

ISAAC SHARP, duly sworn;

EXAMINED BY MR. TRENGOVE :

Detective Sergeant Sharp, you are a member of the South African Police? --- Correct, My Lord.

You are at present attached to the Special Branch? --- Correct, My Lord. 5

When did you join the Security Branch? --- In 1950, at the beginning of 1950, My Lord.

How long have you been a member of the Police Force? --- I am now in my thirty-first year, My Lord. 10

9 How much of your career have you spent on Johannesburg and the Rand? --- Since I joined the Police Force, My Lord, thirty-one years.

Where did you grow up? --- I grew up at Vryheid in Natal. 15

Apart from English, do you know any other languages? --- I know Zulu and Xosa, My Lord.

Any other Native languages? --- I understand the others, like Sotho, and a bit of Shangaan, My Lord.

What part of the Rand do you stay? --- I stayed 20 first in the Southern suburbs, and then in the Eastern suburbs, and then in Sophiatown.

You have, during your stay on the Rand, become acquainted with the people belonging to the African National Congress? --- That is correct, My Lord. 25

Do you know many of them? --- I do, My Lord.

Since you joined the Security Branch, have you been attending meetings on the Rand? --- Correct.

Held by various political organisations? --- Yes, My Lord. 30

And at these meetings you have either taken notes of people who were present at the meeting, and people who spoke? --- That is correct, My Lord.

You have also taken notes at some of the meetings of what people said, is that correct? --- That is correct, My Lord.

And you have also made reports on your observations at these meetings, is that correct? --- Correct, My Lord. 5

Now Sergeant Sharp, would you be able, without reference to your notes, would you be able to tell the Court from your present recollection, exactly who spoke or what was said at a particular meeting or would you not be able to do that? --- I won't be able to, My Lord. 10

And if you were allowed to refer to your notes, would you be able to refresh your memory and tell the Court? --- Yes, My Lord.

The large majority of your notes were notes which you actually made at the meeting? --- That is correct, My Lord. 15

In certain cases you also have reports, your notes are no longer available? --- That is correct, My Lord. 20

My Lord, subject to dealing specially with the question where reports are relied on, I ask that the witness be allowed to refer to his notes.

BY MR. JUSTICE RUMPF :

Yes. 25

BY MR. TRENGOVE :

Now, I refer you firstly to a meeting of the 21st to 23rd August, 1953. It is a meeting in respect of which Detective Head Constable van Papendorp has already given evidence, and in his case the document relied on by him was marked G. 740. I hand you a document marked G. 751, together with a typed transcript of it, 30

and also your pocket book No. 23, and I refer you to page
- the notes on page 70. Your notebook and your notes that
you have there, G. 751, they refer to a meeting held on
what date? --- On the 22nd August, 1953.

Where? --- At the Trades Hall, Johannesburg. 5

Could you say what meeting that was? --- The
Peace Council - it was a Peace Conference.

Your notes relate to Saturday, the 22nd of
August, 1953? --- Yes.

Did you make a note of the people you observed 10
attending this conference? --- I did, My Lord.

Could you refer to your notes and tell me if
you have the following names on your list : Kathrada? ---
Yes.

What Kathrada is that? --- One appearing before 15
the Court now.

One of the Accused in this case? --- Yes.

Have you the name of Hassim Moosa? - - Yes.

What Moossa is that? --- Dr. Moosa.

Have you then got the name of N. Thandray? --- 20
Yes.

And D. Tloome? --- Yes.

Have you got the name of Hilda Watts? --- Yes.

Have you got the name of R. Resha there? ---
Yes, My Lord. 25

And L. Nkosi? --- Yes.

And Ruth First? --- Yes.

D. C. Thompson? --- Yes.

Have you got the name I.A. Cachalia? --- Yes.

Leslie Masina? --- Yes. 30

Arnold Selby? --- Yes.

N. R. Mandela? --- Yes.

10080.

