talents, it explains that all his talents were devoted towards changing society for the better. Then in the concluding portion of 15 the article it refers to the Western powers and the way in which they slander other people, and the article ends on the following note, at page 2978, I read from line 111 "Stalin is now the most alive of all living, our weapon, our knowledge, our power". What I want to know from you 20 is whether in the view of the Congress movement this man and his philosophy was regarded as at all important or significant, whether it was a source of inspiration to the Congress movement? --- No, My Lords. This may be the author's view on Stalin, but I don't know sufficient about him to 25 agree with what the author has written here.

Next is page 2986, line 21, there is the feature "Ons bou n Nasie", this is a chatty column and the author says - it is a reference to the Western Areas of Johannesburg, "Everything according to the newspapers is 30 ready", then he describes somewhat sarcastically the provisions which have been made at Meadowlands, and then on line 30 the article continues: "For any bloodshed and

suffering that might arise from this fantastic piece of planned injustice, Verwoerd, Mentz and company will have to accept the full responsibility." Now I want to know from you whether the Congress movement regarded bloodshed as a probable consequence of the campaign by Congress against the removal? --- With two thousand police on the day of the removal I don't think it is improbable to conceive of any blood having flown there, because My Lord, people may be injured. 5

BY MR. JUSTICE BEKKER :

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You say with so many police there, do you suggest that the more police there are the greater the risk of bloodshed? --- I think so, My Lord.

Why? I would imagine the same point was debated with the witness Luthuli. With a small band of police one can expect that if the people who do not want to move see there are about three or four police, they wouldn't be afraid, but say there are ten thousand police, wouldn't they be overawed to the extent of not doing anything at all? --- No, My Lords, I think - as I said about the meeting I was chairman at at the Trades Hall, if one policeman had come up to the platform and demanded the papers, there would have been no excitement, but when so many police rushed up to the platform people became excited. 15 20

BY MR. JUSTICE RUMFFF :

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This seems to have been an article in a paper dated June 1954. At the top of page 2984, June 1954 - the question asked is not really what the position was when there were two thousand or more policemen, but why in June of 1954 it is written, sometime before the actual removal, that there might be bloodshed? --- My Lords, I don't know if it was the Congress view at the time, but 30

this is an article by somebody...

I think one should read the sentence above it in order to properly appreciate the meaning. It says at line 25, page 2986, "There have been a few houses built at Meadowlands, charming pastoral name that, all that 5 remains that is to be done is to shift seventy thousand people from one place to another by the sheerest force. For any suffering - bloodshed or suffering that might arise ... Verwoerd and Mentz will have to accept the responsibility". Anyway the author anticipated the possibility of 10 bloodshed? --- The author may have, but I don't know whether the Congress movement had thought anything about it.

Imagine yourself at that time, and putting the position as the author puts it, "seventy thousand people to be moved by sheer force", he is assuming that not one 15 is going to move, and the government is stepping in to move seventy thousand people, and so he says well, any bloodshed is on the heads of the government. Thinking back at that time, was it an unreasonable idea on the part 2 of the author that in those circumstances as he put it, 20 that there might be bloodshed? --- My Lords, if a Congressite says that our policy is one of non-violence and we have been asking the government not to proceed with the mad scheme of moving seventy thousand people from a settled locality, if there is any bloodshed it would be 25 on the head of the government. I mean it is quite reasonable to think that.

But I am really asking you not on where to put the blame. I am asking you to think about what might happen in those circumstances, whether that would 30 be reasonable. In other words, a government determined to move seventy thousand people, as he puts it, everything is

read, what is left is only one thing and that is to shift them by the sheerest force, and now he says any bloodshed is on the heads of the government. Didn't he think that in those conditions there might well be bloodshed if the government insisted on moving those people? --- That is 5 possible, My Lord.

Now would it be an unreasonable expectation on his part? --- I don't know what he based his thought on. My Lord, people living in a country and being governed by a government, it is quite conceivable to tell 10 the government that we do not want to do this, and we will put all the blame for anything that may happen on you. It is for the government to see the wishes of the people, if we continue with this thing, these people are against it, and it is better for us not to do anything about it. That 15 is the principle of government, My Lord. If the people are against a thing, it is for the government to take steps to stop in this.

