

thing is there is no place where I could have joined the P.A.C.

But you were a member of it's Executive!---I was elected at that gathering because I knew that had I refused, what would have happened.

What would have happened?---I don't know. There are manythings that happens with people that are not in agreement with their (the accused use) roads.

With the P.A.C.?---The gatherings that are similar to the P.A.C. as well as the P.A.C.'s. 10

Now who intimated you?---I wasn't intimated by anyone.

Well, then why did you feel there would be trouble if you did not join the Pan Africanist Congress?---I read the papers, I hear what people say in general, and I hear what they say when they're not in agreement...what happens to people when they're not in agreement.

With the P.A.C.?---Others too, even if it is not the P.A.C.

Now this Executive in Atteridgeville, was that the chief body in charge of the cells of the P.A.C. in Atteridgeville?---The way I said, yes, I could say it could be so. 21

Now yesterday you said that you understood that the work of the P.A.C. was to get back the Republic into the hands of its rightful owners?---That is what I heard.

And what other work did the P.A.C. have apart from that?---I don't know.

You don't know at all?---I cannot remember of anything.

Now we'll see if we can remind you. Jimmy Mohadjane is the man who forced you to join the P.A.C. wasn't he?--- I did not say that he forced me to join, I said I was 30 informed to come to that meeting by him.

Now just put that copy of your confession away. You

know it off by heart, judging from your evidence in chief already! Now according to what you said to the Magistrate, it was in December 1962 when Jimmy Mohadjane came to my house, when he told me that he wished me to attend a meeting?---That is what I said.

And is that true?---Yes, except the year, it is not 1962, it is the beginning of 1963.

Now why did you tell the Magistrate in December 1962?---I had forgotten, I could not remember clearly.

Oh, it wasn't a date which Mr. Geyser had told you or Mr. Ferreira had told you to tell the Magistrate?---No.

Now in your evidence you told us that Jimmy had said that these aims were to get the Republic back into the hands of its rightful owners?---Yes.

Did he also say at this meeting that the P.A.C. wanted to take over the Government of South Africa and that there would be a day when the Africans would be fighting the whites? ---I do not remember him having said about the day when the Africans will fight the whites.

Do you remember his having said that they would take over the Government of South Africa?---Yes.

If you don't remember the fighting part, why did you say it in your confession to the Magistrate?---Because Geyser had asked me as to how they were going to take this country. I then in reply, told him, I said Jimmy did not explain to us. He then said in order to take this country, there had to be fighting and then he wrote the fighting by himself.

Now what I'm talking to you about is not the non-existent statement made to Mr. Geyser, but the statement which the Magistrate took when you talked about it! When you had said to the Magistrate that Jimmy said that there

would be a day when the Africans would be fighting the whites!
---Yes, I said so, but when going to the Magistrate to make
the statement, before making it, Geyser said I must not
forget...

That point?---Not only that point but many others.

Now am I to understand then that Jimmy did not say
anything about fighting?---I do not remember that.

I'm not asking you if you remember it, I'm asking
you whether he did or whether he did not?---I cannot say
he did or he did not. I cannot remember. 10

The same way as you couldn't remember whether Accused
No. 5 was a member of the organisation or not?---No, that
is not so.

Now you told us that no cell leader was elected at
this meeting at Jimmy's place. Certain persons were named
who offered places of meeting?---That is correct.

And you offered your house for a place of meeting for
the Musimadala cell?---After I was asked to do so.

Now why did you say to the Magistrate that the leader
was appointed at the meeting by Jimmy...?---When I spoke 20
about the election of cell leaders in the presence of Geyser..
what I mean dividing that place into cells, Geyser was wan-
ting to know as to who the leaders were to be of those cells.
I said they were not elected. He then wanted the names of
those that I knew, and those that were elected afterwards.

And he then told you to tell the Magistrate Jimmy
had said that you were cell leaders?---He, Geyser, had
written them down and I just had to go and say...tell the
Magistrate as he had them written down.

Well, did he tell you to tell the Magistrate that 30
you were the cell leader of that cell appointed by Jimmy?---
No.

Well, then why did you say it?---Because after the meeting I was elected to be a cell leader of Musimadala.

So there's no untruth of this at all! You were appointed the cell leader of Musimadala?---Not at that meeting, long after that.

How long afterwards?---It was long a go, I cannot remember.

You're quite serious in making that statement?---I say I could not remember.

Now do you remember that Jimmy said that the year 10 of liberation was to be in 1963?---Yes.

And do you remember that you asked him whether a Government Teacher could join this organisation?---I did not ask him such a question.

I speak subject to correct, but I think in your evidence in chief you said specifically that you had asked him! (Discussion between interp. and accused). Don't let's have a lot of argument, I've got a note of it! Did you or didn't you?---What I asked was that Government teachers, as other Government Officials, should they join. What is 20 the position to be.

Oh, is that any different from saying that you asked whether ~~you~~ was a Government teacher could join the organisation?---Join should not be there, yes.

Did Mr. Geysler tell you to use the word join?---No, he did not, but that is not the way I had said.

But then why did you say to this Magistrate, "I asked whether I as a Government teacher could join such an organisation"?---I did not ask him that question.

And did you not say that to the Magistrate?---No. 30

And did the Magistrate not read these over to you?---
He did.

When he read it over to you, why didn't you challenge it?---I didn't hear clearly as to what he was saying My Lord, I was thinking about the pain that I was in.

Will you please put those papers away! I've told you to do so once already! I would remind you that there's about a full typed page of additions which you added to the statement after it had been read over to you?---I remember.

And you didn't think to indicate that this was not correct?---I didn't listen too clearly about these because I was remembering what I had to say to the Magistrate. 10 I was assaulted and I was told what I had to say and I was trying to remember what to say.

You seem to have said an awful lot of stuff that you were not told to say! So far on a page of typing 'I've only got two items that Mr. Geysler told you to say! There are other matters too which I was told by Mr. Geysler. I don't just remember them now. I'm trying to remember them.

Well try hard and remember this one, because obviously you've got a very poor memory! Try and remember whether you were told by Mr. Geysler to say this - "One member whose name I do not know asked Jimmy how they should go about to canvas members". As if here he might unknowingly ask the Special Branch detective to join! "In answer to that question Jimmy said we must first discuss politics with any prospective member to find out his feelings,"=and only after being convinced that he is not dangerous to the Pan Africanist Congress Organisation, may he be asked to join as a member". Did Mr. Geysler tell you to say that, or is it true?---That is what was discussed at that meeting.

So that is true?---Yes.

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Well, it's a great comfort to try and find something truthful in this! So it is true, therefore, that at this

initial meeting of the Pan Africanist Congress, it was known by you that this organisation had to fear the police?---I don't quite understand your question Mr. Harwood.

Well, it's a simple one. You've heard it in both languages and you understand them both! It seems very obvious that at this time this organisation was an organisation which had to fear the police!---It appeared to be so.

And that was the first meeting you had?---Yes.

Nevertheless, you consented to be a cell leader and a member of its executive!---Nominally. I will not say that I agreed. I did so of what I have already explained.¹⁰

Is that because you were intimidated into it?---No, it is not to say that I was intimidated, it is because I knew what happened to people who are not in agreement with them.

So it was a banned organisation was it....Bad?--- I will say so.

And did you go to anyone in authority at all, to tell them that you were being forced into this organisation?e--No.

Did you consult your principal of your school and tell him that you were placed in this most embarrassing position?---If I had done so, it would have come to light 20 and I would have suffered the consequences thereof.

And of course, you did not go to the Police and tell them?---No, I did not.

Again I suppose, because you anticipated trouble for yourself if you were to do so?---Yes.

Now Accused No. 2 was at this meeting, that day when Jimmy spoke, was he not?---In remembering, I would say he was there.

Jolly good, you also told that to the Magistrate!--- I told him so.

Now a week later you went to a meeting at the house of

Jumbo, Jimmy's younger brother?---That is Jimmy's...

Will you please put those papers away for the last time!---That is Jimmy's house.

Well then you went to the same house, but Jimmy... Jumbo resided at the meeting?---Yes.

No. 4 Accused was there!---He was there.

And do you remember No. 4 Accused outlining the type of instruments which would be needed for the struggle with the whites?---I do not remember of No. 4 having said that.

Did No. 4 speak at that meeting?---I do not re- 10 member him speaking.

Allright, I'll just read you this, and I'd like you to tell me, in view of the fact that it appears in your confession to the Magistrate, whether you gave this information on your own, or whether you were told by Detective-Sergeant Geyser to tell the Magistrate about it. (Not interpreted). Mr. Harwood reads particular passage out of confession. Who told you to put that into your confession?---My Lord, the instruments which had to be used and were mentioned, were spoken of by the Police. 20

And are you telling me that the Police told you, that you were, in your confession, to tell the Magistrate this specific point, that it was No. 4 Accused who spoke about the struggle which was to come with the whites and who spoke about the type of weapons which were to be used in the struggle? ---He did not tell me that I had to say that it was No.4.

Well now why did you say it was No. 4?---Well, I was asked who spoke about that, because that matter wasn't spoken of, I thought that I could mention any man.

Quite frankly, I don't understand that answer! You 30 say because the matter was not spoken of, it didn't matter to you whose name you attributed to having spoken about it.

Is that correct?---That is correct.

And now you thought you'd help the police and get to Sergeant Geyser, and mention No. 4 accused as being the person?---Yes, because Detective-Sergeant Geyser wanted the name of a person.