(I. SHARP)
(G. 751) (G. 750)

You have mentioned certain names. If the people are in Court and if you are in a position to identify I would ask you to do so. You mentioned the name of Kathrada, you mentioned the name of R. Resha - would you start by identifying Kathrada if you see him in Court? --- (WITNESS IDENTIFIES ACCUSED NO. 3) 5

Could you identify a person by the name of R. Resha if he is there? --- (ACCUSED NO. 17)

L. Masina? --- (ACCUSED N . 7)

N. R. Mandela? --- (ACCUSED NO. 6) 10

That concludes the evidence of this meeting. Next My Lords, is a meeting of the 15th November, 1953. In this case Head Constable van Pependorp also gave evidence on the meeting. In his case the document referred to by him was marked G. 742. Sergeant Sharp I hand to you a document marked G. 750, which is your pocket book No. 24. I refer you to page 62. I also hand you atyped extract of this particular - relating to this particular portion of your pocket book. Have you got the page in your pocket book? --- Yes, My Lord. 15 20

That refers to a meeting which you attended on the 15th November, 1953? --- Correct, My Lord.

Where was that? --- At the Trades Hall.

What kind of meeting was it? --- It was a Youth Festival. 25

Who acted as chairman? --- R. Resha.

Could you tell, according to your list, if you saw the following people attending this meeting? Alfred Hutchinson? --- Correct, My Lord.

R. Resha? --- Yes, My Lord. 30

F. Madiba? --- Yes, My Lord.

John Nkadimeng? --- Yes, My Lord.

L. Bernstein? --- Yes.

Michael Motsele? --- Yes.

A.M. Kathrada? --- Yes.

Dr. Hassim Moosa? --- Yes.

Mrs. H. Joseph? --- Yes. 5

Joe Slovo? --- Yes.

Ruth First? --- Yes.

Joseph Molife? --- Yes.

N. Thandray? --- Yes.

A. E. Patel? --- Yes. 10

David Moilwa? --- Yes.

Josias Madzunya? --- Yes.

Do you know J. Nkadimeng? --- I do.

If you see him in Court will you be able
to identify him? --- Yes. 15

Do you know H. Joseph and Joseph Molife? ---
Yes.

Would you be able to identify them? --- Yes.

Would you identify, if you can, J. Nkadimeng?
--- (ACCUSED NO. 15). 20

H. Joseph? --- (Accused No. 2)

Joseph Molife? --- (Accused No. 10, J. Molife,
is not in Court today).

That concludes the evidence on this meeting,
My Lords. The next meeting is a meeting on the 13th 25
of December, 1953. I hand to you a document marked
G. 292, together with a transcript of G. 292, marked
G. 293. G. 292, what is that? --- My notes.

Relating to a meeting on what date? --- On
the 13th December, 1953. 30

Are those notes that you made at the meeting?
--- These are the notes that I made at the meeting.

You have the document G. 293, which is a typed transcript of G. 292? --- Correct.

You have checked it and satisfied yourself that it is a correct transcript? --- Yes, My Lord.

Would you refer to the transcript and tell the Court what kind of meeting was it? --- It was a meeting of the Let the People Speak Committee. 5

Where? --- At Newclare, corner of and Avenue, Newclare, Johannesburg.

Who was the chairman? --- David Moilwa. 10

Is his name also spelt Moilwa? --- Correct.

After Moilwa who was the next? --- The chairman was Resha.

When you have got a note that Resha was the chairman? --- That is correct. 15

Now the meeting was then opened and it was announced by Resha that it was being held under the auspices of the Let the People Speak Committee? --- That is correct, My Lord.

Would you start there from the passage in his speech "No clique...". No, I'll read it. Would you follow and I'll read from "No. clique.."? --- Yes. 20

"No clique will be tolerated of any form. No matter in what form it is called. The government has no right to take.." and then you have inserted the word "away" there. Is that typed in there? --- It is not typed in here. 25

You have inserted it subsequently? --- Yes.

You checked it with your notes? --- Yes.