BY MR. HOEXTER :

Mr. Lollan the dangerous feature of the 20 situation in your eyes, looking at it after the event, was the presence of the armed policemen in numbers? --- That is so, My Lord.

We will go into this more fully at a later stage, but isn't it obvious that the one thing which 25 the Congress movement desired above all on the day of the removal was that the government should be forced to send a big force of armed people to the Western Areas? --- That is not my impression, My Lord.

CASE REMANDED TO THE 18TH JULY, 1960.

COURT ADJOURNS.

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COURT RESUMES ON THE 18TH JULY, 1960.

BY MR. KENTRIDGE :

My Lord, I appear with my learned friend Mr. O'Dowd for all the Accused, including Duma Nokwe. On the 30th June, 1960 Counsel who had appeared for the Accused were informed that the Accused again wanted them to appear for them in this case. Counsel agreed to do so and are again representing the Accused. However, My Lord, when Counsel were again briefed, they had various professional and personal commitments and in consequence, My Lord, although Counsel have begun as far as they are able to prepare themselves and to consult with witnesses, they are not now in a position to call any witness and will be unable to call any witness before the 1st of August. My Lord, I am unable to say that Counsel will be fully prepared on that date, but we do hope to have a witness available then to begin his evidence. Consequently, My Lords, I apply for a postponement of this case to the 1st of August.

BY MR. JUSTICE BEKKER :

Mr. Kentridge, at the moment the Accused Lollan is still in the box being cross-examined. Would it not be possible for his re-examination to continue?

BY MR. KENTRIDGE :

It would be My Lords. He of course is still in the box. If Your Lordships found it convenient before postponing the case to have his evidence completed - well, he is here, My Lord, he is in the middle of cross-examination, there is no reason why his cross-examination shouldn't be completed, and we hope to be in

position to re-examine him.

BY MR. JUSTICE BEKKER :

I don't know whether I am trespassing on privileged grounds here, but is it not possible for you to - for the Accused to continue with another witness whilst you....

BY MR. KENTRIDGE :

No, My Lord, the Accused were consulting with a witness. We have considered his evidence and advised them not to call him and they have accepted our advice.

BY MR. JUSTICE RUMPFER :

Well, Mr. Kentridge, the position is this, when the Accused cancelled the mandate of their Counsel they were warned when they told the Court that they might bring back Counsel, they were warned to keep Counsel au fait with the proceedings, because inevitably there might be an application for an adjournment to allow Counsel to work up the case again, and when it was decided to adjourn this case in July for a certain period of time, the Accused asked for an adjournment until the 1st of August, and they did so on the basis of their food being bad and they wanted a rest and there was no mention made of Counsel at that stage. They wanted an adjournment to the 1st of August for those reasons. Thereafter a second application was made by the Accused in which they indicated that they would call back their Counsel and that Counsel would be busy and therefore they wanted an adjournment until the 1st of August, so that prima facie one gets the impression that the Accused want an adjournment until the 1st of August, for some reason or other.

15503.

BY MR. KENTRIDGE :

My Lord, I am afraid I am not prepared to - I was not in Court at the time, I have seen the record, as far as I am aware, when the Accused before the 30th of June consulted us on the question of whether we would be prepared to come back, if they wanted us, we indicated yes on the 1st of August, we thought that most of us, but not all of us, might be able to resume. But be that as it may, My Lord, that is our position. With regard to the question of the Accused keeping us au fait with the case, they are not at any fault there, the record has been available, but Your Lordships will realise that Counsel have had other things to do.

BY MR. JUSTICE RUMPF :

Except that Mr. O'Dowd sat here for weeks, in Court, after the mandate was cancelled.

BY MR. KENTRIDGE :

He was here for some time, My Lords, he was here sometimes and sometimes he wasn't here, but he is not the only Counsel in the case, My Lords. I am afraid I have nothing to add to what I have said.

BY MR. DE VOS :

My Lord, I would just like to add that subject to what the Court may feel, the Crown still feels that a postponement has been granted so far until today, and that a further postponement would not be justified in the circumstances. My Lords, whatever the reasoning may be which prompted the Accused at the time to discharge their Counsel, in fact the net result of that was a further delay, and today a specific postponement is again required which will cause a yet further delay in the proceedings of this Court, and under the circumstances

My Lords, subject again to what the Court may feel about it, the Crown feels that it cannot support that application for a postponement. As far as the witness who is at present under cross-examination is concerned, My Lord, the Crown submits that at least his cross-examination should be completed and his re-examination too. As far as the other witness is concerned, I have now been informed in Court apparently that he is not to be called, but the Crown was in fact warned of his being called as the next witness after Lollan.

