

COURT RESUMES ON THE 25TH MAY, 1960.ALBERT JOHN LUTHULI, under former oath;CROSS-EXAMINATION BY MR. TRENGOVE CONTINUED :

Mr. Luthuli, have you now had an opportunity of reading that portion of Exhibit A. 162? The Report of the Secretariat on the Western Areas? The first two paragraphs under the sub-heading "What Must be Done", on the last page? --- My Lords, the Presiding Judge 5  
confronted me with the question arising out of this Report A. 162, the Secretariat Report. I think it is the National Action Secretariat - National Action Council Secretariat Report. The point that His Lordship directed to me in particular was the last part where it says 10  
"non-collaboration both from the mass and individual designed ultimately to strain the resources of the authorities and create a situation more favourable to the movement and for more direct and positive action". His Lordship pointed out that there was the possibility 15  
of inferring there a revolution and desired me to express my view. Your Lordships, I agree that this is a crucial question in this statement. I would like to suggest My Lords that the reference - the second reference to "non-collaboration" is a continuation of the previous 20  
one, previous to the paragraph that I read the report states "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 resistance to take 25  
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." Then My

Lords, it goes on to the second non-collaboration, "non-collaboration both from the mass and individual, designed ultimately to strain the resources of the authorities and create a situation more favourable to the movement and for more direct action". So My Lord, I view the second 5  
collaboration as a continuation of the first. In other words, the report calls for a continuation of resistance using all possible methods of non-collaboration. It must be borne in minds, My Lords, that the report deals with the situation arising out of the Western Areas where 10 we did not meet the success we expected, and it is a call to organising for better resistance, a stronger resistance, generally. Previously, My Lord, the Report highlighted the fact that the organisational deficiencies which accounted for apparently the lack of the success we 15 expected in the Western Areas. Now My Lords, I will refer the Court to our Programme of Action to say that in that Programme of Action it must be realised My Lords that we regard strike action as in fact the supreme action in our method of non-violence. And now there 20 are other methods of struggle, like non-collaboration, civil disobedience as mentioned in this Report, and also My Lords that strike action itself, whether you say stay-at-home, would be used all along the struggle. But, we look upon it as the supreme instrument in our 25 struggle. It cannot be expected My Lords that you would carry out other forms, non-collaboration and civil disobedience and then some day use strike action without what one might call experimental stages in between. I have personally My Lords said at time that there will 30 be many stay-at-homes before we get the last stay-at-home, that is the strongest resistance, when people have

been prepared for it by several failures and also the other forms of campaign, people becoming more and more prepared. And My Lords, with due respect, I would like to suggest that you can read - in fact I read into that expression "direct and more positive action", when you 5 have carried out non-collaboration and civil disobedience, and stay-at-homes here and there, here and there and now an attempt on a national scale where people as it were are right. My Lords, I think it is a correct comparison which I will make. I have never engaged in 10 war, so I am treading on dangerous ground, but you do speak of increasing war effort, increasing war effort. At the beginning of a war, sometimes, a nation will start and find itself out of . . . . (?), but as it goes on it marshalls its forces and grows in strength and 15 grows in strength. It doesn't seem to me My Lord, it would be suggested that because it grows in strength and comes to a point where it reaches what you might call a zenith, when it had never reached that point, that could necessarily mean that it involves a change of 20 method. A nation can increase its efforts, its war effort within the framework of its policy. For instance there are some means of warfare where I think the nations of the world have agreed that they should be banned, like the bacteria warfare for example. I don't 25 think it would be suggested My Lords that when you say a nation is working up its war effort and bringing it up to a higher peak, so that it can take a direct and decisive action, that would mean resorting to other means. My Lords, I would respectfully suggest that 30 it is in my view within that compass that expression should be read. And in any case, My Lords, I would like

to very strongly say this that I could not see our National Action Committee, no matter what its own views might have been, even assuming that the National Action Committee might have come to the point of view that it felt that it ought to discard non-violence, it wouldn't 5 bring it in so obliquely in a report like this. I think it would make a direct proposal to the Congresses, because it must realise as a body that that is a standing policy which governs our campaign, and I think that one must think within the context of the policy of the 10 organisation, and my thinking has been directed along those lines and in the suggestion that I make to my Lordships. And lastly, My Lords, on this matter, I would say this, although it is not directly connected with the question, My Lords, if the question came up of course, 15 it would have to come up to the Joint Executives inasmuch as this was a joint action. Personally I feel very certain that in present circumstances certainly I cannot see such a proposal receiving approval, I cannot see it receiving approval. If it did, My Lords, A.N.C. is 20 democratic, our organisations are democratic. If it did, I am sure it would shake Congress to its foundations. You might have very many resignations, and therefore My Lords, I am thinking within the compass of our policy, to say that my interpretation of those words means - to 25 repeat myself - an increasing effort so that you come to a point when you feel now in the process, My Lords, by these other intermediary actions, you have in a sense weakened the state, as the Report tries to suggest. My Lords, that is my humble submission in this crucial 30 aspect of this report.

Mr. Luthuli, A. 162 you say is a Report

of the National Action Council of the Congress of the People? --- I wasn't so sure, therefore I put it in the form of a question. The first part quotes the A.N.C. Executive, and then there follows - I am not so sure.

Well, what is the position now? Do you 5  
say that it is a report of the National Action Council of the Congress of the People, of their Secretariat, or is it a report of the Secretariat of the African National Congress on the Western Areas? --- My Lords, I would ask the Crown not to pin me down, I am not in a position 10  
really to say, but I thought my reading gave me the impression that it was the Secretariat of the National Action Council.

Your statement that this is a report of the National Action Council of the Congress of the People, 15  
is that just based on your reading of this document? You have no other information? --- No, I really have no other information.

You base it on this? --- Quite so, quite so.

Because this document only recommends to 20  
the African National Congress what its future action in regard to the Western Areas should be. It doesn't mention any other organisation in the Congress Movement as being an organisation which should take future action. The Mandela plan, was that accepted by the whole Congress 25  
movement? --- Yes, it is accepted by the whole Congress Movement. Please, the part that I would like to refer the Crown to which seems to indicate that it is National Action, is page 1, which reads : "After the Defiance Campaign the National Action Council examining the issue 30  
before the country, came to the conclusion that the proposed Western Areas Removal Scheme was the most ruthless

and brutal of them."