Why did you implicate No. 4?---...

Don't you like No. 4?---Because his name was the name that I remember of those that had attended that meeting.

So you just thought that you would add the questions of the pangas and struggle with the white people to No. 4's 10 name!---His name was the first name that I thought of.

I'm sure it wasn't! Jumbo's must have been!---I could not just say Jumbo, because the Police wanted many names of people.

Well, why didn't you mention Jumbo's as one, it's quite a nice name!---Because Jumbo had already mentioned to the detective that he spoke at that meeting and I wasn't going to mention his name again.

You say because Jumbo had told the detective?---Because Jumbo's name My Lord, was already mentioned in the confession. So there was no need of mentioning it again.

Oh, did he just want another name. Am I to understand that by way of this confession, You just intended to try and get all your friends and associated implicated in this?---That was not my intention.

Oh, you've certainly succeeded very well! Anyway, this is another bad mark to Detective Sergeant Geyser, is it. He told you to mention names!---That is what the Detective-Sergeant did.

Well now why then is the immediate following sentence this - "Jumbo gave members a chance to ask questions, and Jumbo said that he regretted that members present were so

few, and that he would not tell them how they were going to fight with the whites". Why didn't you say No. 5 Rik-gotso, or No. 6 Dikgang, why repeat Jumbo, you already had him once in the same paragraph?---Because they were not the ones who asked.

Well did Jumbo actually say this then?---The way I remember, yes.

So Jumbo said specifically, this is correct. Jumbo then gave members a chance to ask questions, and he said he regretted the members present were so few and that he would not tell them how they were going to fight with the whites". --- Yes.

Now is it correct that After this meeting you asked Jumbo where Jimmy was?---That is quite correct.

And he told you he was afraid to tell you where Jimmy was?---Quite correct.

Now why was he afraid to tell you this?---I thought, it was not what he said to me, I thought that this person might be wanted by the Police. That's only what I thought, it's not what he told me. 20

That was the impression that you got, was it?---That is correct.

Now this was January 1963?---I should say yes.

And you suspected that the man who was neck and crop in the Pan Africanist Congress might very well be on the run from the Police! Is that correct?---I didn't quite follow the question.

You never do when they're a bit tricky. You in January 1963, became aware of the fact that Jimmy Mohadjane appeared to be on the run from the Police?---That was what I thought, 30 I had no knowledge of it.

I'm only talking about what you thought!---That is so.

What I want to know now is this - this man Jimmy was the person who brought you into the Pan Africanist Congress, wasn't he?---He was the one who had called me to the first meeting.

And now you knew the fact that you thought that he was on the run from the Police! Didn't it occur to you to go to the Police and say "look, I'm playing with a dangerous organisation here, and I want to tell you what I know"?--- I have already explained as to why I did not go to the Police.

You have said because you were afraid of what might happen to you by members of the P.A.C.!---Yes.

I'm now telling you, in case it's not obvious in your advanced education, that in January 1963, when you first became associated with this organisation, and the person who brought you into it was on the run from the Police! Now I think that even you will agree that being on the run from the Police, is a more dangerous occupation than being in the run from the Pan Africanist Congress. Why did you not then go to the police and tell them what you knew and clear yourself?---I would not think of going to the Police I was afraid.

Now who was No. 4 Accused in this Pan Africanist Organisation. What position did he hold in there?---I cannot explain as to what his position was.

You appear to have taken quite a lot of instructions from him on occasions!---I remember, yes, I think so.

Actually immediately after this business of Jimmy being on the run, is it correct that No. 4 Accused came to you with No. 16 and told you that you were to have a meeting at your house? Is that correct?---I remember, yes. 30

Is that correct?---Yes.

So that we needn't hold up against Detective-Sergeant

Geyser?---No.

And then at this meeting which took place at your house, subsequent to this instruction by Accused No. 4, Brander No. 3, Rikgotso No. 5 and Ramasodi came there. Is that right?---I do not remember clearly who were those that did come and who were those that did not come.

Well, did No. 3 and No.5 come?---I mentioned those about the names of those who were present at the Executive. I do not remember whether Nos. 3 and 5 were present.

No, well I was reminding you that you've already in 10 your evidence in chief, indicated that at this meeting, Brander was elected the chairman of the P.A.C. and you the treasurer?---Yes.

And Rikgotso the secretary! No. 5 Accused?---That is what I said.

And you were elected the treasurer!---Yes.

You described them both in great detail, both in your evidence in chief and in this confession the method of election adopted?---That is so.

What I want to make clear, therefore, is this - that 2 as Detective-Sergeant Geyser didn't stand behind your elbow while you were giving evidence, can I take it that it is correct, because you've said it in evidence and in this confession that Brander was the chairman and Rikgotso was the secretary?---That is what I said.

Is it correct?---I cannot say or explain whether it is correct.

I would imagine it would have been easy for a man of intelligence?---I have given the names of the people who occupied.

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What?---I had to give the names of the people who occupied those positions.

What do you mean you had to get their names? I want to know, whether this confession is true?---What is written there was said by me.

And is it true?---I cannot say it is correct, because one can forget. I don't know whether Rikgotso was elected the Secretary or Ramasodi.

And you don't know whether Brander was elected the chairman or yourself?---That I do know, that he was elected as chairman.

I'm happy that you've been able to remember something from yesterday afternoon's evidence, apart from the confession! Now do you remember the meeting at the house of Ramasodi? The upper and lower executive committees?---I do not remember.

Now you're relying of course on your confession to the Magistrate and then you can tell me whether this is what you said, whether it was edited or not by detective-sergeant Geyser. What you said is this "A meeting of the upper and lower executive committees were thereafter called at the house of Ramasodi. At the meeting Klaas Moshishi handed a 20 book to Rikgotso to read the introductory part of it. I cannot remember the title of the book but it was something like "Nationalism" or "Africanism". Thereafter Klaas Moshishi addressed as on the question of Africanism. Ramasodi also spoke and confirmed what Moshishi said. I cannot remember what exactly they said, and the meeting closed thereafter." Now did you say that to the Magistrate?---Yes, that is what I said.

Is it true?---That the lower and upper committee meeting was at the cell meeting.

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What? It wasn't in what?---That was a cell meeting.

Well all I'm saying is that you said a meeting of the

upper and lower executive committee were thereafter called at the house of Ramasodi. That's the meeting after Moshishi handed a book to Rikgotso?---Yes.

Is it correct?---That is what I have said.

Is it true?---It is not true because it was a cell meeting.

Well if we substitute the senorous upper and lower executive for a cell meeting, is it true?---More or less, yes.

Well, what's the less part about it. Is it true or 10 not?---The way I see it, I'd say it's true.

Now that then...so I presume it was not prompted by detective-sergeant Geyser, do you mean it?---No.

So Klaas Moshishi was also at this meeting?---If I remember, yes.

And Rikgotso read the book at the meeting?---Well, I would say yes.

And then you say in your confession, you see I'm going through this, because you seem to have forgotten it when you gave your evidence yesterday, and I just want to find out.²⁰--- I'm grateful to you.

And I'll be grateful to you if you'll kindly tell me whether this is true? "The next joint meeting of two executive committees was held at Rikgotso's house".---That is not so.

Is that a lie?---There was no lower or higher Executive meeting held at Rikgotso's house,

Now why did you tell this lie to the Magistrate?--- I was told about the Committees that I've already spoken about. I had to speak in that way to ...because those mee-30 tings, did in fact, do what they had to do and they were ...I said so because the police made it clear to me, I must

mention the executive committee many a time to show that they did, in fact, function.

But I thought, check me if I'm wrong, that the one thing you've been trying to tell me the whole of this morning and yesterday afternoon, was that the committee did not function!---That is quite true.

Well now have ...am I to have it now. The committee is functioning or the committee wasn't.

BY THE COURT TO MR. HARWOOD: I think you misunderstood the Accused - he said that the Police said to him that the Executive functioned and therefore, he must.... 10

CROSS-EXAMINATION BY MR. HARWOOD (CONTINUED):

I beg your pardon. Now if that is the position, did the Police tell you to mention Rikgotso's house as a place where this interesting committee was functioning?---No, those houses are only picked by me, the way I had picked them.

Well then now why did you mention Rikgotso's house?--- Because I felt that it would be reasonable for the Police to believe that Rikgotso was one of the members of the Executive Committee. 20

And presumably, it would also be reasonable for Rikgotso to believe it too?---I don't know about that.

You see you were making these allegations to the police, and I can tell you now that it is of no value whatsoever for you to have said that there was a meeting at Mr. Rikgotso's house?---I understand, but what I'm telling the Court is what had happened.

So am I not to understand that the police told you to tell the Magistrate that one of these meetings was at Rikgotso's house. You just sucked it out of your thumb?---- 30
The house, yes. I wasn't told by the Police to say that house. That I said myself.

And was it true?---It wasn't true that the meeting was held at that house.

Now where was that meeting held?---There was no such meeting.

The whole thing is an invention prompted by Detective-Sergeant Geyser?---Yes, to please the police.

I'm sure one must be very happy when one makes the police happy! Now did you say at any meeting, that as you had been given the duty of treasurer of the Executive, you would not be able to continue as a cell leader?---I remember having said that, but not at a meeting.

Well, you said it to your Magistrate, didn't you?---I did.

And where did you say it before then?---In the statement which was taken by Geyser.

The statement that nobody can find?---The one he tore up, yes.