"... to take away the people's rights. Friends, we are ~~meeting~~(?) at a most critical time, not only here but all over the world the forces of 30

democracy.. " and you have inserted the word "are" there?

--- Yes.

"... are marching forward while the forces of fascism are striking down"? Is that right? --- That is right.

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"They are determined for national independency against the forces of the colonial powers which are already facing against the wall." Is that right? --- That is correct, My Lord.

"They are now adopting draconian measures against the people and also in places like Indonesia, Malaya, China and Vietmien people are hunted down like animals, soldiers are being rewarded for killing the biggest number of the courageous people." Is that right? --- That is correct, My Lord.

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"Look at British Guiana people's representatives have been deposed, look at Uganda where the Kabaka has been deposed too, look at the situation in our motherland. Conditions are bad where we are required to carry passes in order to perpetuate slavery. Look since the coming of the Nationalist Government into power we are living under police state where a law is made which allows that a state of emergency can be declared." Is that right? --- That is correct.

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"Where your leaders can be killed". Is that correct? --- Yes.

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And then the speaker refers to a number of Acts, the Criminal Amendment Law - you have inserted the word "Amendment", is that correct? --- Yes.

"The Criminal Amendment Law", the Bantu Authorities Act, the Bantu Education Act, and he says "The aims of these act is to create willing slaves". Is

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that right? --- Correct.

And then he also refers to the Native Labour Act and the Suppression of Communism Act? --- Correct, My Lord.

And then he concludes his speech by saying that the "forces of freedom are marching forward", and he introduces a speaker Yusuf Cachalia? --- Correct. 5

The next speaker, who was that? --- The next speaker is Cachalia.

He then spoke? --- Yes. 10

Cachalia talks about certain Court actions which they have taken against the Government and in which they have succeeded, is that correct? --- Correct, My Lord.

And then he refers to the 26th June? --- That is correct. 15

And he refers to "the 26th of June where the people held a Defend speech convention"? --- That is correct, My Lord.

And states that "the result of that Convention the people showed their determination and on the 1st of May 1950 eighteen people were killed"? --- That is right. 20

Then he refers to the first of May, 25th June, 1951, "where people downed their tools in protest and in that way showed their determination"? --- Correct.

Then he continues saying "It has made us realise that freedom of our people does not lie in the hands of Malan. While the people are fighting he was imposing the Bantu Authorities Act, and Group Areas Act. His Police were murdering the people in their homes. Our war is no war like where two armies are fighting each other. But is a war where the forces of reactionaries and forces of freedom are fighting. We shall win every 25 30

battle in South Africa" Is that correct? --- Correct.

And then he refers to a report in a newspaper which said that "he who laughs last will laugh best", and then he returns again to the 26th June, when people went to gaol, is that correct? --- Correct, My Lord. 5

And then he refers to certain riots and says "The Government provoke riots all over the Union". Is that right? --- Correct.

If they did not provoke the riots they would have accepted our request to appoint a Commission of Inquiry. Next year we of the A.N.C. and the Indian Congress we have to decide our next step. We are not going to allow our organisations to stand still; we are going forward because our fight is for life and death", is that correct? --- That is correct, My Lord. 10 15

And he concludes his speech by saying that "The struggle of the people is a natural struggle. Is it possible to stop a river? It will find its way in any other place like the people of South Africa. They cannot be stopped. In Uganda, Gold Coast have already met with rivers". Is that right? --- That is correct, My Lord. 20

And then the chairman spoke after him? --- Yes.

And the chairman introduced the next speaker? --- Correct.

And he introduces the next speaker as a person who was the National Secretary of the Springbok Legion and who was also the National Secretary of the Congress of Democrats, is that right? --- That is right. 25

And then who was the speaker who then spoke after that introduction? --- It was Jack Hodgson. 30

And then after Jack Hodgson spoke, it was the chairman who spoke again, is that correct? --- That is right.

In referring to Mr. Hodgson he says "He believes in democracy because he so believes he is called by the Government a kaffir boetie and communist, but more those things are said he is more determined to side with the oppressed he is going to free also the government agents who are basking in the sun writing what we say." 5
Have you got that? --- Correct.