Now that was the Action Council which was in existence in connection with the Defiance Campaign?

--- Yes, that is correct.

That is not the one formed....? --- And then 5  
"the Council recommends to the National Organisation that the issue should be made the focal point for a major campaign. My Lords, I would be wrong by saying National Action - it would be Consultative. Then it ends up by saying it is quoting the Report of the National Executive, 10 at page 2. Then it goes on to describe the rest. That is what gives me the impression that it was.

You see on that last page there, Mr. Luthuli, look at the last page, as to "What should be Done", it is a recommendation to the A.N.C....? --- That is correct, 15  
My Lord.

As to what the A.N.C. should do. It doesn't contain a recommendation to any other organisation? --- Well, it doesn't make any material difference really insofar as argument is concerned. I was merely pointing 20 out that it appeared to me it was a Report of the rather National Consultative, but insofar as my submission regarding this, whether it was directed to the A.N.C. by its own Secretariat or by the N.C.C., it does not in any way invalidate my observations, My Lord, on the question 25 placed before me by My Lordships.

Now, Mr. Luthuli, industrial action was also regarded as a form of non-collaboration, wasn't it? --- Yes - in reply to the Presiding Judge I think I did say that it was. I did say it. But My Lords, I think 30 I would like to modify that to say this, in the Programme of Action you will find that strike action is mentioned

quite separately. After mentioning civil disobedience, non-collaboration, then strike action is given as a separate item.

You see, Mr. Luthuli, you had actually planned industrial action on a nation wide scale in connection with the Western Areas Removal Scheme? --- That is correct. 5

So apparently the African National Congress had in the months prior to the Western Areas Removal Scheme decided that the time was ripe for this supreme form of action to be put into operation? --- No, My Lord, I wouldn't go to that extent, to say that at the time of the Western Areas the African National Congress had decided that by using industrial action it visualised that it had reached that stage, oh no, no, I wouldn't at all. Our experience had been previously that we had engaged in some stay-at-homes which were not too successful, and as in this case, My Lords, experience showed that well, we were not properly organised in any case. It was true that we would have liked to have had... 10 15 20

On a national scale? --- On a national scale, that is correct.

And why at that stage did you decide to plan industrial action on a national wide scale? Just to test the state of preparedness of the people or because you thought they were ripe for it? --- Well, My Lords, one can... 25

What was the object? Did you think that it might succeed, or was it to test their state of preparedness only? --- My Lords, whenever you take any action, you stage it hoping you will succeed of course. But quite clearly our state of preparedness, organisation right 30

around, was not of a nature, My Lords, that would represent what one might call a state of efficiency, and we realised that.

You see, Mr. Luthuli, your explanation of paragraph 1 under the heading of "What must be Done", 5 is inconsistent with the last paragraph on that page. You say that industrial action is going to be the supreme and final action that people were going to be called upon to take? --- Within the framework of policy it is.

Now the last paragraph on page 6 says this: 10 "The mistake should not be made, however, of presenting industrial action to the people as a decisive action which can solve all their problems, but rather a tactic of obstruction and resistance which can lift the struggle to a higher level"? --- My Lords, I think that the 15 reference to that last paragraph arises out of the situation of the campaign of the Western Areas, where I think the Report earlier does indicate that people were made to believe that by the taking of industrial action you in fact therefore will succeed. It does not 20 depend on staging an industrial action, but it depends upon the entire preparedness of the people, and I think that is a warning that you mustn't think that because you have a stay-at-home you are fighting against a certain apartheid law, and you have a stay-at-home, 25 therefore in fact that particular stay-at-home is going to solve your difficulties.

Mr. Luthuli, is industrial action a tactic of obstruction and resistance? --- It can be used as that.

Is it used for that purpose? --- It can 30 be used as that.

Can it be used for any other purpose? ---



My Lords, so far as we are concerned, it would be the supreme action of pressure within our policy of non-violence.

I am not asking you that at the moment. I am asking you if it can be used for anything else 5  
- any other form, any other tactics, in addition to obstruction and resistance? You have admitted now that industrial action is a tactic of obstruction and resistance? --- It can be used, yes.

Can it be used for any other purpose in 10  
addition to obstruction and resistance? --- My Lords, I don't know whether I understand the prosecutor well, because it can be used, and we look upon using it as what one might call the striking blow, the knockout blow.

Now those are words, Mr. Luthuli. What do 15  
you mean by the knockout blow or the striking blow? How can the fact that people stay-at-home, stay away from work, how will that be a knockout blow? A knockout to whom? --- My Lords, I thought I had already indicated that in the whole process of the struggle, there are 20  
many, many things that you do.

We know how...? --- The point is I didn't understand your question.

How are you going to knockout the government by staging this national wide strike? --- By knockout blow, 25  
My Lords, I mean, as the Prosecutor must understand himself I am using it figuratively, when you have used the strongest pressure possible, in the hope which I have already expressed now...

But that consists of obstructing the 30  
government. You stay at home and in that way you resist the laws and you obstruct the laws, is that

correct? --- You are bringing strong pressure to bear on the government, yes.

So that in that tactic of obstruction, and resistance, what other form of tactic can industrial action be? --- I don't quite follow, My Lords. 5

Mr. Luthuli, you staged industrial action to obstruct the government and as a means of resisting its laws and its administration of laws, is that correct? --- Yes, we may.

Now for what other purpose can you stage industrial action? 10

X BY MR. JUSTICE RUMPF :

Well, putting it the other way, can you use it for any other purpose in the struggle? --- No, My Lords. My difficulty, My Lords, is to sort of separate and say tactic this and that. It is true that you - it embraces being a tactic, but it is more than that. As I was trying to say My Lords - My Lords, to say that when you feel that on a nation wide scale there is a preparedness, then you may then make a call, hoping that this might now in fact be such a strong industrial action as to bring the strongest pressure you have ever brought before. 15 20

Yes, well I don't think the Crown is dealing with that. It is dealing with the manner of the tactic employed, and the nature of the method employed. The question is, can industrial action be anything else in essence than resistance and obstruction? --- My Lord, it can't be anything else. 25

X BY MR. TRENGOVE : 30

You say it can't be anything else? --- I can't think of it being anything else, and bringing

pressure.