Well, it's pity he did tear it up, because I'd have some more material to cross-examine you with! So this is also prompted by Mr. Geyser?---I would like you to be specific. 20

I'll be as specific as specific as you like. I've read it to you twice. We can try again and see if there's any mistake about it. "Then I said that since I was given duties as treasurer, I would not be able to continue as cell leader". It was said, according to you, at the meeting at Rikgotso's house, which you say is a tissue of lies?--- Let us understand one another - just that being a treasurer that I could not be the leader of a cell, that was said by Geyser. I said because I was elected a treasurer while I 30 was a cell leader, I could not do both duties. That is not what I said Geyser told me.

Geyser gave you the idea that because you were a cell leader and Treasurer of the Executive, you couldn't carry both positions?---No, not from me.

Can you be specific?---Because I'm a treasurer and at the same time I'm a cell leader, I could not do both. I do not say that comes from Geyser.

Well, then is it your statement?---That's what I said, yes.

To the Magistrate?---Yes.

Now we come back to the question, I put to you about 10 ten minutes ago, is that statement true?---Yes, it is true.

Well, then why have we been having all the argument about Mr. Geyser being brought into it?---Because I was asked whether that also came from Geyser.

And might I ask, if in view of the fact, that you've said yourself that the Executive did not function?---Yes.

And that you never operated as a cell leader, what was the necessity for making that truthful statement?---Which is not true.

Well, you've said the statement is true. I want to know why in view of that fact that according to you there is no work in either of the jobs, why you made the statement?--- As far as I'm concerned, this matter of the cell leader is merely a name. When I was elected to be an Executive member, and to have these two positions, it does not mean that I did what a cell leader is supposed to have done, that is organising members in a cell. I just wanted to shake some of these duties off.

You want to shake off what?---Some of these duties off.

Yes, well we'll leave it at that. You appeared to have indicated to me there were no duties in either. Anyway 31 let's leave it at that. We come to the next proposition that

you omitted in your evidence - do you recollect John Nkosi making regular visits to you? --Yes, at times about twice or three times per week.

What you have said "thereafter John Nkosi made regular visits to me and reported about his visits to the various cells" ---I'm referring to the visits two or three times a week.

And when he referred to the visits two or three times a week, are you talking about the occasion when he reported about his visits to the various cells? ---At one visit I 10 remembering him having told me as to what had happened at one of the cells, or what was happening at one of the cells.

Masemula, you may wriggle as much as you like, I want an answer to my question! You have stated here (Quotes same bit as above).. Did he or did he not! ---No, he did not pay regular visits. He used to visit me twice or three times per week, but he wasn't reporting to me as to what was happening at the various cells.

So was this a thing you said because Detective-Sergeant Geyser said you must, or did you just invent it? --- 20 I was asked to show the link between the Committee and the cells....between the leaders and the cells, and that's the only way I could explain that. There was no other way of explaining it.

So you said this, because the Police had told you to show how the cells and the Executive were joined. Was it? --- How the cell leaders were responsible to the executive committee.

Now how did that come about in view of the fact that John Nkosi was not a cell leader nor a member of the executive? ---I have said in my statement the way I saw it, John Nkosi, he was the person who was visiting these cells at

various times.

Allright, we'll leave it at that. Now do you remember the vist that he paid you when he spoke to you about the disappearance of Jimmy Mohadjane?---I slightly remember, yes.

Now see if you can slightly remember whether you made this statement to the Magistrate. "No. 4 Nkosi, said that there is fear the Police were looking for him and that he had gone to Bechuanaland or Basutoland and that Jimmy had given him instructions which he should carry out". Did 10 No. 4 say that to you, yes or no!---I cannot say yes or no, because part of that statement is true and part I cannot say is true.

Part that you say is not true?---Part of it is true, and part of it I cannot say it is true.

Now which part of it can you say is true?---That he told me that Jimmy is in Bebhuanaland.

Is that all?---Yes.

And did he tell you why he was in Bechuanaland?---Yes.

Why?---He was afraid to be arrested. 20

He told you that?---Yes.

That's also true, and did he tell you that Jimmy had given him instructions to carry out?---I do not remember him having told me that.

Now you told us in your evidence about how Brander was elected to go to Basutoland and apparently he wasn't a suitable travel mate for someone, and then No. 4 Accused went to Basutoland remember?---Yes.

Now "the Monday evening John Nkosi came to my place. He had then returned from Basutoland".---That's right. 20

"I gave him Brander's message".---Yes.

And that message was that Brander had been visited by

the Special Police and that he would not attend any further meetings.---That is quite true.

"No. 4 said he would not worry very much, as he would get somebody else to take up Brander's office".---Yes.

Now is all that true?---Except that you said he'd get someone else to substitute Brander.

Is that not true?---That is not what he told me.

Why did you tell that to the Magistrate?---I've already told the Court that I was confused.

You haven't mentioned confusion so far. As a 10
matter of fact, I should think you're as cool as a cucumber.
No mention of confusion, there's only been mention of duress?
---Beating up leads to confusion.

Did you tell this to the Magistrate - that Nkosi had said that he would arrange for someone else to take Brander's office, because you were confused?---I couldn't think clearly.

Well, think clearly now and tell me whether or no, you were confused when you told this to the Magistrate or not?---I do not say that I was confused when I told the Magistrate, but what I do say is where I was confused, is that 20
I was supposed to have said that Accused No. 4 said he would get somebody to substitute Brander's place.

Well, just un-confuse yourself again - I'll read it to you again. It's perfectly clear and there's no suggestion that you had said it.

"The Monday evening John Nkosi came to my place. He had then returned from Basutoland. I gave him Brander's message".---Yes.

"He said he would not worry very much, as he would get somebody else to take up Brander's office". Right down 30
again to what I asked you give minutes ago - is that true?
That is what I told the Magistrate, but the last part of it

is not what exactly happened.

Well, what did exactly happen?---I gave him the message from Brander. He didn't say that he was going to look for someone else.

Now what did he say?---From there we spoke about as to how he went about at Basutoland.

Allright. So you told this to the Magistrate about his getting someone else for Brander's office and you say it was not true?---I was astonished after having said it already, then I was surprised. 10

Well, then why didn't you tell the Magistrate it was wrong, when he read it over to you?---I was so beaten up that I could not concentrate.

Now were you then beaten up and was this one of the things that you were told to tell the Magistrate?---I do not say that I was told.

Well is it one of the things that you told the Magistrate because of the beating up that you'd had from Mr. Geysler and his friends?---Because of the confusion, yes.

How do you mean because of the confusion - you 20 haven't been confused up to now, and we are now at page 4! So far we've been dealing only with what the Police told you, now we're suddenly getting the aspects of confusion! ---I say that I was confused at the time of making that statement. I do not say that I'm confused here.

I realise exactly what you mean! The difficulty that you have to contend with is that the Magistrate did not consider that you were confused and he said so in the witness box, and you did not cross-examine him on it?--- Well, that's the way he saw it. 30

And you did not cross-examine him on it, which is the way I see it?---I did ask him when I appeared in front of him,

whether I was a person who was at ease or how was I.

You had this confession written and read out by the Magistrate in this Court, did you not?---I did.

You had not during this trial, so far, been backward in asking questions and challenging people about your rights. Why did you not challenge the Magistrate on this statement, and say that it was incorrect!---....

BY THE COURT: Do you mean incorrectly recorded?---Yes. I didn't know that I could challenge the statement, and this here has so many mistakes in, I believe it was also 10 seen by the Court.

CROSS-EXAMINATION BY MR. HARWOOD (CONTINUED):

You not only challenged the statement, you challenged the admissibility of it! Anyway your story is, you were confused and that's why you didn't speak to the Magistrate! Now let's follow on to that. The next thing that happened was the following, and I will read it out to you. "I told Nkosi, No. 4, that I also would have to recluse myself as danger was impending", and I repeat in case there's any mis understanding, because there's an important little word 20 in this (quotes again) Did you say that?---I did, because to my seeing, I could see that danger was...

And is it true?---What is it true.

6 Is this statement that you've made to the Magistrate true?---It is true that I made that statement, yes.

Is it true that you told Nkosi that you would also have to recluse yourself from P.A.C. activities because danger was impending?---I told him that.

This would have been about the 3rd or 2nd of March 1963, not so?---I do not remember the date very well. 30

Well, every one seems to have accepted that Nkosi went to Basutoland on the 1st of March, and he returned on the 2nd

of March?---Yes.

You yourself, had actually in cross-examination suggested that it was the first Saturday in March! So don't let's quibble unnecessarily.---Yes.

Now the next thing you say is "John Nkosi then said that he would arrange a meeting and invite Brander to attend". "That meeting was held at my house the following day".---That was what I said to the Magistrate, yes.

And is it true?---I don't remember whether Brander came or whether he did not come. 10

Is it true that Nkosi said he would arrange a meeting and invite Brander to attend?---Yes, because there were no people the day he came to the house.

And is it true that that meeting was held at your house the following day?---I think so, yes.

This is after you had already told No. 4 that you were going to have nothing more to do with the P.A.C. because danger was impending?---Yes.

Now you say here to the Magistrate, we're talking now about the meeting at your house on the following day, 20 "Brander came later, when Nkosi had already started with his report in connection with his visit to Basutoland".---Yes.

Now, is that true?---I do not remember whether Brander came late or whether he did come to that meeting.

By Brander you mean Accused No. 3?---Correct.