BY MR. JUSTICE RUMPF :

When was the Crown informed of that?

BY MR. DE VOS :

His name was mentioned first shortly after the adjournment, My Lords, as a possible witness and then he was again mentioned in the course of the vacation, and if my memory serves me right, I think it was halfway through the vacation it was mentioned that he would be the next witness.

BY MR. JUSTICE RUMPF :

Was he not mentioned before the adjournment?

BY MR. DE VOS :

Yes, My Lord, before the adjournment too. But I accept of course the position that it has now been apparently advised that he should not be called. That was what the Crown was warned of at the time.

BY MR. JUSTICE RUMPF :

Mr. Kentridge, have the Defence notified the Crown of the next witness after the present witness?

BY MR. KENTRIDGE :

No, My Lord, I don't know who it will be. I may say, My Lord, that in fact if my learned friend

Mr. O'Dowd had not been present in Court on some occasions during the past few weeks, it would have been quite impossible for us to begin even on the 1st of August, but I am afraid I can't tell my learned friend who the next witness will be. As soon as Counsel has been able to decide that, having considered the matter, they will no doubt give my learned friend what notice we can.

BY MR. DE VOS :

My Lord, in fairness to the Accused, perhaps I should add - I was just thinking about what the Accused Mandela informed me of the next witness he intended calling, and he did say that he was to be called subject to the confirmation of Counsel whom he wanted to consult afterwards, and that apparently has now been done with the results as outlined by my learned friend.

BY MR. JUSTICE RUMPF :

Yes, that is the witness who is not going to be called. We are not prepared to grant an adjournment at this stage. The case must go on and the witness who is at present giving evidence must conclude his evidence, and when he has concluded his evidence we will consider the matter again.

STANLEY BASIL LOLLAN, under former oath;

CROSS-EXAMINATION BY MR. HOEXTER CONTINUED :

My Lords, when the adjournment was taken a fortnight ago, I was busy putting extracts from some of the newspapers to the witness and I have only one further extract from the newspapers to put. I was dealing with Fighting Talk. Mr. Lollan, next to you there is volume XVI, will you turn please to page 3049. My Lords, this is a March, 1956, edition of Fighting Talk, and there is

an article entitled "Kruschov on Soviet Policy". Mr. Lollan, if you look first at page 3045, you will see that in introducing the article the editor says that the views expressed here, that is in this article, are of particular importance to all concerned with the preservation of world 5 peace? --- Yes.

Would you turn now please to page 3049. I want you to read the paragraph which begins on line 20, to line 28, which says that "Leninism teaches us that the ruling classes will not surrender their power voluntarily 10 and the greater or lesser intensity which the struggle may assume, the use or non use of violence in the transition to socialism depends on the resistance of the exploiters, on whether the exploiting class itself resorts to violence rather than on the proletariat." Now Mr. Lollan, ignore 15 for the moment the fact that this view of the matter is attributed to Leninism. Does this analysis of the situation, this prophesy of how socialism will be achieved, does that accord with the view held by the Congress movement? --- My Lords, I don't think the Congress movement has a view on 20 how socialism would be achieved. The Congress has views on how the non-White people in South Africa will be liberated.

It is clear, isn't it, that the Congress movement wanted a form of socialism in this country, South Africa? --- If the Freedom Charter is socialism, 25 yes.

Mr. Lollan, I may be mistaken, but I thought that you had conceded that the Freedom Charter implied some form of socialist state for this country? --- To me, but I am not so sure whether it would imply socialism to 30 everybody.

BY MR. JUSTICE RUMPF :

Well, Counsel put the question on the basis a form of socialism? --- Yes, quite right.

Not necessarily there is implied in the question socialism with a capital "S". A form of socialism? --- That is correct. 5

BY MR. HOLXTER :

And Mr. Lollan, has not Congress stressed throughout that the ruling classes will not surrender their power voluntarily? --- That is correct, My Lord.

And has not Congress stressed throughout 10 that the possibility - the use or non use of violence will depend upon the exploiter, the ruling class? --- No, My Lords, the use or non use of violence by the ruling class, not by the Congresses.