So you see, this is exactly what this ~~last~~ paragraph says. It says industrial action mustn't be represented as decisive action. It must be regarded as a tactic of obstruction and resistance, and as a 5 tactic - I am using my own words now - and as a tactic which can lift the struggle to a higher level? So that when you get your supreme action, your industrial action, that will lift the struggle to a higher level? --- But there will have been several industrial actions. I think 10 that is where the Prosecutor misses the point.

I am not missing any point, Mr. Luthuli. This talks of industrial action generally, and that industrial action in itself is not decisive. It is a tactic of obstruction and resistance, but it serves the 15 purpose of lifting the whole struggle to a higher level, and I put it to you that higher level is the level of more direct and positive action? --- But within the compass of using industrial action, My Lord. I have tried to indicate that my own interpretation of that 20 last portion would be disabusing people of the idea that say in the interim because you use industrial action, therefore in fact it solves your immediate problems. You may have a stay-at-home and you will still not succeed. People mustn't think that because you have 25 stayed at home, therefore in fact you will get a redress. Anyway, My Lords, I can't carry it any further than that, I have expressed my view.

Industrial action on a nation wide scale, can that lift a struggle to a higher level? --- Yes, 30 it can.

And what is that higher level? --- My Lords,

maybe words fail me. You stage industrial action - may I by way of illustration say industrial action number one. Well, to a certain extent you raise the level, and then you stage and industrial action, that becomes an increase in your strength, and so you go on from strength 5 to strength. It doesn't mean to say My Lord that you look upon one industrial action as representing your supreme strength.

Mr. Luthuli, I just want to put it to you that you still remain on the level of industrial action 10 and that this document speaks of some other form of tactic which is above that level, and that is violence. I put that to you? --- My Lords, I have expressed my views, whatever they are worth, I cannot carry myself any further.

And that your 1957 Report - your 1956 Report 15 - the portions I have referred to - refers to that very need for a change of tactics, in addition to those set forth specifically in the 1949 Report. Mr. Luthuli, I think there was one other matter on which you still wanted 20 to express certain views, and those were the three lectures arising out of the question put to you by His Lordship Mr. Justice Bekker. Do you want to add anything to what you have said in regard to the three lectures? "The World We Live In", "The Country We Live In" and "Change 25 is Needed"? --- I wonder if it would disturb the order of the Prosecutor if I disposed of the violent speeches?

Just before we go to the speeches then, that A. 37 to which you referred yesterday, the Report to the 1954 Conference, dealing with the Witziesshoek 30 riots, you were a party to that report, were you not? --- Yes, I was a party in the usual way.

Now you say you want to say something about the speeches? --- My Lords, regarding the violent speeches read by the Crown, I have expressed my condemnation of most of those that were read, My Lord. In some instances I expressed myself as not having a definite opinion. 5

The difficulty that one finds My Lord, is that some of these speeches are a kind of a mixed bag. You will go on and then find that there comes something which is questionable, and becomes sort of difficult to be categorical about it to say it is violent. I will however, 10

My Lord, refer to only two of the speeches where there might be some slight modification in my point of view as expressed. I refer to the speech by Makgothi, Volume 43, at page 8513, and he has this to say there, and puts it in the form of a question : "What we mean 15

when we say freedom in our lifetime, we mean when Malan is gone, when it will be a government of the people, of this land." I did say, if I recall, when he said "when Malan is gone" and relating that in that context he made reference to the English having left Egypt in 20

three months, and then he speaks of Nkrumah in East Africa having become the Minister of the country, I think I did say My Lords that if he meant that in a similar way Malan would go, meaning that the Whites must go, then he would not be expressing A.N.C. policy. But, 25

My Lords, I think that it would seem a more correct interpretation of his meaning there, in connection with freedom in our lifetime, in other words, when he says in a short while the English - the Egyptians were able to get rid of the English people, and as we know the 30

struggle in Ghana wasn't as long as in most countries, in a short while Nkrumah became Premier, so in a short

while we too can be part of the government of the country. I think the stress is really more on that than on driving Malan as representing the Whites out of the country. And then My Lords, somewhere, I think at lines 25 and 30, after speaking about his observations in the Eastern 5 countries that he visited, he speaks about how he saw the grave of a young boy who was shot - I forget the country, - yes, it was Poland, and then he goes onto say, if Dr. Malan starts shooting the people, he will shoot the young. The young will be with their parents. I don't think 10 there My Lords that there is a suggestion really of violence, that they will necessarily be people fighting Malan and then in the course of that Dr. Malan will shoot, will shoot the young people. And even in the expression also, "even if it means walking through blood, the people 15 will get their freedom", need not necessarily My Lord indicate that there would be a revolt or a retaliation by the people by violence. I have already said, My Lords, and I make this point that it might be dangerous to make a constant reference to violent actions, which might put 20 ideas in the minds of some people, but I wouldn't read this speech My Lords, as representing a violent speech in that sense. And in any case, My Lords, I think it is worth pointing out that Makgothi realises in his speech the policy of non-violence of the African National 25 Congress, for he says somewhere My Lords that on his return from visiting the Eastern countries, people asked him whether or not those countries - the words are mine, but they have the same meaning - those countries would give them guns. And Makgothi goes on to say that he 30 didn't know whether those people were just police testing him, but in any case the A.N.C. is an honest organisation,

and now my interpretation of that remark is this that what Mr. Makgothi must have meant there was when Congress says it has a policy, it is honest about it. So I wouldn't class this particular speech with the others that I have strongly condemned, My Lords. The other 5 and last one on which I would like to comment is that of Sibande, Volume 44, at page 8793. In my view, My Lords, it is somewhat metaphorical in parts. It must be remembered, My Lords, that this was the first meeting or at any rate one of the earlier meetings where a call was 10 being made for Volunteers, and I think the burden of Sibande's remarks was to try and show that a Volunteer must be a person who is fully dedicated without reservation. And that they will be called upon to do certain duties - he wasn't telling them those duties then, he 15 was making a call. And then he goes on to say, in the process of carrying out your duties, I am calling you to be obedient. What is ahead of you I do not know. And then it seems to me My Lord, that he then makes references to - I am not quoting exactly, but you will pass through 20 forests, you will cross rivers and it may be a bloody river, and it seems to me there in figurative language he is trying to make the volunteers whom he was calling to realise that he was calling them to a difficult task. What is ahead of them, they do not know, but they must 25 be prepared to face whatever is ahead of them. I wouldn't interpret it, My Lord, as a direct call for instance as in some of Sibande's own speeches, I think where it is clear that he intends violence, - at any rate to me. But in this one, My Lord, as I read it, 30 I got that impression. And in any case again, My Lord, as in the case of Makgothi, somewhere in the speech

Sibande says, to show that he recognises the policy of the A.N.C. of non-violence, he says, I do not say take sticks and irons to go and break European houses, and that to me, My Lords, certain in this speech confirms the opinion that he was merely trying to show the Volunteers 5 in a complete way the task ahead of them, and that they must be prepared at any time to listen to the call.