Anyway No. 4 was there, and I now I want to read you what you said to the Magistrate. You see I asked you before what he had said, and you told me very little, and you didn't bother to mention it at all in your evidence in chief, so I just want to get it clear! Now just listen to 30 what you said to the Magistrate - "In his report No. 4 said that he had attended two meetings in Basutoland, at which

Leballo had presided. He said Leballo told them of the nearness of the day of the struggle with the whites. He stressed the importance of being prepared, and he, Leballo expected representatives to send lists of the names of their members. Leballo also told them about arms and ammunition being on the way to Basutoland from other countries. Leballo said that representatives should go on as before but as soon as they get the date from him, they and their members should use the weapons they had collected to attack the whites. Leballo also said the whites are afraid of 10 blood, and the whites should not only be killed, but chopped to pieces in order to cause panic. The rest would be done by the National Executive Committee of the P.A.C. These are the main things I remember in the report Nkosi gave". Now that is what you said to the Magistrate. Is it true? ---It is difficult to answer to these questions My Lord. A lot of that I can't say whether it's true or not. The passage which you read was very long.

Did you hear anything untrue in what I read? I was only reading what you yourself said to the Magistrate!--- 20 I would suggest that it should be read portion by portion.

What do you say? So we'll prize it out of you, but we'll keep on going.

In his report No. 4 said he had attended two meetings in Basutoland at which Leballo had presided.---Quite right.

He said Leballo told them of the nearness of the day of the struggle with the whites?---Yes.

He stressed the importance of being prepared and that, he Leballo, expected representatives to send lists of the names of their members. 30

BY THE COURT TO ACCUSED: Is that still correct?---No, I don't remember that.

What don't you remember of that?---You've already said Leballo is correct when Leballo said the nearness of the day with the struggle with the whites. This is very small feed by comparison. He stressed the importance of being prepared and that he, Leballo, expected representatives to send lists of the names of their members. Is that correct or is it not?---I don't remember that.

Leballo also told them about arms and ammunition being on the way to Basutoland from other countries?---That is what I learnt from Geyser. 10

Right, now let's get it sorted out. We've got some that's true and we've got some that you don't remember and now Mr. Geyser comes into the picture. I was wondering when he would actually. Leballo said representatives should go on as before, but as soon as they get the date from him, they and their members should use the weapons they have collected to attack the whites. True or false?---That came from Geyser.

Mr. Geyser you say! Now then Leballo also said that the whites are afraid of blood, and the whites should not only be killed but chopped to pieces in order to cause 20 panic?---That is what Mr. Geyser said that he had heard from other members, which he had arrested, and I had to say the same.

The rest would be done by the National Executive Committee of the P.A.C. and these are the main things that I remember. Is that correct?---Would you read that portion again please?

The rest would be done by the National Executive Committee of the P.A.C.?---That also came from Mr. Geyser.

Quite frankly I would have been prepared to get a 30 large sum of money that those were exactly the portions which you would say came from Mr. Geyser! Now what amazes me is,

that when you can't remember things, from yesterday afternoon, until this morning, or from yesterday morning until yesterday afternoon, how on earth could you remember to tell all that to the Magistrate, having heard it from Mr. Geysler, certainly some hours before!---I have told the Court, that I was taken by the Policeman Ferreira to his office, and had a long discussion with him and asked his advice, the day that we had gone to the Magistrate.

But now are you suggesting that Mr. Ferreira came into the picture as well! It is Mr. Ferreira now and not Mr. 10 Geysler!---If I was well understood by the Court in the matter of the statement that was made to the Magistrate, Ferreira spoke and asked me to go and say that at the Magistrate.

Who asked you to go and say that?---Piet Ferreira.

By that you mean Detective-Sergeant Piet Ferreira?---
Yes, I mean him.

So it's not Detective-Sergeant Geysler now, it's Detective-Sergeant Ferreira?---May I make something clear at this stage?

I wish you would, because at the moment it is exceeding- 20
ly unclear!---At the first stage I made a statement before Mr. Geysler.

Which can't be found!---Which he hasn't produced, which all the time he knew very well that I was beaten to make a statement, and he put things to me that I should mention in that statement, and then Mr. Piet Ferreira came with this idea of making the statement before the Magistrate, and with this instruction that I must not forget any of those things which I mentioned in the previous statement.

How long was the interval of time between the time 30
that you gave the statement to Mr. Geysler and the time you made the statement to the Magistrate?---If you would permit

to look at my calendar, I'd be able to tell you, otherwise I'm not sure.

I'm not interested in your calendar! You made your statement on the 22nd of April and you were arrested on or about the 31st of March! (Mr. Harwood and interp. talking at the same time). It's a matter of days anyway, wasn't it? --- I say I couldn't remember the days very well.

Now was it less than a week or more than a week?--- I cannot say that, I don't know. It could have been a month or a day. I was so beaten up that I had no idea of the time at all, a day could have been a month to me.

You know we've had all this before! You know that, don't you? And his Lordship has disbelieved it! Now won't you just get out of this state of mental confusion and tell me how long was it between the time that you made the statement that you say you made to Mr. Geyser and the time that you made the statement to the Magistrate?---I'm not sure of the number of days! I'm not sure! That's all!

I'm asking you about how long! Stop being impertinent! ---I cannot tell that, I don't know! 20

I'm asking you how many week, could it be two weeks?--- It could be a week, it could be two weeks, it could be three weeks, for that matter!

Could it be less than a week?---I don't know, I say! I cannot remember that!

AT THIS STAGE THE COURT ADJOURNS UNTIL 2 P.M.

ON RESUMING:

JEFF KGALABI MASEMULA, still under oath

CROSS-EXAMINATION BY MR. HARWOOD (CONTINUED):

Now before the adjournment we were wrestling with 30 the time which had elapsed between the time you made a statement to Detective-Sergeant Geyser and the time that you made a

statement to the Magistrate,---That is correct, yes.

And you then proceeded to get very dramatic about it, and indicated that you were in such a position of physical pain that you couldn't remember anything at all!--- I do not know whether it was dramatic, but that is what I had said.

And when did you make this statement to Mr. Geysler?--- If I remember correctly, I think it was on the 22nd of March.

22nd of March. So if you can remember correctly, you made your statement to the Magistrate about a month later! 10 ---Maybe, I'm not sure, I don't know.

Yes, well there's one date we needn't argue about even with you, and that is that you made your statement to the Magistrate on the 22nd of April!---Yes.

Now you remember^{ed}/these things that Mr. Geysler told you to tell the Magistrate in your confession, Mr. Ferreira told you had to tell, from about the 27th of March to the 27th of April!---I remember him telling me and I remember what I had said.

Now you also remember that you indicated as truth- 20 ful that you told Nkosi at the time, that he made his report to you from Basutoland, that you were going to get out of this because danger was impending?---Now would you repeat that again please?

You are hearing this both in English and in Sesuthu! ---I didn't quite follow your question.

Yes, but you can hear it, and you understand it! So don't unnecessarily waste our time!--He did not follow that, I don't follow that either!

You told us that you had told Nkosi, on the day whe^{re} he reported to you from Basutoland that you were going to get out of the P.A.C. because danger was impending!---Yes.

And you have told us that that is true!---Yes.

So then I take it that after that you got out of the P.A.C. and you had nothing further to do with it!---Yes.

Why then, did you thereafter go up with these youngsters who were collecting bombs?---Because it was my fervent wish to see things that takes the lives of the young Africans, and to see if anything could be done about it.

Now these youngsters told you that Accused No. 4 had told them to collect the bombs at the Skurweberg?---Not these youngsters, but a youngster. 10

Some youngster, told you that No. 4 Accused had told him that he was to collect bombs on the Skurweberg?---Yes.

And you told this youngster that you were not taking any part in the activities of the P.A.C.?---That is true.

And did this youngster tell you that, nevertheless, they were going to collect the bombs the following day?---I think it was on the very day.

Accused No. 16 one of those youngsters?---Yes.

And the witness Kenneth was one of them?---Yes.

And do you remember the witness Bisto Padima?---I 20 don't know the name, but I knew that a youngster by the name of Bisto was one of them.

And do you know that Accused No. 8 was one of them?---Yes.

You were all going to collect bombs?---The way I heard, yes.

And you went with them?---Yes, I did.

Now you knew that what they were doing in this bomb collecting, was an activity of the Pan Africanist Congress, didn't you?---I did not know that. 30

Why then did you tell this youngster who told you that No. 4 said they must go and collect bombs, that you were no

longer interested in the activities of the P.A.C.?---Because the majority of them that I had seen were attending this meeting of the P.A.C.

So you are referring back now to the previous night when the meeting...at the meeting of the P.A.C. which you attended, and volunteers were called for by John Nkosi?---
Yes.

And the people who had volunteered, were now the people who were going to get the bombs?---The bomb collecting was not mentioned then. 10

I know it wasn't, but you, I believe said in your evidence that at the meeting at the railway line, No. 4 Accused asked for volunteers! And there were some volunteers! ---Yes.

And these persons who came to collect the bombs, were the volunteers?---That's the way I took it.

Jolly good! Therefore, as this had been told at a Pan Africanist Congress meeting, you've already told me, you told the children you weren't going to have anything to do with it, because you had finished with the P.A.C.!---Yes. 20

So you knew that the collection of the bombs now, was in connection with the selection of volunteers by Accused No. 4, and you weren't going to have anything to do with that!---Will you repeat that question again please.