"When Swart send police, detectives or - to our meetings he is doing with the object that when there is a revolt these people are killed first. They should support us because we are going to free them also". Is that right? --- Correct. 10

Then he introduces the next speaker, and he concludes the introduction by saying "Conditions make us to revolt", is that right? --- Yes. 15

Then the next speaker, who was that? He introduces somebody as the National Executive Chairman Secretary of the Labour Council? --- Dan Tloome.

Did he then speak? --- Yes.

Will you omit what he said, and then the meeting is concluded by the chairman thanking Mr. Tloome, is that right? --- That is correct, My Lord. 20

He refers to what Tloome said about Israel, and then he refers to the Indians, and then have you got the passage starting : "Before dealing with anybody..."? --- Yes. 25

Just follow from there. "Before dealing with anybody first deal with Malan even before dealing with the police. Your great leader Marks was scheduled to speak to you but he could not, even then. There are 10 million Marks. Let those who are listening to us tell Swart that freedom marches and nobody can stop it", is that 30

correct? --- Yes.

And then he refers to a number of people, and after referring to the Prime Minister he says "He forgets that we also shall be free from the oppressors of this country. We shall fight to the bitter end. We shall 5 fight until the domination by other people is brought to end. We are no longer afraid of the police. Remember that your freedom is via the Cross. As your leader said, Chief Luthuli. Dr. Malan says that your leaders are agitators he say that the whole world which condemns him 10 that he is mad. I see that a copious notes of my speech is made. It is possible that I will be before Malan's Court and they will appear before the people's Court." Correct? --- That is correct, My Lord.

That concludes the evidence on this meeting. 15 This meeting, My Lords, is mentioned in the Policy Schedule at page 16. The next meeting, My Lords, is a meeting of the 7th February, 1954. Sharp, I hand to you a document marked G. 294, which is a notebook containing manuscript notes, and also a document marked G. 295, which is a 20 typed transcript. Now is it correct that G. 295 is a transcript of G. 294? --- Correct.

And G. 294, are they your notes of a meeting that you attended, is that right? --- That is correct, My Lord. 25

On what day? --- On the 7.2.1954.

Where? --- At Newclare.

What kind of meeting was it? --- It was called by the Let the People Speak Committee, My Lord.

Your notes, were they made at the meeting? --- 30 Yes, My Lord.

Now you can refer to your typed transcript,

G. 295. The chairman at the meeting, who was he? --- It was Philip Vundhla.

Is it correct that he said that the meeting was called by the Let the People Speak Committee? --- That is correct, My Lord. 5

And is it also correct that he told the audience that they had in their midst people by the name of Mandela, Bopape and Marks? --- Yes.

Who was the first speaker? --- Moiloa.

And after Moiloa had spoken, who was the next one introduced by the chairman? --- Moretsele. 10

How was he introduced? As what? --- He was introduced as "the lion of the North", "Who is going to fight the white lion of the North, Strijdom".

He was introduced as E.F. Moretsele, is that correct? --- Yes. 15

And then he spoke? --- Yes.

Is it correct that he refers to the meeting called by the Let the People Speak Committee, and then he refers to the United Party, and he refers to the African National Congress and their policy? --- That is correct. 20

And he then says "The A.N.C. fights nobody owing to his colour, all are welcome. The A.N.C. policy is that we must be elected to Parliament. They say the Parliament will cease to be a white man's parliament", is that right? --- That is correct. 25

"Now you have heard what that wicked Dutchman called Dr. Jonker who left the U.P. because he did not agree with its native policy". Is that right? --- That is correct, My Lord. 30

Then he goes on and says "Our way is rough and dangerous. Many of you have already landed in jails".

Is that right? --- That is correct, My Lord.