My Lords, I said that was the last one, but just one remark on Resha. I must say that Resha has been guilty of - unless he explains himself - violent speeches. 10

But in his speech in Volume 38, at page 7495, I think it was close to the removal, and he had been making a call to the Volunteers and a very strong call indeed, and to the people, and then he says this - he speaks about the possibility of taking guns from the White people 15 and he says we can take them if we want to. But he says we have decided not to kill the Europeans, we have decided not to kill the Europeans. There again, My Lords, I have to suggest that he is aware of the policy of the organisation. And then again he continues in the same lecture, 20 we know that A.N.C. does not believe in violence. Then he asks a question which does suggest violence, he says but what are we going to do when we defend our homes and other people shoot at us. What I am trying to say there, My Lords, is this that there is no question about it that 25 even where people were giving here and there what appeared to be - in fact it didn't appear to be in this case, were violent speeches, yet they were aware of the fact that policy was so and so, and I think that this last statement by Resha stands out. We know that the A.N.C. does 30 not believe in violence, but then he asks, what shall we do. In other words, maybe he might have his own mind,



I am not disputing that point, all I say is that the question of the policy of the organisation was never doubted, whatever people may have thought as individuals.

In that first speech, Mr. Luthuli - no, the speech by Sibande, you say that was one of the first 5 meetings at which a call for Volunteers were made. I accept that position. I just want to put it to you that that speech and also the last speech where a call for Volunteers was made on the 22nd November, 1956, they are in the same language, the first and the last. And then 10 the question of the honesty of the A.N.C.'s policy of non-violence, Mr. Luthuli, these speeches that you have read are more consistent with a policy of violence than one of non-violence, these speeches that you say contain passages with violence, and I want to put it to you that 15 the A.N.C. policy of non-violence was not an honest one. They never meant by saying we are a non-violent organisation, that there was not going to be violence, and that is why people like Resha, Makgothi, Lilian Ngoyi, Sibande, all these other people continually make violent speeches. 20 Your policy of non-violence, your statement is just a sham? --- My Lords, I was not at all trying to excuse the violent speeches. I think I have expressed myself frankly and fully where speeches were violent. I have indicated though, My Lords, that in some cases one can't just classi- 25 fy, it is a mixed bag, and I just pick these two to indicate that. I mean that is my view. Certainly I don't accept the Crown proposition.

BY MR. JUSTICE BEKKER :

I would like to put this to you following 30 upon what the Crown has said to you, Mr. Luthuli, Presumably the Crown is going to argue, when you judge policy

it is one thing to look at the written documents, but to determine the policy, you have got to listen to what the leaders say. And judge the policy of any organisation not only by the written documents, the written constitution, but what its leaders say without ever being taken 5 to task. That may be the argument. Now if that is the argument, how do you suggest it should be dealt with?

--- Well, My Lords, I think that I have already expressed myself regarding that, My Lords, and this is I think the correct view, My Lords, to take that an individual can 10 express himself contrary to policy.

Yes, but he is not taken to task, ever? The Crown may suggest a failure to take a person to task is indicative - is a pointer towards policy. Now if that suggestion is made, how does one answer that point? 15

--- Well, My Lords, I think that I would only observe there that it would depend upon to what extent the organisation was in a position to become aware of that, and the constancy of that. I think that has to be taken into account, My Lord. And then also, My Lord, without in any 20 way minimising the seriousness of the utterances by some leaders, uttering violent speeches, I don't know that when you judge policy you would judge in terms of some individuals. After all, even from the point of view of leadership, there are many who constitute leadership, 25 and where you have say a few people going off at a tangent, I don't know whether one would be justified in saying well, because of that therefore in fact those are truer than the others who don't, My Lord.

NO FURTHER QUESTIONS BY MR. TRENGOVE.

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BY MR. LUTHULI :

My Lord, there was one question apart from the three lectures which was put to me by His Lordship Mr. Justice Bekker. I would prefer My Lord, to deal with that question now, and possibly after tea deal with the others. My Lords, His Lordship Mr. Justice Bekker posed this question to me, why it was that in the Western Areas Removal Campaign it appeared as if people were not given clear and explicit instructions as to what they should do. My Lords, I'll start by saying that I may not be in a position to explain about the operations in the Western Areas insofar as details are concerned, nor My Lords do I think that one would be expected to know the details of operations, for in running campaigns we rely on local people. Aside My Lords of the National Working Committee, if the campaigns are carried out in the country, it might be passes, this and that, the local Executive takes charge of details within the General plans as understood. Now My Lords, in a similar way, the campaign in the Western Areas would be more under the immediate control and direction of the local people who would include no doubt the Working Committee, and the particular area affected, the Western Areas of Johannesburg, in the region of that area.

X BY MR. JUSTICE RUMPF :

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I think Mr. Luthuli, the point here is not the question of details so much as a question of principle. When the A.N.C. decided to make the Western Areas Campaign a national issue, I take it it decided to call upon the people to resist removal. That was the essence of the campaign? --- That is so, My Lord.

I think the question of my Brother Bekker

was on that basis, why did the A.N.C. not decide as to how the people should resist? --- My Lords, I think that whilst I cannot specifically say now there was this directive and that directive, I must say My Lords that the Working Committee on behalf of the National Executive 5 would give a directive in relation to what I have already said about our standpoint, namely do not move willingly. And My Lords, you will recall when I referred to some press statement where that same thought was mentioned...

But the question is based on the evidence 10 that apparently no directive, no instruction was issued to the people how they should react when they were about to be removed? --- My Lords, I was just creating a background for it. I am now coming to that second point. I was merely saying that insofar as I am concerned personally, I 15 wouldn't be able to know what caused the hitch locally so that people would not be informed as they should have been informed. But My Lords, ...

Were the local people informed by the...?