I know whenever they are tricky, you require them repeated, but I'm quite capable of doing so! You knew in constance that the children that were going to collect the bombs, were collecting them because of the volunteers that were asked for at the Pan Africanist Congress meeting! And therefore, it was a Pan Africanist duty that they were 30 performing?---I cannot say it was a Pan African duty.

Didn't you think so?---No, I did not think so.

Why then did you say to the children that they had come to the wrong person because you had ceased to take part in the activities of the P.A.C.?---Because the majority of the people that came, were the people I saw at the meeting.

Because the majority of the people who came to you telling you they were going to collect the bombs, were the people whom you had seen at the meeting. Is that your answer?---That is correct.

So, therefore, you deduced they were about a P.A.C. activity! You deduced that they were going to do something for the P.A.C.!---That was my deduction, yes.

Yes! So as you had decided to withdraw yourself completely from anything to do with the P.A.C. - listen carefully, because I don't want to have to repeat this one again, it's also a difficult one - why did you associate with such a dangerous activity as going to collect bombs?---At first I wanted to see the things that killed children almost every year.

Although you knew that this was a P.A.C. duty that these youngsters were going to perform?---It doesn't matter, even if they were not people of the P.A.C. I would have accompanied them. 20

Now you see, there's only slight difference between your version and that of Kenneth! Do you remember what Kenneth said?---No, would you remind.

Oh, yes, I'll do so. I was wondering how far your memory could stretch - Kenneth said that you met them at the school and directed them to go up to the mountain to collect the bombs and you would come up there and meet them.--- That is what Kenneth said, yes. 30

Is it true?---No.

Are you sure it isn't?---It is not true.

You see you've got such a dubious memory, I'm beginning to wonder whether you could remember whether yesterday was Wednesday or not!---That is true, I don't know whether Yesterday was Wednesday or what.

Yes, but you can remember that what Kenneth said about your directing them to go up and get the bombs, is not true! ---I say so, yes.

Now in your evidence in chief, you told us that there was a lot of disagreement in connection with one branch to another, Accused No. 3 apparently not being regarded as a suitable travel companion by the potentiary from Vlakfontein to Leballo, and you said you did not agree to Brander being substituted, because you didn't agree with one branch dictating to another branch. Do you remember?---I do.

That you do remember?---I have said I do.

Now although it was your evidence yesterday, is it true?---Yes, it is true.

And was this on the 1st of March?---Yes, it could be so, I think.

Well, actually yesterday you were quite positive about it and you said it was on the 1st of March! Then you told us that Accused No. 4 came back and reported from Basutoland?---Yes.

And then you said "I don't remember what he reported as I was ill and did not attend when he reported".---Yes.

Right now can you spare that with what you told us this morning, this afternoon in connection with what Mr. Geyser dictated to you and your confession is not what you said?---I don't quite follow your question.

I thought you wouldn't! Well start all over again! 30 Your evidence in chief, your own evidence, done all by yourself was to the effect that No. 4 Accused came back to re-

port from Basutoland and you do not remember what he said, because you were ill and did not attend! You've gone to great detail in cross-examination to tell me exactly what portion of this statement that you made in your confession about what was reported by Accused No. 4, was true, what you could not remember, and what you said because Mr. Geyser had told you what to say! Now how, can I know which of these versions is true, can you help me? You see there's only a little difference - in your confession you say you were there, and you've told me that it was true, and in your 10 evidence this morning you said you weren't there because you were sick. There's just that little difference. I wanted to know if you can possibly explain it?---I don't remember...

BY THE COURT: Did he say that he wouldn't attend the meeting? ---I have no doubt about it, because I had the confession in mind.

My note is that he came on the Monday to report on his trip, but that was inconvenient for some reason or another, and he later did give his report. I cannot remember it exactly, I was inattentive because I was ill. That is not quite the words, but that is the note I've got here.--- My note is that "I was ill and did not attend".

"Did not pay attention".---I'm not prepared to argue with your Lordship on the note.

CROSS-EXAMINATION BY MR. HARWOOD (CONTINUED):

---How is one to feel if you are misquoted like that?

One is to feel that it is advisable to tell the truth and then there'll be no necessity for misquotation. One will now start going over the confession again, and one will have to say how one was able to say any of this at all if you 30 didn't pay attention! Did you pay enough attention to No. 4 to ascertain that he had attended two meetings in Basutoland

at which Leballo had presided?---I do not claim to have paid half attention, as it's put.

Did he say that, or did he not?---Yes, I remember he spoke about his visit and he spoke about two meetings.

Now what else did he tell you?---And about the Government of South Africa.

What about the Government of South Africa?---The taking over of the Government of South Africa.

By whom?---By the Africans.

And when was that to take place? Did he tell you? 10
---A date to be given later in 1963.

And did he tell you anything else about what happened at this meeting?---I cannot remember.

Did he tell you that Leballo expected representatives to send list of the names of their members to him?---Yes,

And did he tell you that Leballo told them about the arms and ammunition which he sent to Basutoland from other countries?---I don't remember him saying that.

Who said so?---I said so, instructed by the Police.

To say to the Magistrate?---To include that in the 20
6 statement, yes.

This morning apparently, your memory didn't stretch to Leballo having said that he expected his representatives to send lists of the names of the members! That one you could not remember this morning, but this afternoon, stop me if I'm misquoting you, you say that that was said to you by Accused No. 4?---I remember that it didn't come from John.

So now you remember it was not No. 4 who said it! I'd hate to misquote you, but less than five minutes ago you told me that it was No. 4 who said it to you! I think with 30 that powerful brain of yours you must concentrate very hard on these questions, or you might get yourself into difficulty!

Now let's go back to the bombs. How many places did you find with the bombs in them where the bombs were stored? I put that wrongly - how many places did you store bombs in when you went up there with the youngsters?---One.

It's a simple question - how many?---I've answered that. I've said one!

One?---Yes.

Now how many bombs were put in this one place, do you remember?---About 8 or 9.

And they were buried there, were they?---No, they 10 were not.

Just left lying on the ground?---In a small bush.

If anyone had happened to walk there and not noticed them, could they have tripped over them and hurt themselves? ---Unless he walks through the bush.

Was it not possible that people might walk through the bush?---Perhaps at night, but not during the daytime.

Was it not possible at night that people might walk through the bush?---I don't think so.

Did you report this danger of these bombs which 20 were now collected in one place to any person?---No.

You didn't go to the Police and tell them there were a lot of bombs up there, which you had collected together for the safety of these youngsters?---No.

Didn't you tell anyone?---No.

You didn't announce it at school among the scholars? ---No, I did not.

Now as I understand your story, you went up there specifically to ensure that there would be no danger as a result of the bombs which were found by these youngsters, stop me 30 if I'm misquoting you!---Yes.

And having put them in a bush, that was all you felt was

necessary to be done?---Yes, because these school children were told about these bombs, long ago.

And apparently had forgotten, because one or two of them got blown up since!---I do not think that they could forget such an important thing as that.

But what did you hope to gain by going up on the Skurweberg with a number of youngsters, and collecting nine bombs and putting them in a heap in a bush!---There were possibilities as much as nine were eliminated.

Unless someone happened to trip over them and in 10 the bush at night!---Unless, yes.

That hadn't occurred to you?---I do not think that people do walk there at night.

Now that is a fenced-in area, is it not?---I did not notice the fence, but there's a gate.

Just a gate standing there and no fence?---It is not a fence surrounding the place of the bombs, it's a fence from this side of the mountain to the other side, where the village is.

Did you go through this gate?---Yes. 20

So obviously you had to go through the gate and not through the fence!---We went through the gate.

Because you had to! Or did you just go through a gate there in the veld?---We went through the gate.

Did you have to go through the gate?---I don't know, but we went through the gate.

BY THE COURT TO ACCUSED NO. 1: The question is very simple - here's the gate. You go through the gate - were there stand of wires on the sides of the gate, or could you walk around the gate if you want to? It's a very simple ques- 30 tion!---There are fences on either side of the gate, yes.

CROSS-EXAMINATION BY MR. HARWOOD (CONTINUED):

Now you see, why I'm asking you these questions, is because you have held yourself out, probably with a little bit of justification, for being a very intelligent and responsible person, because you're a school teacher!--- Exactly that.

I should hate to think for a moment, that you should think I was misquoting you, but I think you have laid some stress on it during this trial! And on your importance in the community in Atteridgeville!---That is so.

So I assume that when you are asked if you went 10 through a gate, because you had to go through a gate, you can normally be able to gauge what the answer is! So don't wast the Court's time and mine, by giving silly answers! Now let's get on then with this confession of yours! You said you were ill. When were you ill?---I started taking ill on the 8th of March which was a Friday.

And you were ill from then until the 19th?---Yes.

But I thought we all agreed that Nkosi came and reported to you as soon as he came back from Basutoland which was on the Monday!---Yes. 20

Now that being so, weren't you ill then? Lest you think you were being misquoted, I would remind you that you said that it was because you were ill, you were inattentive! ---I said I took ill on the 8th. I was put off by the doctor until the 19th.

Was it before or after the 8th, when Nkosi came to you?---It was before.

Well, if it was before you got ill, why did you say that you didn't hear what he reported, because you were inattentive because you were ill!---My illness did not start 30 on the 18th, it started on the 8th, it was then that I....

I wish you'd answer my questions!---On the 8th I

decided to see a doctor, with regard to the illness. Not that it started on the 8th.