That is what I am putting to you. If there 15 is violence, it will be started by the ruling class? --- The violence would come from - not be started. You imply that after they start, the Congresses will also start to use violence. The violence will only be used on the people who are using a non-violent method. 20

Are you excluding the possibility that there could be violence on both sides? --- As far as the Congresses are concerned, the Congresses would like to see that there is no use of violence by the followers of the Congresses. 25

Looking at this paragraph, I would put to you the question again, is this statement of the position, does that accord with your view of how the transition to socialism is likely to take place, and the Congress view? And the view of your organisation? --- My Lords, this 30 paragraph seems to me to express the view that the use or

non use of violence by the people who want socialism would be a question of - would depend on the resistance of the exploiters, and that is not Congress view. Congress view is that we will continue to use non-violence even if the ruling class uses violence against us. 5

Would you now look please at the top of page 3051, lines 1 to 6, which say "In the countries where capitalism is still strong, and has a huge military and police apparatus at its disposal, the reactionary forces will of course inevitably offer serious resistance. 10 There the transition to socialism will be attended by a sharp class revolutionary struggle". Is it fair to say that the Congress movement would endorse that line of thought? --- I think this refers to where there is a struggle to replace capitalism, and that is not the 15 policy of Congress. I do not feel that the socialism we want is opposed to capitalism. In fact in England you have certain amount of socialism and capitalism, and that is what we want. Here it clearly talks about the state where they want to do away with capitalism altogether. 20

Are you now suggesting that the Congress movement wants nothing more than what has been achieved in the way of socialism in Great Britain? --- Which is about the same as is contained in the Freedom Charter.

Nevermind where it is contained, is that 25 your answer? --- The Freedom Charter is our basis.

Your constitution? --- Not a constitution.

Well now, leaving aside South Africa, assume as you say a situation where the forces of liberation want to replace capitalism with a more thoroughgoing 30 socialism, do you agree personally with this analysis I have read to you and can you tell us whether that would

be the view of the Congress movement as a whole? --- I cannot agree with that.

Can you agree with me that this paragraph is one of the central ideas which is stressed in the lectures A.84-86? Do you remember that those lectures 5 point out that capitalism is very strong in South Africa? --- No, it pointed out that imperialism is strong.

And capitalism? --- I can't agree - I can't remember.

Can you remember how the lectures describe 10 the huge military and police apparatus whereby the ruling class maintains its rule in this country? --- That is correct.

Can you remember how the lectures stress that the ruling classes are not likely to surrender 15 voluntarily? --- That is correct.

And you say that is not Congress view? --- That the ruling class will not surrender voluntarily, yes, Congress has that view.

What is the point do you think of stressing 20 the fact in the lectures that capitalism is strong in this country, or imperialism and stressing that it has a huge military and police apparatus at its disposal? What point do you think the lectures try to make there? What is the argument? -- That the people would not achieve free- 25 dom without embarking on a liberatory struggle.

And that that liberatory struggle must involve the supreme sacrifice? --- Quite so.

Is that the point made in those lectures? --- I don't know whether the lectures made the point that 30 the liberatory struggle may involve the supreme sacrifice.

No, I am asking you whether that is to be

inferred from the lectures? --- No, I don't think so.

Where this article talks about the transition being attended by a sharp class revolutionary struggle, does that imply violence to you as you read it there, without more? --- My Lords, the Congress movement has no view on class struggles, and this talks about class revolutionary struggles which is not a Congress view. There is no question of class struggles in the... 5

Forget Congress for a moment. As you read that sentence, does it imply violence, yes or no? --- It may imply violence and it may not imply violence. It says a sharp class revolutionary struggle. You may have a sharp class revolutionary struggle which is a violent struggle or you may have a class revolutionary struggle which is non-violent. 15

You were a trade union official? --- That is correct.

I take it the concept of a class struggle means something to you? You understand what the idea is, when trade unionists speak about the struggle between the classes? --- The trade unionists speak about the struggle between the working class and the employer class. 20

Yes. And an important partner in the Congress alliance was the South African Congress of Trade Unions? --- That is correct. 25

Isn't it idle then to suggest that the Congress movement as a whole had no views about the class struggle? --- No, My Lords.