And then he continues with his speech and turn to the next page, where he refers to the A.N.C. and its rules. "All organisations have rules and the A.N.C. also have rules." and he refers to the names of certain people, Mashinini, and Dhlamini? --- Yes. 5

Is it correct that he says "The A.N.C. have rules and these rules apply to anyone a member. No one can do what he likes. Here at Newclare we have expelled from Congress those who do not carry out Congress orders", 10 and then he mentions certain names, is that right? --- That is correct, My Lord.

Will you omit the rest of his speech. Then you have got the chairman speaking after him? --- Correct.

The chairman referred to Moretsele's speech, 15 and then he refers to "recruiting agents, magistrates, police, native commissioners, municipalities are assisting the farmers to get Africans to their farms", is that right? --- That is correct.

And then the concluding passage in his speech, 20 "Nobody is going to stop the forward march of the African people. Anyone who is fighting the tide will be swept away by the tide", is that right? --- Correct.

And after him, who was the next speaker? --- N.R. Mandela. 25

He thanks the chairman - he says he was invited by the Let the People Speak Committee, and then he refers to the past history, when this country was ruled by what he calls "our kings and heroes"? --- Yes.

Just follow from there. "You know many 30 years ago this country of ours was ruled by our kings and heroes. This was the Black man's country. They had many

many cattle and plenty food. The history tells us that when the white people came out here a cry went out saying wake up you heroes. You know that there were many wars in the Cape, Free State, Natal and Transvaal. Many died and blood was spilled. You also know they made themselves sacrifice for their country." Is that correct? --- That is correct. 5

"You know many were living under oppression until 1912 when a cry went out saying the time has now come to forget that I am Zulu, Msutu - Xosa, Msutu or Shangaan. Then this our organisation was born." Is that correct? --- That is correct, My Lord. 10

And then he deals with the African National Congress and its fight for the African people, is that right? --- Right. 15

And then carry on with his speech, where he comes to a passage dealing with "When Malan got into power..." --- Yes, I have got it.

Just follow from there. "When Malan came - got into power leaders of the Indian people, Coloured people and Africans met and decided to fight for their rights and the first thing which was done was to remove coward leaders and those who proud themselves with their education. Dr. Xuma was removed and his place was taken by Dr. Moroka who was a burning heart for the freedom of the African people and in the Transvaal Romchonee was removed and H. B. Marks was put in his place a fighter for freedom." And then he refers to a meeting held in Bloemfontein, is that right? --- Yes. 20 25

And the leadership of J. B. Marks. Just carry on from there. After referring to J. B. Marks taking over the lead, is it correct that he goes on and 30

says : "There were people, man like Thema, Metwesi running about the country saying that we cannot follow Marks because he is a Communist. Then the Executive of the Transvaal met and expelled them from Congress". Is that correct? --- Correct.

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"Even a child knows that Gumede, Thema, Mtwesi can never lead the Africans. But everybody knows Marks is followed by everybody. All people pray for him even those who do not go to church. In 1952 in May, Marks, Kotane, Bopape, Dadoo and Ngwevela who have defeated Swart were banned. He thought by so doing he was going to kill the A.N.C. and stop people from following them. When I was made a leader I should fear nothing they refuse to resign from Congress and they then were arrested then on June 26 the heroes of Africa came out by force and defied Swart". Is that right? --- Yes.

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"I was then put temporally in Marks' place to preach his gospel and I did my best to follow in his footsteps. Then my time also came I was forced out from Congress." Is that right? --- That is correct.

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And then he continues to talk about what happened at Newclare and Sophiatown, and you can leave the rest of his speech, and then you come to the Chairman, is that right? --- Correct, My Lord.

The Chairman announced Bopape as the next speaker? --- Yes.

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The chairman says that he doesn't want trouble from the people. He said : "I have received notes from people who want to reply to allegations made by speakers. This is not a Congress meeting. They should go to Congress office. Congress has no time for traitors. When the masses deal with them they will not

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write letters", is that right? - - That is correct, My Lord.

Then Bopape spoke? --- Yes.

After Bopape the last speaker was J.B. Marks?

--- That is correct.