You see, one likes to be sure how one deals with words, and how one chooses them. You elected to give this confession to the Magistrate in English, you elected to be without an interpreter when you gave it, and you said this in your confession - "About a week later, that is after the boys had been up the Skurweberg to get the bombs, No. 4 told me that the boys had collected about 48 unexploded bombs.---Yes.

Now is that true?---It is true what he told me as to how many bombs were collected, but I ... 10

About what?---It is true what he told me as to how many bombs had been collected, but I do not know about the time a week later.

Allright, but it is true that Accused No. 4 told you that the boys had collected 48 unexploded bombs?---Yes.

And your confession goes...?---I do not know whether they were exploded or unexploded.

Well, we'll start all over again, it's like drawing teeth, one realises one must get somewhere. Your confession reads, and this is what you said to the Magistrate, "About a week later", now forget that, "John Nkosi told me that the boys had collected about 48 unexploded bombs"! Now there is a very simple question following this - did he tell you that, or did he not?---He told me that 48 bombs were collected. 20

Did you not say to the Magistrate unexploded bombs? ---I said bombs.

So when the Magistrate wrote down "unexploded bombs" ...?---When he asked me "unexploded" I said to him that I thought they were unexploded. 30

Did you say to the Magistrate that you thought the bombs

were unexploded?---Yes, when he wanted to know whether they were exploded or not. He wanted to write it down.

As an intelligent school teacher and the leader of the Atteridgeville area, you of course, would realise that if a bomb had been exploded, it would take some collecting wouldn't it?---Before I answer that I'd like to explain this - that I'm not an intelligent teacher, but a teacher.

Now I'm inclined to agree with you on both points. Nevertheless, did you not say to the Magistrate that the bombs were unexploded, you simply explained to the Magistrate because he asked you?---Yes.

Now you then told the Magistrate they, that is the hidden bombs, that is the youngsters I beg your pardon, "They had hidden bombs at three different places, so No. 4 has told you".---Yes.

Is that true?---Yes.

And you say "soon thereafter, I fell ill for about two weeks, from the 8th of March until the 19th of March".---Yes.

Now I realise that it is a little difficult to quarrel²⁰ about words, but this is your story, you told it to the Magistrate, and you said that it was quite a while after, the initial meeting of the youngsters with you with the bombs, that Nkosi told you about the other bombs which had been found, and it was after that that you got sick. That is what you said!---That is what is written there, yes.

And is it true?---About the illness it is true, but I'm not sure of the time.

Are you sure of the fact that No. 4 told you that they had hidden bombs in three different places?---Yes, he told me that.

Now that was a dangerous business, wasn't it?---I cannot

see how it is.

Well, you as the responsible school teacher, wanted to go meddling with these with these youngsters, to see that they didn't get into trouble. Now you hear that there are three different collections of bombs on the Ksurweberg! Did it occur to you then to go to the Police or to the army or to your school principal and tell them all about these bombs?--- I did not see the necessity of doing so.

Now during my illness you say, No. 4 kept on coming to my place to tell me that he had arranged with the Lady 10 Selbourne members of the P.A.C. to take bombs to Lady Selbourne?---Yes, that is so.

Now did No. 4 say that?---Yes.

Did he also say that he had arranged for a van to convey the bombs?---Yes, something was said about a van.

Did he later on come to you with a person called Maleke from Lady Selbourne?---Malika, that was the day on which it was said.

That was the day what?---That was the day on which it was said. 20

Yes, and did he introduce this Malika as the person who was going to convey the bombs?---Yes, that is true.

5 Now did you, as a responsible school teacher and the leader of the Atteridgeville community then say to him "this is a most irresponsible and shocking thing and I'm not having you conveying bombs about the place"!---No, I did not say so.

Actually your confession goes on and you say "I quarreled with John and said I'd already told him that I would not go on with P.A.C. activities"!---Is that statement true? ---Yes, that is true, but Malika was now outside and not 30 inside.

what
And/were the P.A.C. activities that you were referring

to having quarreled with John?---What the habits were of the P.A.C. this or that I cannot say, but whatever they intended to do.

It of course, did not occur to you that the meeting that you had spoke of of the volunteers who were there, and who subsequently were escorted by you to get the bombs, that the P.A.C. activities might be tied up with the bombs! ---I didn't quite clearly understand your question.

I thought you wouldn't! Were the P.A.C. activities in any way tied up with the bombs?---I don't know. 10

Why did you pick on that occasion to tell Johan... or rather to quarrel with John about P.A.C. activities and not on all these other occasions?---Because the man he had introduced to me as he said, was a member of the P.A.C. of Lady Selbourne.

This man was going to convey these bombs?---The man who came with John, that is Malika the one we're talking about.

And the man who was introduced according to your confession by John to you as the person who was going to convey the bombs!---Yes. 20

Now do you remember John Nkosi telling you, that he had informed the people in Basutoland about the bombs?--- About the bombs?

About the bombs, and that they had said that they would send a technician to examine the bombs?---I don't remember that very well.

Why did you say that to the Magistrate in your confession?---Because I was asked by the Police to link up this bomb affair with the P.A.C. 30

And you obligingly did so?---Fearing what would happen thereafter, I did.

And so, this once more, is the sinister Mr. Geyser who caused you to say that to the Magistrate?---No, no, Piet Ferreira.

Oh, this is Mr. Ferreira!---Yes.

Where did he tell you that?---On a Sunday when he came to tell me about the statement which had to be made before the Magistrate.

Now you also say "No. 4 showed me a letter which he had received from Basutoland and which contained code words".
---Yes. 10

Is that true?---Yes, it is true.

And in that letter it was explained that an explanation of the code words would be given in a letter which would follow?---That is true, yes.

Now then, did No. 4 say the following to you "No. 4 also said that Vlakfontein P.A.C. members had told him that the Bantu Special Branch detectives including pimps should be beaten up". "He mentioned the name of Harvey Mashoa and Herman Kumalo. They were the first two detectives on John's list who should be beaten up". Now did 20
No. 4 say that to you?---No, he did not say that at all.

Why did you put it in your statement, Geyser or Ferreira?---Mr. Ferreira with another detective.

Now what is a "pimp"?---The way I know, a pimp is one who is working under the detectives.

Tell me, am I to understand that you are seriously telling me that Mr. Ferreira told you to say this to the Magistrate, associating the Police of the Special Branch with "pimp"?---They told me about the intention of the people to get rid of the Police and whoever worked with the Police.30

Who used the word "pimp" Mr. Ferreira..?---I know these people generally to be called pimps.

Who used the word - Mr. Ferreira or...?---I used the word.

And the first time the word was used, was when you made your confession to the Magistrate, is that right?--- That is correct.

Well, may⁺ I, as a fellow graduate in the English language suggest that you take the Oxford Dictionary some time and look up what it does mean?---I don't think it's necessary.

You don't appear to know what it means! Now also No. 4 mentioned the name of Harvey Mashao and Herman Kumalo,10 ---He never did.

They were the first two detectives on John's list who should be beaten up!---John never said that.

Quite untrue is it?---Yes.

Did Mr. Ferreira tell you apparently, to use those two names?---It was put in the form of a question "why do you people want to thrash or beat up Harry Kumalo...Harry and Kumalo."

Now who questioned you on those lines?---It is the detective who was with Mr. Ferreira.

20

Now you've heard the evidence, have you not, that Kenneth gave in connection with the Twelve Disciples?---Yes.

And that Bisto gave about the Twelve Disciples?---Yes.

And you heard that both of them said that you were one of the group of six who was assigned to go off and kill Harry?---Yes.

And you heard them say that No. 4 Accused was with you, and No. 16?---I do not think they said so.

I beg your pardon?---I think it appeared that they said that John was in the other group, and not the group that I 30 was supposed....

Allright, now were you and No. 16 in one group?---

So the witness was saying.

Now in view of the fact that both Kenneth and Bisto say that, they also please note, being in the group!---Yes.

Can you give me any idea why Mr. Ferreira should suggest that you should say this to the Magistrate?---They had already taken statements from other people. The detectives had already taken statements from people who had been arrested here. If they come to another person to take his statement, they show to him the statement they have got from the other people, and they say to him "you must also know about 10 this matter".

Now I put it to you, as Accused No. 6 would say, that the first time that the Police ever heard about the suggested attack on Harry, was on the 2nd of May this year! Some three weeks after you made your confession to the Magistrate. That is the information which I received from Bisto and Kenneth in consequence was spoken to possibly later about it. The 2nd of May! They didn't know about it before then! Can you give me any idea why Mr. Ferreira should have suggested this to the Magistrate?---The way Kenneth 20 said, the last statement they made was about the 1st, 2nd or 3rd...the 2nd or 3rd, not the first...

The 2nd or 3rd of what..?---The first ones were torn. It was said that he wasn't telling the truth.

Who are you talking about now? Did Kenneth tell you that?---Kenneth told me that a statement which he had made was torn, because he wasn't telling the truth. He made another statement. So there were statements made earlier.

And in this other statement did he say he then told the truth, and that he lied in the first statement?--- 30
Kenneth would not tell us anything that he had told the Police.

Now you heard/^{Kenneth}give evidence?---Yes.

Did you ever, at any stage, I know it's stretching your memory rather far, did you ever at any stage question him at all on this subject, that he had made a statement to the Police which had been destroyed because it was untrue?---No, I did not.

Don't you think it would have been very important?--- How could I know that.