I want to leave the journals now, and I want to resume by dealing with the Western Areas Campaign. The very last question that was put to you - My Lords, this is on page 15500 - was whether in your eyes the 30

dangerous feature about the situation in the Western Areas was the presence of armed policemen in numbers and you said - you agreed that that was so, you did take that view. Then it was put to you that it was obvious that the one thing above all which the Congress movement desired 5 before the removal was that on the day of the removal the government should be forced to send a large party of armed people to the Western Areas, and you said that that was not your impression. Is your view the same today or have you reconsidered the matter? - - My view is still 10 the same, My Lord.

I would like you to comment on an Exhibit A. 162, My Lords this is the report of the Secretariat on the Western Areas, and it begins at page 796 - before you look at it, you can take it from me it says - I read from 15 page 798 of the record My Lord - that "On the 8th of May, 1954 the National Executive of the A.N.C., the S.A.I.C., the S.A.C.O.D. and the S.A.C.P.O. approved a plan of campaign now known as the Resist Apartheid Campaign", and then it goes on to describe the Western Areas as being one of 20 the focal points of this Resist Apartheid Campaign. Now Mr. Lollan, what I want to ask you first is did your organisation, the Coloured People's Organisation, - was it fully aware of the form of opposition that was being planned in the Western Areas? --- I think so, My Lord. 25

It must have been, it was a member of this Committee? --- I think we had representatives on it.

Weren't you on that Committee? --- On the Resist Apartheid Committee?

Yes? --- I don't think so, My Lord. 30

Mr. Lollan, do you know whether or not you were on this Committee? --- I am almost sure that I wasn't.

This Report before you has often been considered. I am only going to refer to a very brief portion of it. If you turn to the concluding portion of it, - in the record, My Lord, I think this is at page 812, there is a paragraph entitled "What Must be Done"? 5  
 --- That is correct.

And it says this, that "we must keep clear in our minds the objective of the campaign. Simply stated this is to arouse the people and to organise them in a campaign of resistance to apartheid. The basis of such 10  
 resistance is to take the form of non-collaboration of a quantity and quality which must compel the government to use all its resources to impose its will at any and every stage. Non-collaboration, both from the mass and the individual, designed ultimately to strain the 15  
 resources of the authorities and create a situation more favourable to the movement and for more direct and positive action. The immediate task in the Western Areas is that of ensuring that resistance grows, that nobody collaborates with the authorities and that those who are 20  
 removed to Meadowlands are removed by force and that the M-Plan is put into operation. The aim should be to make it necessary for the authorities to employ ever more and more forces to effect the removals. The organisation of volunteers should be improved to ensure that the people 25  
 have leadership at all times, that they cannot be easily isolated by police cordons". Mr. Lollan, surely you knew that this was intended in the Western Areas Resistance Campaign? --- I did not, My Lords.

Are you surprised to see this aim - this 30  
 policy described in this document? --- No, My Lords.

And you accept that this was the position?

Do you accept that this was the position? - - I don't know whether this was the position, My Lords. This report talks of what should be done in future. It does not say that that was the position at the time of the Western Areas. 5

This is a description by the Congress movement of the form of resistance that the Congress movement wanted when the day for the removals came, isn't that obvious? --- That is correct.

Now as a member of the National Action Council and a Secretary of the Coloured People's Association - Organisation, is there anything in these tactics with which you disagree? Which you find contrary to Congress policy? --- No, My Lords, I don't find anything contrary to Congress policy. 15

And in fact the earlier portion of this document suggests that there was a plan of campaign and that the S.A.C.F.O....? --- I am commenting on this portion from What Must be Done.

I am referring to the opening portion of this document where it says that there was a plan of campaign now known as the Resist Apartheid Campaign, and that the South African Coloured People's Organisation approved this plan? --- I think we did. 20

First of all, there was a plan? --- Yes. 25

Did your Organisation approve it? --- That is what I can't remember, My Lord. I remember there was some - the Resist Apartheid plan was to get the people to resist all apartheid measures, and I think my organisation - I am not sure - but I think they did approve of it. 30

There are many documents which suggest they did, are there not? --- I can't remember them, but that may

be possible.

On other occasions your organisation expressly stated its approval for and support of this Western Areas Resistance Scheme? --- That is correct.