--- By local people I mean the local officials. 20

Were they informed by headoffice of A.N.C. how the resistance should be? --- My Lord, I can only say I take it for granted that the Working Committee would tell them. Now I cannot produce here copies of directives that were sent, but I must assume that they must have 25 told them. I don't know what else they could have told them, My Lord. Now I think the Report itself, My Lord, points to something which might give an answer, namely organisational weaknesses, not only in this particular report, but I think the Crown has referred even to other reports 30 where we constantly make a cry when we take a post mortem after a campaign, that our organisational weakness is

responsible for this and that, and My Lords, that is where I cannot help the Court as to the extent to which the Working Committee directives which I must believe were known by the local officials in Western Areas were not transmitted to the people. Just why, My Lords, that I cannot say. But I cannot see the Working Committee not issuing the directives, so that I would put it My Lord, purely on the basis of organisational weakness, but I would go further, My Lord, to say this, whether that explains it or not, I would be sorry if it is an explanation, if some people in the area might have doubted the efficacy of those directives and decided not to, I would be very sorry it that would be the case. But also My Lords, I think that one must point out that this was a period too when there were a lot of bans, and I am not in a position, My Lords, to say in the Working Committee who were serving there, and without in any way, My Lord, casting any aspersions on my colleagues, there would be a difference between an experienced Executive Member and we will say a new recruit into the Executive membership. Now... 20

Mr. Luthuli, when the African National Congress assumed the responsibility for the campaign, and decided that the people should resist removal, did you issue as President-General a directive as to how they should resist?

--- No, My Lords, no. 25

Why not? --- My Lords, I - all I can say is that I have never done that in other campaigns.

Did you have any campaign before this, like this one? --- No, My Lords, we had the Defiance Campaign, I don't know ... 30

By deciding to call on the people to resist removal, I take it the A.N.C. realised that there might

be a removal by force? --- That is correct.

Now why did you then in those circumstances not issue a directive as to how the people should resist? In your capacity as leader of the African National Congress? --- My Lords, I cannot say anything more than 5 merely saying this that I did not, and I think I did not on the assumption that well, normally the Working Committee, in sending out directives would send them out, but I did not, I must say that I did not.

Now having regard to the fact that on your 10 evidence, the policy of the A.N.C. is one of non-violence, and having regard to the fact that the possibility existed of a forceful removal, why did you not in your capacity as leader issue a directive that there should be a resistance, but that in no circumstances should thereon the 15 part of the people effected, members of the A.N.C. and others, be violence? --- My Lords, it is because I - it wouldn't occur to me that there would be a hitch between headquarters and the area to pass that information, because in the normal course of things, I would expect that that 20 would be done even without my making a special call. as I have already said, My Lords, I did not make a special call. I can only say that I assumed that the policy would be known without having to make a special call. That is all, My Lords, that I have got to say on that point.

✓COURT ADJOURNS.

COURT RESUMES.

ALBERT JOHN LUTHULI, under former oath;

My Lord, the question put to me directly by His Lordship Mr. Justice Bekker on the three lectures, if I took them down correctly were these : Is there anything

in the lectures contrary to A.N.C. policy. And the second question was : Is there anything in the lectures the A.N.C. would not want the public to accept. My Lords, in the course of cross-examination I have expressed points of view on these lectures. I will not go into that. 5

I'll therefore be very brief, and direct myself directly to the questions. On the first question whether there was anything in the lectures contrary to A.N.C. policy, I would say that My Lords, not professing to have profound knowledge of these lectures, they are comprehensive, 10 there is nothing contrary to A.N.C. policy at that time, save possibly one part in lecture I, I think where it stresses the question of classes, the world divided into two classes, workers and capitalists - I don't know whether those were the words used, but the two classes, and also 15 I think in the same lecture an emphasis given to workers as struggling. I think I did say in the course of being cross-examined, in my view they didn't represent sufficiently the national character of our movement and struggle.

Of course throughout the lectures I did say that there is 20 a bias towards workers in the struggle. But apart from that My Lords I wouldn't say that there is anything in the lectures that I would regard as contrary to A.N.C. policy, but of course now there would be one aspect in the lectures which would be contrary to A.N.C. policy, namely in 25 Lecture 3, where the writer describes a people's democracy and one of the items mentioned there is of course complete nationalisation. It will be appreciated, My Lords, that in the Freedom Charter, the African National Congress together with its allies has limited itself insofar as 30 nationalisation is concerned, but I must say that at that time the Congresses hadn't legislated in the matter.

So that it was not a thing against any policy. My Lords,  
one must stress here that insofar as Congress is concerned,  
there may be different points of view on these lectures. We have stressed time and time again that  
the whole - that we hold different views, but that is 5  
not a question of being contrary to A.N.C. policy. I  
would however, My Lords, ending up by expressing a personal  
point of view, a strong one, it would be this that I  
would not personally like to have Lecture I circulated  
in the form in which it is, because I think My Lords 10  
there could be quite a lot in it that might confuse some  
people about A.N.C. policy. Not that it is against  
policy, but it might tend to confuse people about policy.  
That would be my own view - I must make it quite clear  
that it wasn't against any policy, but it might tend to 15  
confuse people about A.N.C. policy, and for that reason  
unless slightly modified or enlarged in places, I would  
not have counselled its issue in that form. Let me illustrate  
myself further - again the bias on workers that I  
have already referred to, and tending to represent the 20  
struggle as workers' struggle, might mislead some people,  
although in fairness to the writers, they do now and  
again indicate, specially in the subsequent lectures,  
Lectures 2 and 1, they do indicate that there are many  
people who take part in the struggle, but that is not so 25  
evident in Lecture 1. Now insofar as the other two lectures  
are concerned, I think I did say in cross-examination,  
lecture 2, did in fact correctly present the  
picture of our South African situation, providing such  
information as one would like people to know about our 30  
South African situation, and the last lecture offered  
certain suggestions which people could think on. I will



end up by saying, however, particularly lecture 1, it required also a background in my view My Lord, which an ordinary man, even a Volunteer, for that matter even an ordinary Branch leader or a regional leader might not have to be able to give a correct balance of things. That 5 would have been my own presentation if I had been present at the discussion of these lectures before they were issued. I of course My Lords, go on the assumption that they were given to the organisation to look into. That would be my comment, and lastly, not directly arising 10 out of Mr. Justice Bekker's question, but very closely related to it, is the submission of the Crown to say that in describing the people's democracy, the items listed there, if not the lectures as a whole - no, I don't think the Crown said the lectures as a whole, but particularly 15 that portion, influenced the Freedom Charter. My Lords, I readily concede that many of the items, not all, listed under "What is a People's Democracy", are found in the Freedom Charter, My Lord, whether influenced by these lectures or influenced by the fact that the rights and 20 freedoms listed there are such rights and freedoms as you would get almost in any Bill of Rights for any group of people.