I'm not asking you how you could have known it. I'm just talking to you as a highly respected member of the Atteridgeville area and a school teacher of intelligence. A man has made a statement to the Police which is a tissue of lies! You had him under cross-examination and you don't ask him about it! My question to you is why didn't you!--- It didn't occur to me that I should ask him about it.

Now do you remember Accused No. 4 saying to you that he had heard about two people in Atteridgeville who had received £365 from the Special Branch to find out about P.A.C. activities?---I remember hearing that.

Did No. 4 say it to you?---I think it was No. 4, yes.

You told the Magistrate it was No. 4. Now do you know why No. 4 told you that?---I cannot exactly say I know why he did. Now you've also said in your statement that on the 19th of April you went up to the Skurweberg with various of the Police, and you pointed out this place where there was only one bomb left?---Yes.

You say "whilst we were waiting for the military people at the Skurweberg I spoke to Hohn Nkosi. He told me that Lady Selbourne P.A.C. members came to him for the purposes of fetching bombs as arranged. They told him they were to launch an attack on the whites within three days. He said the Johannesburg P.A.C. people went with him also to the Skurweberg to fetch the bombs." Now did No. 4 say that to you?---As far as

I remember he did, because he was answering a question I put to him.

Now then, you state in your confession, that the financing of John Nkosi's trip to Basutoland was done out of membership fees already collected at that time?---Yes.

Is that true?---Not solely out of the collections.

Where did the other money come from?---I had contributed R2.

Now after you had finished your statement, you used the words "that is all I have to say".---Yes, quite true. 10

Then the following appears "after the statement was read out to me I wish to add this, I was informed that boys mentioned to Nkosi at a cell meeting that they had seen unexploded bombs on the Skurweberg, and thereafter John Nkosi told them to go and collect the bombs." I'm not going to worry you about that, but it's the next thing that happens. Here is the introduction, now you say "I also wish to mention about the oath of the P.A.C. and the mass meeting and the task force."---Yes.

Now about the oath you say this ...well, had you ever 20 seen the oath?---No.

Then it would appear that it goes this way - "at one time John Nkosi told me that he had written the oath on a piece of paper and given them to cell leaders for them to read to other members. In broad outline the oath was that the members would be truthful to the P.A.C. and that they should never fail in carrying out instructions, neither should they divulge the secrets of the organisation." now did John Nkosi tell you that?---John did not tell me anything about the oath. 30

He never told you anything about the oath?---No.

Why then did you take the special trouble to add this

into your confession?---You will remember that I had said I was trying to remember all that I was told not to forget. It was the thing of the oath, the meeting of the bombs attack which I shouldn't forget that I had forgotten, and the fact that everybody agreed that all these meetings. That is what I was told to remember.

Geyser or Ferreira?---Some of it put by Ferreira and some of it put by Geyser, I can't remember which.

I'm trying to find the bit now which was a shocking mistake which you didn't pick out when it was read over 10 to you, but I can't just find it. Let's go on. Now you also said this "A mass meeting was held at which Brander spoke, Ramasodi as well as Dikgang and myself. I spoke as treasurer and made stress on fees to be paid. Brander spoke mostly about being prepared to face the struggle when it does come. Ramasodi added to that and quoted success in the countries. Dikgang also spoke and summarised what Brander and Ramasodi had said." Is that true?---That is not true.

Ferreira or Geyser?---One of them, I think it's Geyser, who pressed and said that I had to say who these people 20 were and what they had said which was very important.

Now "at one time Nkosi came with a baNtu male called Dela"?---Della.

Did he come?---No.

Is there such a man?---I have discovered now that he is, yes.

"John then told me about the task force in Vlakfontein, and he said he wished to introduce the same sort of thing at Atteridgeville and that Della would be the task force leader".---That is not what he said, that comes from the 30 detectives.

Does it. Now is that the man that you want to call as

a witness?---I've left off, I'm not going to call him any more.

You're not going to call him any more?---No.

Do you mean he might be a task force leader after all, and that would be awkward wouldn't it?---It was said that the...what they were going to say here would affect their own case.

Is that the same person as Della James Tzwelin?---

Yes.

He's willing to give evidence, I see, on your behalf,¹⁰ but you don't want to call him?----Yes, because I learnt, that what he said here would affect his own case. He's one of the other accused.

So you're being sporting and you don't want to get him involved is that it?---I do not want him to give evidence that perhaps might be used against him.

Please don't get dramatic, this morning when you switched into the English medium you started to get rather upset! Don't get upset, just answer my question! Do you want him called or do you not?---I've decided not to call him. ²⁰

Is it because you know, that in fact, he was a task force leader, that you don't want to call him?---No.

Your confession goes on - "Della would then later find his assistants who would work under him". Is that true?---That is what is in the statement yes.

Yes, I'm asking you if it's true!---No, it's not true.

Who did it come from Mr. Ferreira or Mr. Geyser?--- Ferreira, of course.

Well don't say Of course. Geyser's done quite a little bit! Now your confession goes on and you say "John Nkosi ³⁰ explained that the task would be a group of men who would be trained physically and would be taught the tactics of war-

fare. The main purpose of the task force would be to teach the Special Branch Police and their pimps a lesson". Is that what John said or not?---That is what I learnt from the Police.

And the Police told you to use the word "pimp" again, or did you use it?---I have already said that the word pimp was used by me and not by the Police.

Did you instruct these youngsters who you escorted up to the bombs, to be very careful?---I did not tell them to be careful. 10

Didn't you think that there might be a tragedy there right under your nose?---Yes.

Now why didn't you tell them to be careful?---I don't know, but I did not tell them.

Are you quite serious about that?---Yes, they were people themselves who could exercise care if necessary.

What was that?---They were people who could exercise care if necessary.

Why did you go up with them at all?---I've already said that I wanted to see these destructive things. 20

Oh you just went out of curiosity then, not to see that these children should be protected in any way?---I think I have given my reasons why I went up, and if I'm not mistaken on two occasions.

And now you've added another one on a third occasion! You say now that you went up to see what they looked like! You have said both in your evidence in chief and in your cross-examination, that you went up the Skurweberg, with the object that being a responsible person, you went to see what could be done for the protection of these children! 30
That's been your story!---I just went to see these things and to remove them out of the children's reach!

Now is it true that at this meeting which took place, that you apparently attended, where you said that you were waiting for the man who was coming to talk to you from Basutoland who had not yet arrived, is that true?---Yes, it is true. Not Basutoland, from Vlakfontein.

Not Basutoland but Vlakfontein?---A man who lives in Vlakfontein, who apparently had been to Basutoland.

Now at this meeting do you remember that Accused No. 4 stood up, having gone through the formality of saying "Iswelethu" and everyone saying "Ee Afrika", he then said the following - that you must all prepare for the war against the whites, that people would come from Tanganyika and Algeria to assist in the war, and that when those people came you must be ready for it?---I do not remember such things.

That was not said at any meeting you were at?---I don't remember it being said anywhere.

Evalt says it was said at a meeting which you were at, and so does Kenneth!---As they are accomplices they are free to say anything they like to get their freedom.

You seem to think that because you're an accused, you're free to say practically anything you like too! Just tell me this - is it alleged to have been at the meeting where you said there was a meeting for the man to come? Is it absolutely untrue, that you never said that?---I said we are waiting for a man who comes to address us, and who comes from Vlakfontein. That is true.

And you never ever heard this other remark passed at all?---No.

Did you ever hear any member of the Pan African Congress offer any suggestions of violence at all, towards anyone?---No, I do not remember.

Do you know No. 6 Accused?---I know him.

He was a member of the P.A.C. was he not?---I cannot say whether he was a member or whether he is a member, but all I can say is that he held meetings at his own cell.

Petrus Mohala, is No. 8 isn't it? Stand up (No. 8 stands up) Do you know if that man has anything to do with the P.A.C.?---I was made to understand that he was one of the cell leaders.

Who told you that?---I wanted to know who the names of the cell leaders were, but who told me about No. 8, I cannot remember. 10

Now who told you, when you asked who the cell leaders were? Who did you ask for that information?---It was long ago, I cannot remember.

Accused No. 11, do you know him in the P.A.C.?---The explanation is the same in regard to No. 16.

What! You've made me repeat questions often this afternoon, I'm asking you to repeat an explanation!---When I wanted to know the names of the cell leaders, these...his name also was given.

By whom?---It's quite long ago, I cannot remember. 20

And why did you want to know who the cell leaders were?---I thought I must know the names of the cell leaders.

MR. HARWOOD: No further questions.

BY THE COURT TO ACCUSED NO. 1: Anything else you wish to say in evidence, before you leave the witness box?---Yes.

Yes?---I was questioned a lot by the Prosecutor about what I had said in the statement. What I want to address on is this - Some of it was by the Police, because they wanted to bring home the fact that our meeting wanted to bring about violence. Connect the meetings with violence. It was 30
said by them afterwards, that that was what you had to say. My Lord I conclude by saying that some of the things on the

statement does not come from me. That can be explained by the scars on our hands. That is all I have to say.

The Court informs Accused No. I that it can be arranged tomorrow morning for Dr. Sacks to be called as a witness to his illness.

AT THIS STAGE THE COURT ADJOURNS UNTIL 10 A.M.

ON THE 21ST OF JUNE, 1963.

ACCUSED NO. 2, KLAAS MASHISHI, s.s.