I take it Mr. Lollan that you as the Transvaal Secretary of your organisation, you were interested to observe how this plan worked as far as the Western Areas was concerned? --- That is correct. 5

and you kept yourself informed from time to time about what was being planned in the Western Areas? --- Not specifically, but generally I followed more or less what was happening. 10

Coming back to the question that I put to you at the last hearing, isn't it obvious that the Congress movement wanted to compel the government to use armed force in the removal? --- No, My Lord. 15

What does this paragraph "What Must be Done" say, if it doesn't say that? --- There is a paragraph that the aim should be to make it necessary for the authorities to employ ever more and more forces to effect the removal. I don't understand it to mean armed forces. 20

A little before that you have a sentence which says "that nobody collaborates with the authorities and that those who are removed to Meadowlands are removed by force"? --- That is correct. 25

Reading the two together, how do you understand the paragraph then? --- The people should not voluntarily move to Meadowlands, that they should make it necessary for the government to go to Court and issue ejectment orders and all those things. 30

You say that what is contemplated in this paragraph is that the government should be forced to go to

Court? --- Should use all the forces at its disposal, that is use the - go to Court and apply for ejection orders which they were not intending to do at that time.

And what else? --- And that the people who owned properties should not sell it to the government, 5 they should make the government expropriate the property.

And what else? What about the presence of the people, representatives of the government in the Western Areas itself? Wasn't that contemplated? --- I don't think it was contemplated to force the government to use a large 10 - armed forces in the Western Areas.

A lot of armed police? --- To send police to the Western Areas, maybe, yes.

Did it want that? --- Some police, yes.

Why did it want that? Why did the Congress 15 movement want that? --- The Congress movement wanted that - to make it difficult for the government to move the people to Meadowlands.

And how would the presence of armed policemen in the Western Areas make it difficult for the government 20 to move the people? --- If the Congress movement made it difficult for the government to move the people from the Western Areas, the government may then decide that it is better not to move the people. That was the whole idea of this campaign against the Western Areas. 25

BY MR. JUSTICE RUMPF :

I think the question was, how would the presence of the police make it more difficult? --- My Lords, my reply was that the Congress movement made it difficult for the government, to force them to employ 30 the method of going to Court and asking for eviction orders, expropriating property and sending police to the

Western Areas, all those together would create a situation where the government would feel that it is much better not to move the people.

How would the presence of the police make it difficult for the government? --- Not the mere presence of 5 the police, My Lord.

Why did the Congress movement then want police there? --- My Lords, the Congress movement campaigned against the removal of the Western Areas, and wanted the government to use all these methods which would make it 10 difficult for the government to move the people.

BY M R. HOEXSTER :

Mr. Lollan, would you look please at page 1650 of the record. This is an extract from a bulletin of the South African Congress of Democrats, the bulletin 15 Counter Attack, it has been dealt with before. I want you to read lines 3 to 19 on this page please. That says, "What was the aim of the second phase of the campaign. It was to encourage the people of the Western Areas themselves to resist forcible removal. Clearly such resis- 20 tance requires greater understanding, greater courage, and greater solidarity than the simple opposition of the first phase. Can it be said that in this the campaign failed? Clearly it cannot, until the removals have been completed without resistance by the people. At present 25 removals have only started, but it is still a long way from the end. The state of seige deemed necessary by the government to effect the first removals testifies to the government's awareness that there was an continues to be a strong spirit of resistance to forcible deportation, 30 which can still express itself in acts of resistance."

Mr. Lollan, casting your mind back to the events of the

removal, in the eyes of the Congress movement did the people in fact resist forcible removal? The people of the Western Areas? --- I think to a certain extent they did, My Lord, by declaring their unwillingness to move.

That they did right at the beginning? --- 5

Yes.

Do you agree with me that this paragraph seems to contemplate a stronger form of resistance in the later removals? --- Than what had been done in the Western Areas, yes. 10

And is this paragraph fully in accord with Congress policy? --- I think so, My Lord, because a stronger form of resistance would have been a strike of the peoples of the Western Areas. That is why it says such resistance requires greater understanding, greater courage and 15 greater solidarity, because if you ask the people in the Western Areas to stay away from work, you must make it clear to them - the people must understand that that is also a form of resistance against the government, because many people would not understand why they, - why staying 20 away from work is a form of resistance against the government instead of against their employers.