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That My Lords, concludes the evidence on this meeting. The next meeting, My Lords, is a meeting of the 14th February, 1954. Before coming to that meeting, can I just ask the witness to identify a speaker if he can?

You referred to a speaker at this last meeting by the name of E. P. Moretsele? --- Yes.

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Do you know him? --- I do, My Lord.

If you see him in Court can you identify him?

--- Yes.

Would you step down and do so, please? ---

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(WITNESS IDENTIFIES ACCUSED NO. 12).

I hand you a document, marked G. 4. Is that correct? --- Correct.

What does that refer to? --- It refers to a meeting which was held on the 14.2.1954.

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Where was it held? --- It was held at the Communal Hall, Western Native Township.

Under the auspices of what organisation? --- The African National Congress.

I also hand to you a copy - a transcript of your notes, which you have checked. Can you remember checking that with your notes? --- Yes, My Lord.

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Is that a correct transcript? --- It is a correct transcript, My Lord.

Those notes, were they made at the meeting? --- They were made at the meeting, My Lord.

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By you? --- By me, My Lord.

Who was the chairman at that meeting? ---
F. Q. Vundhla.

Is it correct that P. Q. Vundhla said that
the purpose of the meeting was to welcome the Secretary-
General? --- Correct, My Lord. 5

Did he mention his name? --- He mentioned
Mr. Sisulu.

And he said Sisulu is subordinate only to
Chief Luthuli? --- Correct.

The next speaker was a speaker by the name
of Bob Ngwendu, is that correct? --- Yes, My Lord. 10

Do you know his correct name? --- William
Ngwendu.

Then after Ngwendu, you have a note that
Sisulu arrived at this meeting? --- Yes. 15

Do you know Sisulu? --- I do, My Lord.

After Ngwendu you have the next speaker, and
what was his name? --- R. Resha.

And then he refers to the Secretary-General,
Mr. Sisulu who was elected in 1949? --- Yes. 20

And he introduces him? --- Correct.

And he also introduces a speaker by the name
of Kathrada? --- Correct.

And he also introduces a speaker, Mr. Moret-
sele, the President of the Transvaal? --- Correct, My
Lord. 25

Then the next speaker after Resha, who was
that? --- Mr. Sisulu.

Is that W. Sisulu? --- W. Sisulu.

He then speaks? --- Yes. 30

And he talks about the removal of the people
from the Western Areas of Johannesburg? --- Correct.

The Riotous Assemblies Act and the Suppression of Communism Act, is that correct? --- Correct.

And he appeals to people to join Congress? --- That is right, My Lord.

And he refers to his visit overseas? --- Correct.5

And he says that his expenses were paid by the World Youth Organisation? --- Correct.

And he mentions the fact that he went to Rumania, Great Britain, Czechoslovakia, Soviet Union and China? --- Correct. 10

And he refers to the fact that in China he had with him people by the name of Duma, Bhoela and Iaul Joseph? --- Correct.

The next speaker was Mr. Mamakoe? --- That is right. 15

And then after him you have a speaker by the name of Iaul Joseph? ---There is just a correction I would like to make, sir. He mentioned that he had these people in Russia.

Yes, in Russia, that is right. Then you have a speaker Iaul Joseph, is that right? --- Yes, My Lord. 20

Will you follow as I refer to his speech.

"Mr. Chairman and fellow slaves, I am to explain to you what the Colonial Day means. I have also been asked by Mr. Sisulu to give to you my report re my visit to Czechoslovakia and Rumania and also explain what is the Colonial Day standing for. Each year the World Youth Organisation stages festivals one a year. Myself, Hutchinson, Duma Nokwe and Walter Sisulu went to this festival without the permission of the Government. We met hundreds of youth from West Africa, Vietmin, and were able to exchange our views with the youths of Africa. We are 25 30

affiliated with the World Youth Federation. It is to us to explain what this means." In 1946 a revolt by the Indian Youth against the British rule." Is that right?
 --- That is correct.