On a Sunday in January this year Jumbo Makoshane came to my home. He told me, my Lord, that his brother had said that there was a meeting at their home. During the day I went to this meeting at Jimmy's. At this meeting there were about 30 people. Jimmy opened the meeting and he told us that he wanted to organise people for the Pan African Congress, and he told us that 1963 was the day of destiny. They had to get freedom. He also told us to try and collect a lot of people.

At that meeting the cells were divided; I do not remember whether cell leaders were elected at that meeting. Jimmy told me that I had to be a cell leader. I said I could not. I have known Jimmy for quite a long time and Jimmy's younger brother is my chum.

After the meeting was over, I went home. Other meetings had to be held the following week but I did not go. Jumbo told me that I had to attend a meeting which was to be held at Ramasodi. I went to that meeting; when I got to this meeting Ramasodi told me that I had to speak at that meeting. I said I did not know what to speak about. He said that he could not address the meeting because he had to attend to the people entering the meeting. He gave me a book to read, and I gave this book to accused No. 5 to read. Accused No. 5 read this book.

See Robert 7016

After this book was read one of those that had attended the meeting said that he did not understand as to what was being conveyed in this book. I then tried to explain to him. The meeting was then over. At this meeting we did not raise our hands to give the sign of

the Pan African Congress, but at the first meeting it was given.

My Lord, after that meeting I kept away from these meetings for quite a long time because I did not intend to attend ~~the~~ meetings, because I was not prepared to join the Pan African Congress.

On a Saturday a youngster came to the house and he said that I was required. I then told this youngster that I could not go as I was preparing myself, packing my belongings and things, and I was leaving the next day. He then left. Some 20 minutes later another one came He told me that I had to go to the meeting, which was at no. 1's house. ~~xxxxxx~~

I then went with him. When I got there, I found that it was quite some time already that the meeting was on. I went inside and I sat down. I was then asked by accused No. 3 to speak. I saw at this meeting that accused No. 7 and others were under the influence of liquor. I then said that people attending such meetings should not drink liquor. I then told them that they should be cautious; that they might do irresponsible things that they don't know of. Accused No. 3 then closed the meeting. I then went home and the following day I left.

My lord, when I left I had not joined as a member of the Pan African Congress. That is all I wish to say my lord.

CROSS-EXAMINATION BY ACCUSED NO. 5:

At the house of Ramasodi, with whom did I come?
---When you entered, I was seated, and I saw you entering alone at the door. In the room in which the meeting was, not the room of the house.

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K. MASHISHI.

Did I look like one who had come to the meeting or to the house?--I cannot say what you came for. All I saw was that you entered, you sat down and you spoke to Ramasodi, and then you sat down.

Have you any recollection of seeing me at any meeting?---No.

NO FURTHER QUESTIONS.

NO QUESTIONS BY ACCUSED NO.S 1, 3, 4, 6, 7, 8.9, 10, 11, 12, 13, 14, 15, or 16.

CROSS-EXAMINATION BY MR. HARWOOD:

Were you arrested in Natal?---Yes I was arrested at Natal.

How long have you been at Natal University?--- I will say, up to the time of my arrest - a month or two weeks.

Had you only just started this year?---Yes.

What year in medicine are you? First or second?
--Preliminary.

Did you get an exemption then from the work you had done at Fort Hare University?--Only in English 1.

How long were you a student at Fort Hare University?---3 years.

Were you there when it closed down?--No.

Did you get a degree at Fort Hare University?
--Yes.

What degree? Bachelor of Arts?---Yes.

Now while you were at Fort Hare University, did you join the Pan African Congress?---No.

Or the African National Congress?---No.

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K. MASHISHI.

Or any other political movement?--No.

When did you first come under the influence of the Pan African Congress?---I heard about it at Fort Hare in ~~1958~~ 1959, but in the year of 1959, my Lord, there was no Pan African Congress at Fort Hare. The African National Congress was controlling the school of Fort Hare. They were not in the view of the pan African Congress. They did not want to see it accomplished.

Now what years were you at Fort Hare University? From when to when?---'59, 60, 61.

During those three years, did you never come into contact at all with the African National Congress, although you say it was running the university?---I used to meet them at the campus of Fort Hare, yes.

Did you actually attend their meetings?--- The people who owned the S.R.C. most of them were African National Congress. That is the mass meeting of the students. Those are the people who were speaking the addresses. Those.. I remember the mass meeting that was addressed by..they organised tobaycott potatoes. That was in '59. But there was spoekn, at the meeting, of the Congress. They were talking the meeting of the of the/ Congress my Lord, at the mass meeting of the students.

Which you attended, of course?---Well, being a student, and it being a mass meeting of the students..!

Now as you became a more senior student, I take it you became a member of the S.R.C. did you not?--- No.

Never?---No.

Did you never attend their meetings either?---

---My lord, the S.R.C. meetings stopped in 1960. The S.R.C. as such, not the meeting.

That stopped in 1960, did it?---Yes.

And did nothing take its place?---No.

From then on, was there no Students Representative Council at all?---No.

and no meetings?---There were meetings, my Lord, but not meetings of the S.R.C.

What were those meetings of?---There was the meetings of the Red Committee, meetings of the Bioscope Club, meetings of the Jazz Club, meetings of the Ball-room Club and meetings of other committees that were there.

Were you on these committees?---No.

Did you never go to any meetings after 1960 at all?---No, I did.

And what were the meetings that you went to?
---My lord, there were a number of meetings held in 1960. The students wanted to close the school because the said the Principal did not give them a constitution.2)

Were you in favour of what the students had to say in that connection?

BY THE COURT TO MR. HARWOOD: Is that question relevant?---

Well, it is a question my lord, of political activity, that is the point. Or quasi-political activity. If your Lordship thinks that it is not relevant I am not going to press it.

Yes. I don't of course know what the answer is going to be. His view is the sort of thing that... 30

---Yes, well, it is his view that I am endeavouring to

get at from what meetings he attended. Whether he was in favour of certain activities, you see.

I don't know what the activities were, of course.---Well, I am not feeling particularly strongly about it, my lord. If your Lords hip disallows it we can go on with other matters.

BY THE COURT TO ACCUSED NO. 2:

You need not answer that.

CROSS) EXAMINATION BY MR. HARWOOD (Continued):

Now, you wrote out a certain document, which I'll happen to have in my possession here, in your handwriting?

---That is correct.

*Is this
spoken and
not written
at all?*

I see you started off by saying "On Saturday in January Jimmy Makushane called me to his house. Tyere we were four. Jimmy, Jumbo, Nkosi and myself. He told us that he was from Basutoland, and that we should round up all the old members of P.A.C. for a meeting which was to be held the following day". And then you go on by saying "Jumbo and I contacted Jeff Masemula, Ramasodi, Ragotso, Jake and Nkosi, rounded up the people he knew.20 Now, did you write that?---I did.

Is it true?---It is not true.

Not true?---No.

So there is no truth at all in the story that you rounded up or assisted to round up old members of the P.A.C. after Jimmy had spoken to you?---Jimmy had suggested that we should do it, my lord, but I went home instead.

Oh. Well, then, what is not true? Is this statement, not true, that /Jumbo and I contacted Jeff Masemula, Ramasodi, Ragotso, and Jack and Tuani?---

---That is not true.

Why did you write it? It is your writing, this, isn't it? The lot of it?---I will explain. That is my writing, yes. When I came to Pretoria I was taken to the Central Barracks - the police station, rather my Lord.

Well, don't go into a long story. Are you going to tell me that the police made you write this? And told you what to write?---I am trying to explain.

Well, just make it very short.---I will Detective Ferreira, he told me that Jeff Masemula, and others, they have tied me with their statements, and if I don't get 25 years, I'll get the hang-pole. I then asked him to give me paper so that I could write down a statement, because he had told me that I had to make a statement. I then went to Erasmia and I stayed there for 4 days and I wrote out that statement.

This one?---Yes.

You were not told what to put in it, obviously?

---My lord, I was told as to what they had said in their statement, but I wasn't told what I had to write in the statement I wrote. 20

You were told what they had said?---Yes.

But you were not told what you had to write?

---That is so.

What you wrote, out here was perfectly voluntary, and free? You did it yourself?---My lord, I wasn't feeling comfortable at the time when I wrote it because I was thinking of people getting me into trouble, which is not true.

Alright. Well, now, that being so, did you

write this, but it is not true?

BY THE COURT TO MY HARWOOD:

I think only his own part, he says, is not true.

CROSS-EXAMINATION BY MR. HARWOOD (Continued):

Yes. Jumbo and you go into touch with Jeff Masemula, Ramasodi, Ragotso, Jake and Tuani. That, you say, is not true? --That is right.

But it is true that you were told by Jimmy to round up all the old members of the P.A.C.?---He told me and Jumbo to do it.

Yes, you and Jumbo?---He said I had to go with Jumbo.

Alright. Are Jafta Masemula and Ragotso old members of the P.A.C.?---According to what Jimmy told me, yes. He told me so.

Did you ever know them as members of the P.A.C. or were you simply going on Jimmy's information?
---Past members I did not know, my lord.

Alright. Now at this meeting you were at, you say that Jimmy said that the day of destiny was at hand?---Yes.

A And the young people had to be happy and to get their freedom?---Yes.

Would you regard yourself as a young person?
---I will say so.

So were you also one of these people who was to be happy and to get your freedom?---I will say so.

So you understood what he was talking about?
---Yes.

Freedom from what, were you going to get?---
The way I understood, my lord, that we would be free.

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