Any other forms of resistance that could imply? --- No, My Lords.

Why do you say that? --- Because it must be 25 taken within the policy of the organisation. The greatest form of resistance is a strike.

Well now, in the light of that answer, would you look again please at the document you have just put down, A. 162, and get that paragraph "What Must be Done". 30 Have you got it? --- Yes.

See whether this is at page 811(b), "All

A.N.C. branches and volunteers in Johannesburg and along the Reef should be organised and directed to preparing the people for I.A. action at some more appropriate time. It is certain that many opportunities will present themselves arising both out of the Western Areas Removals and other issues. The mistake should not be made, however, of presenting I.A. to the people as a decisive action which can solve all their problems but rather as a tactic of obstruction and resistance which can lift the struggle to a higher level." Mr. Lollan, the I.A. action there, would that be strikes? --- That is correct. 5 10

It is clear is it not, that here the Congress movement was contemplating something further than a strike, Here a strike would not be the ultimate form of resistance or action, but would simply be a tactic which could lift the struggle to a still higher level. Now we have struck this phrase "lifting the struggle to a higher level" before. What do you think it means here? --- To lift the struggle to a higher level would be to - if for instance you used industrial action in the Western Areas and the government had then desisted from removing the people, the struggle would have been lifted to a higher level. That is one victory for the struggle, and every victory again in the struggle lifts the struggle onto a higher level. 15 20

Here you see it says that people mustn't look to I.A. as something which can solve all their problems. Here this document suggests that there is a different form of action, a further form of action beyond I.A, doesn't it? --- No, I don't understand it that way, My Lord. As I have already said in this Court that if you came to negotiation after industrial action and you were then 25 30

offered a qualified franchise, you would accept that that would not be solving all these problems of the people, but the struggle would have been lifted to a higher level.

And if the people physically resisted removal, would that be lifting the struggle to a higher level, if it were successful? --- No, My Lords, because the policy of the organisation was not to resist the removals violently. 5

I want to deal briefly now with another topic. The position is that the Volunteer in Chief of the South African Coloured People's Organisation was R. September, not so? --- I think so, My Lord. 10

I am referring now to the Freedom Volunteers instituted by Mr. Luthuli? --- That is in the Cape. We did not have a National Volunteer in Chief. 15

Mr. Lollan, you were Provincial Volunteer in Chief in the Transvaal, weren't you? --- No, I never was a volunteer.

Didn't the National Volunteer Board provide that every sponsoring organisation should have a Provincial Volunteer in Chief? --- It did, My Lord. 20

Who was the Provincial Volunteer in Chief of your Organisation in the Transvaal? --- As I have already said, My Lord, we didn't have volunteers. We were a small organisation and we felt that the people working in the organisation were giving sufficient time and it wasn't necessary to call for volunteers. 25

It is obvious that you did have volunteers in the Cape? --- Yes, that is so, I think I have been informed that there were volunteers in the Cape. 30

Didn't you ever write to the Cape about the volunteer system and explain to them what is going on?

--- I think I wrote to them originally when the question of volunteers came up and I explained our position in the Transvaal, and I don't think we discussed the question of volunteers after that.

Wasn't it mooted at one stage on the national level that you be made a Deputy Volunteer in Chief of the whole organisation? --- No, My Lords. 5

I would like to refer to Exhibit A.L.G. 1, this appears to be the Minute Book of the South African Coloured People's Organisation. Would you have a look at it and tell me whether that is the position? My Lords, there are two references to this Exhibit in the record. It was referred to first at page 4540 in Volume XXIII, and at a later stage at page 10799, Volume 54, there was a further reference to it but only to a limited extent of reading into the record the names of persons listed as attending the various meetings? --- This is the Minute Book of the South African Coloured People's Organisation. 10 15

Just hand it back to me for a moment, please. I refer you to page 13 of this Minute Book, Mr. Lollan. It is Minutes of the Executive Committee, 12th August, 1954. Do you see that heading? --- That is correct. 20

Now if you look in the body of those Minutes, there is an item headed "Correspondence"? --- That is correct. 25

And then "Item 3" says : "From N.A.C. 19th of July". That would be National Action Council, not so? --- That is correct.

"Re Volunteer in Chief, together with the report of the N.V.B." - that is the National Volunteer Board? --- That is correct. 30

Then it says, "Discussion took place on the

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