We have dealt with that. You have indicated in what respects? --- I am sorry, My Lord. I think inso- 25 far as Mr. Justice Bekker's questions are concerned, I have forgotten that I have already dealt with that. Well, that would, My Lords, end up by general remarks on the lectures. There was one question more, and it is the last one. It wasn't directly asked me by the 30 Presiding Judge, but he did ask the question and it set me thinking when he asked for instance in the course of

my cross-examination, and I think the Crown was producing a lot of papers, whether or not I knew about this, I said I did not and so on, and then the Presiding-Judge asked me the question, do you do any other work or a question in that form. As I was thinking over the question, I 5 think I said I was a peasant farmer, if I may beg the indulgence of the Court, it made me feel that it might be necessary for one to give the background, very briefly My Lords.

Actually, the question was only put to 10 ascertain whether in this period you were fulltime occupied as leader of the A.N.C.? --- It is precisely the question, My Lord. I just want to briefly say, that I think as a necessary background, that the A.N.C. is a workers' organisation in a broad sense. In other words, we don't have 15 fulltime people. It is partime people. Occasionally when finances permit, you may have a clerk at the office or an organiser for a time, but it is people who contribute their time voluntarily, whatever spare time they have to this work. So it is a question of how much time one 20 can give, and people do try, My Lords, within that limited time to do what they can, and that leads me to close My Lords, by saying this that because of that situation, you will find that even our conferences do not run as conferences normally run. I would like to give the Court 25 that background. Normally conferences might take three days, four days, five days, we used to have about a day and a half when we had our conference in December, on December 16th, now it has become even more difficult and generally one day working all night, and My Lords, I 30 would like to say to the Court that it becomes extremely difficult to cope with the amount of work and we find

ourselves apart from being - we find ourselves really being unable to go with the toothcomb over many things, because of the limited time that we have. At most, as I say, now it is one day.

Seeing that you give this answer, you said 5  
in your reply that you were a peasant farmer? --- Yes.

Were you at that time farming? --- Yes, I  
make my living through that.

What were you farming with? I am only  
concerning myself with that period, I am not interested 10  
in anything beyond that. From 1952-1956, were you  
farming? --- Yes.

With what did you farm? --- In our area we  
grow cane, and then of course ordinary subsistence crops.  
Thankyou, My Lords. 15

BY MR. JUSTICE RUMPF :

Accused No. 1, Faried Adams, have you got  
any questions to put to the witness in re-examination?

BY MR. MANDELA :

My Lords, it would be appreciated if the 20  
re-examination of this witness stands over for a few  
days. I might indicate My Lord that we have been working  
very hard on his evidence to prepare re-examination, but  
unfortunately our preparations are not yet complete. I  
might point out that the record is only available up 25  
to the 19th, and we would appreciate it if the Court  
could grant us an indulgence and let the re-examination  
stand over for a few days.

BY MR. JUSTICE RUMPF :

Could you inform us what procedure the 30  
Defence propose to follow?

BY MR. MANDELA :

I think that the re-examination will be conducted by one person for all the Accused, it might be Mr. Nokwe.

BY MR. JUSTICE RUMPF :

I don't think it could be anybody else.

BY MR. MANDELA :

The Accused might...

BY MR. JUSTICE RUMPF :

It - I put it in this way, because Mr. Nokwe being an advocate, may be asked in that capacity to appear for the others and do their re-examination.

BY MR. MANDELA :

I appreciate that, My Lord, it might...

BY MR. JUSTICE RUMPF :

It might be that all or some may ask Mr. Nokwe to do that. One of the others could re-examine the witness on his own behalf, and the others could abide by that. What do you suggest? Tomorrow is a public holiday, and Tuesday is another public holiday. Now if we adjourn until Wednesday morning, that ought to give you sufficient time to be prepared for the re-examination?

BY MR. MANDELA :

I think that would be sufficient.

BY MR. JUSTICE RUMPF :

Will the Accused be quired to come down to the Court here for consultation?

BY MR. MANDELA :

For two days, My Lord, that is Friday and Monday.

BY MR. JUSTICE RUMPF :

Mr. Trengove, have you got anything to add

to that?

BY MR. TRENGOVE :

No, My Lords, they can come down on Friday and Monday, that could be arranged.

BY MR. JUSTICE RUMPF :

Have you any objection to the Court giving the Defence an opportunity to catch up with the record that has not been available?

BY MR. TRENGOVE :

Yes, My Lord, in principle we have got an objection. This week now - it is an unfortunate week, because Friday is a half day and Monday is a half day, and the witness doesn't allow much - but in principle, My Lords, the fact that they want a postponement for re-examination at the end of a witness' evidence, on that basis, My Lord, we can't accept that position.

BY MR. JUSTICE RUMPF :

Well, it depends in every case on the circumstances. I take it the records are not up to date? The record of the proceedings here?

BY MR. TRENGOVE :

My Lords, the record is up to - as far as I know, it is up to last Friday.

BY MR. JUSTICE RUMPF :

Well, then there are these two days. Will you see that they complete that as soon as possible?

BY MR. TRENGOVE :

Yes, My Lord.

BY MR. JUSTICE RUMPF :

Well, we think that in the circumstances

the request ought to be granted, in the circumstances of the case and having regard to the lengthy evidence that this witness has given. Now will you then also see to it, Mr. Trengove, that the arrangements are made for the Accused to come down here on Friday and on Monday.

BY MR. TRENGOVE :

Yes, My Lord. My Lord, as I say, we object only on the principle. If another witness comes, the facts may be different, but the Crown feels that if they are not prepared to carry on with the re-examination, they should carry on with the next witness. But in the present circumstances, we don't object.

BY MR. JUSTICE RUMPFER :

We would also like to have the evidence of Mr. Luthuli concluded, so that he knows that he is free from giving evidence. In the circumstances, we are prepared to accede to the request of the Defence, and we will adjourn this Court until Wednesday morning at ten o'clock, and Mr. Trengove has informed us that arrangements will be made for the Accused to come down here on Friday and on Monday.

CASE REMANDED TO WEDNESDAY, the 1ST JUNE, 1960.

COURT ADJOURNS.

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COURT RESUMES ON THE 1ST JUNE, 1960.

BY MR. JUSTICE RUMPF :

Mr. Nokwe, what is the procedure to be adopted?

BY MR. NOKWE :

May it please Your Lordships. I have been asked by the Accused to conduct of - to conduct the re-examination of the witness on behalf of all the Accused. There is one other matter, before I commence, My Lord. The Accused Ndimba is not in Court. We understand he is in the gaol hospital.

ALBERT JOHN LUTHULI, under former oath;

RE-EXAMINED BY MR. NOKWE :

Chief Luthuli, certain questions asked by Mr. Trengove for the Crown, show that perhaps he does not know how political parties and organisations work. For instance, is it possible for a leader to know every detail about his party's works? --- My Lords, it would - I would say it is not possible.

Do you think that Dr. Verwoerd knows of every speech made at a Nationalist Party meeting? --- I should think he would not.

Would you expect him to? --- I would not expect him to, My Lords.

Would you expect him to know the details of his organisation over a period of four years? --- My Lords, it would be extremely difficult for him to remember much of what has taken place in four years, and certainly it would be difficult to remember details.

If a Nationalist M.P. at a Nationalist Party meeting made an anti-Roman Catholic speech, would you hold Dr. Verwoerd responsible for that speech?

✧ BY MR. JUSTICE RUMPF :

In what way responsible? 5

✧ BY MR. NOKWE :

Responsible in that he should be answerable for it, answerable to the Court, to the public, to everybody? --- My Lords, I would not expect him to be at all responsible for the speech made by an M.P. of his party, expressing anti-Roman Catholic sentiments. 10

Would you conclude from the speech of such an M.P. that it was the policy of the whole Nationalist Party to be anti-Roman Catholic? --- No, My Lords, I would not conclude from the speech of an individual that that was the policy of the party, My Lords. 15

If articles for instance appeared in a newspaper like "Die Transvaler" which propounded certain anti-English or anti-Semetic views, would you conclude that those articles were expressing Nationalist Party policy as a whole? --- My Lords, I would not at all conclude that way. I would only so conclude if those articles were official articles of course of the Party. 20

BY MR. TRENGOVE :

My Lords, I must object to this questioning at the moment. It is entirely irrelevant, My Lords, what this witness would conclude and what his views would be as to articles printed in papers supporting the Nationalist Party. 25

✧ BY MR. JUSTICE RUMPF :

Strictly speaking that is correct, Mr. Trengove, but I take it he is being asked in his capacity 30



as leader of the Party what his views are in regard to speeches and articles by members of the party and articles published by the Party.

BY MR. TRÉNGOVE :

He can speak for his own party My Lord, and his own articles. 5

BY MR. NOKWE :

Finally on this question of policy, if the Jeugbond passes certain resolutions, would you say that those resolutions are binding on the whole Nationalist Party? --- I would not, My Lord. 10

BY MR. TRÉNGOVE :

My Lord, I must object to that. We don't know how the Jeugbond works or what its connection with the Nationalist Party is, and it is entirely irrelevant unless all that information is before the Court. 15

BY MR. JUSTICE RUMPF :

How can you ask that question, Mr. Nokwe, if we haven't got the constitutions of those various bodies? 20

BY MR. NOKWE :

Your Lordship, it seems to me that the witness and the Accused are supposed to be engaged in political activities, they are alleged to be engaged in political activities. Those activities are directed against certain other political activities in this country, and in my submission Your Lordship, it is relevant in ... 25

BY MR. JUSTICE RUMPF :

But how is the relationship of the Nationalist Party and the Jeugbond relevant, unless one has the constitution of each of the bodies and other 30

evidence perhaps? What is the value of this sort of question?

BY MR. NOKWE :

Your Lordship, I could extract from the witness what he knows about the Jeugbond and the Nationalist Party, to lay the basis... 5

BY MR. JUSTICE RUMPF :

It is completely irrelevant and not admissible.

BY MR. NOKWE : 10

Your Lordships, one might also in this regard raise the point that insofar as the Crown is concerned, they have only led evidence that the Youth League is a juniorbody of the African National Congress. That is the only evidence which has been led so far about the relationship of the Youth League and the African National Congress. On that basis,.... 15

BY MR. JUSTICE RUMPF :

Then you can deal with that in argument later. 20

BY MR. NOKWE :

Yes, Your Lordship, but I would like to have this witness' opinion about it. He is engaged afterall in political activity and the Accused are supposed to be people engaged in political activity, and the Crown has suggested in its cross-examination that it is reasonable for the public, for people - the point that I am making Your Lordship is that the Crown has suggested in its cross-examination that that which is uttered or published or resolved upon by the Youth League is relevant insofar as the African National Congress is concerned, and Your Lordship .... 25 30

BY MR. JUSTICE RUMPF :

The Crown has not asked this witness what is relevant or not. It cannot do so.

BY MR. NOKWE :

Your Lordship, what the Crown did ask is 5  
why the African National Congress allowed the Youth League  
to pass certain resolutions and also to write certain  
articles.

BY MR. JUSTICE BEKKER :

On the basis that the African National 10  
Congress is the parent body and the Youth League operates  
under the wing of the parent body. Now on this question  
you have put, we do not know whether the Jeugbond is  
the child of the Nationalist Party, - you may as well  
suggest the Boy Scouts, if the Boy Scouts passed a cer- 15  
tain resolution, does that bind the Nationalist Party.

BY MR. NOKWE :

As Your Lordship pleases. I could ask the  
witness what he regards the relationship of the Youth  
League - of the Jeugbond to the Nationalist Party to be. 20

BY MR. JUSTICE BEKKER :

Well, can he give hearsay information on  
this or does he know? Does he know of his own knowledge  
or is whatever he is going to say based on hearsay?

BY MR. NOKWE :

Your Lordships, I won't take this matter 25  
any further. Now, Chief, did the African National  
Congress as an organisation have a defined attitude  
to every foreign country, every historical event and  
every public or historical figure? Let me give you 30  
examples. Did the A.N.C. to your knowledge ever dis-  
cuss in National Conference or at National Executive its

attitude towards the British Conservative Party? --- No, My Lord.

The French Revolution? --- No, My Lord.

The American Revolution? --- No, My Lord.

Mr. Churchill? --- No My Lords, except only 5  
to the extent that there might be a situation in which he  
as Premier would come in, but not Churchill in particular  
as a personality.

And Chief Dingaana? Was he ever discussed  
at the National...? --- No, My Lords. 10

Insofar as these topics were discussed in  
speeches, from A.N.C. platforms or in articles in A.N.C.  
journals, whose views were expressed in such views or  
articles? --- My Lords, definitely the views would be  
the views of that particular writer or the speaker. 15

Was there any rule against the expression  
of personal views by members of the African National  
Congress in public? --- No, My Lords, I think I said in  
evidence, even in cross-examination that the African  
National Congress is an omnibus organisation. Its mem- 20  
bers may express their views as they like in public.

Was it a part of the function of the African  
National Congress as an organisation to prophesy in  
detail the probable cause of future events? --- My Lords,  
I should think that it wouldn't prophesy the probable 25  
course of events. It might just merely express opinions,  
but it couldn't prophesy.

And as regards the fact of certain things  
- the effect of certain things on different sections of  
the community, was there only one view or were there 30  
different views on the probable reaction of different  
sections of the community to the activities of the

African National Congress? --- My Lords, if I understand the question well, there couldn't be one view, but of course, My Lords, insofar as it effected the ruling section there was one common hope.

Now in regard to that hope, was there only 5  
one view or different views on the time it was likely to  
take for the A.N.C. to achieve its ends? --- In fact, My  
Lord, I think insofar as that is concerned, the question  
of time would differ very much with individuals. There  
may be some individuals who just work for freedom without 10  
having any schedule of time, but who just earnestly every  
day do their work faithfully, hoping that freedom will come  
as soon as possible, the shorter the better.

Was the question of the time when Congress  
expects to achieve its ends ever discussed in Congress? 15  
--- No, My Lords, that was never to my knowledge discussed  
at all. It is true, My Lords, that we have a slogan and  
it is a slogan, "Freedom in your lifetime", which is like  
all slogans, to indicate that people must work hard, so  
that if they can, naturally, within their own time 20  
enjoy freedom, they would. But it was a slogan.

Would the African National Congress permit  
people to speculate as to the various times they had in  
mind when this freedom would be achieved? --- No, My  
Lords, in my view it would not be realistic. 25

Perhaps you didn't get the question clearly.  
Would the African National Congress permit various people  
to state in public their opinion as to the length of  
time it might take? --- Insofar as individuals  
are concerned, they would express their own views as to 30  
what time they would like to see freedom come.

And even in private discussions would this

be permissible in African National Congress circles? ---  
It would be, My Lord.

Now during the period of the indictment, were there any questions of political theory, questions of ideology or questions as to the likely course of future 5 events upon which the A.N.C. had not decided? --- My Lords, not to my knowledge, I was never aware of the African National Congress, My Lords during this period discussing questions of ideology other than what had been agreed upon previously. 10

As regards those questions of ideology which had not been discussed by the African National Congress, was discussion of those questions permitted within the ranks of the African National Congress? --- My Lords, discussion would be permitted. I have said My Lords in 15 evidence that the African National Congress has no intention of tying down its members to a set of views and discussions. People are quite free, democratically, to bring up matters for discussion within Congress forum if they wish, if they want those matters to be considered seriously 20 by the African National Congress.

Now would those in relation to the various bulletins like the Lodestar, Isizwe, could those questions be raised in bulletins like that? --- My Lord, they could be raised. Those were open forums run by the auxiliary 25 organisations, and the African National Congress as such did not run those organs, and it was quite legitimate for people to express their views in those organs.

Now those bulletins which we have referred to, the Lodestar, Isizwe and others, were they supposed to 30 expound only decided policy of the African National Congress, or were they also a medium for the discussion

of undecided questions? --- My Lords, they would be expected in my view to be a medium of discussion of views generally, not just views already agreed upon. Otherwise it would narrow down their scope.

Now would that also apply to a publication like Liberation? --- Well, My Lords, insofar as Liberation is concerned, all I can say is that Liberation not really even having any connection whatsoever with the African National Congress, it would even be freer to express views that were - that would be quite contrary to A.N.C. decided views, even more so with such publications, My Lord.

If a member of the African National Congress has some idea of his own which he feels that the A.N.C. ought to adopt, is there any restriction on his right to put forward such an idea? --- No, there is no restriction at all, My Lords.

Could he do it in the journal to which we have just been referring to? --- Yes, he can do it in any journal, and he may then bring up the matter if he wishes - that is if he is serious about it, bring it up in Congress forums for more serious discussion.

Which do you regard as the greater evil, suppressing free discussion within the African National Congress or taking the risk of people getting wrong ideas - impressions from what individual members may say or write? --- My Lords, I would never be a party to suppressing free discussion.

You were twice asked whether you ever advised A.N.C. members to read such papers as the Star, Cape Times or Natal Witness. Could you tell the Court whether the literate section of the African population

is generally in the habit of reading these newspapers?

--- My Lords, I would say that the section of the African people of course who can read English would read some of these papers, but of course the number is greatly reduced by the financial position of the people, naturally some 5 people will only buy the European dailies when there is an important matter that is on. They would not, the majority of them be regular readers if one may say. There is a corps of course who reads quite regularly.

Do you think that the African people would 10 require any special encouragement from the African National Congress to read these newspapers? --- My Lords, I wouldn't see how the A.N.C. personally would urge the African people to read these papers, because generally the subject matter dealt with there is not of interest to the average person. 15 As I have said, unless there was some particular event which is of particular interest - of course some of them, My Lords, are not too friendly in their attitude towards problems that we face and there would be no particular urge therefore on the part of the African National 20 Congress to say now read so and so and so and so.

You have been referred to an article by Ruth First in Liberation on the subject of the Liberal Party. Was Miss First authorised by the African National Congress to write this article? --- No, not to my know- 25 ledge and I wouldn't think so at all.

Do you know whether she consulted the A.N.C. before writing it? --- I wouldn't think so. I have no specific information, but I wouldn't think so at all by the nature of things, My Lord. 30

Would she be obliged to consult the African National Congress before expressing her views



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