"On that day the British Government forces opened fire on the Indian youth", and then he refers to a demonstration of the Egyptian youth against the British rule, is that right? --- Correct.

"Then it was decided to organise a Youth Day to commemorate the solidarity of the youth against the British practising brutality against the youth. In Kenya we are told about the Mau-Mau. There is nothing as Mau-Maus this is the Kenyattas organisation to fight for liberation. I want to tell you a little bit about Malaya people. Malaya have been fighting for liberation since the Japanese days. The people of Malaya are conducting a real struggle against the British government. They have driven the people into the jungle, rewards are offered to spies. £7,000 were offered for the head of the Secretary-General of the People's Liberatory Movement of the Malaya people. In spite of all this the fight has gone on." And then you have a note that he speaks of conditions in Nigeria and the fact that there were no educational facilities also in Jamaica, is that right? --- Correct.

And then he continues : "We the oppressed people in South Africa, particularly the young men must come forward and fight the oppression. Last year I was fortunate when I visited Vienna where I saw the solidarity of the youth of the World, who attended the World Trade Union Congress. At this Congress I met people from Korea although the Americans were trying to destroy the Korean people, the Korean people have built underground cities

and schools. I met young men from Vietmin. In Vietmin the French is using every method in order to destroy the Vietmin people. I now want to tell you briefly about the countries we visited." And then he talks about these countries, and Walter Sisulu and Duma Nokwe were with him, 5
is that correct? --- Correct.

And then he concludes his speech by referring to the magnificent achievements of the people of the Soviet Union, is that right? --- Correct.

And you have a note at the conclusion of his 10
speech that he made a general praise of all the countries behind the Iron Curtain? --- Correct.

Then the chairman spoke, and Resha spoke again?
--- Correct, My Lord.

And then Resha opened his speech by saying that 15
they have been told about people overseas, how they live, and how they are rich, and he says "Why are we not like them, it is because we can't help ourselves", is that right? --- Correct.

And then he deals with the fact that educated 20
Africans have to do inferior work, and he talks about the Public Utility Company starting trouble by raising the bus fares, and then he talks about the African National Congress is the only African organisation and that is why at the disposal of Sisulu the Russians placed 25
aeroplanes, because he is a leader of the people. Is that right? --- Correct.

And then he refers to the World Federation of the Youth Congress and he says "Even when you kill Resha it won't bring you nearer your freedom, because your 30
freedom is not held up by Resha but by Malan and other foolish people. Only one thing is needed that we should

fight for freedom today, Africans, we can smell the freedom. Today the English they are deep in trouble in Kenya. They have now appealed to Malan to assist them." And then he refers to 1952 as being the year when unjust laws were defied, 1953 as the year when their leaders were jailed, and 1954 as the year when they are going to teach the white shopkeepers that they are the bosses, and then he concludes his speech. After him the Chairman made a comment again? --- That is correct, My Lord. 5

And after thanking Mr. Resha, the chairman says "The time is coming where no pimps will be sent by a dutchman at Newlands to come to Congress meetings to take notes for a dutchman. The time will come during this year these pimps from Newlands will hang themselves, their sins will judge them. Africans, behave like Africans. The African Police are not police, they are boys. White Police boys they have no authority". Is that correct? --- Correct. 10 15

This reference to pimps, to whom did he refer? --- He refers to us, the police. 20

The next speaker was Tunzi? --- Correct.

And after Tunzi the next speaker was Moilooa? --- Yes.

And after him the next speaker was Mtwana? --- That is right. 25

You also made a note of people present at this meeting? --- I did, My Lord.

Do the names of those persons include the name of A.M. Kathrada? --- Yes.

Frank Madiba? --- Yes. 30

S. Tyiki? --- Yes.

And E.F. Moretsele? --- Yes.

Now you mentioned the name of W. Sisulu. Do you know this W. Sisulu? --- I do.

And if you see him in Court would you be able to identify him? --- Yes.

You also mentioned the name of S. Tyiki as being present at the meeting? --- Yes.

Do you know a person by that name? --- Yes.

Could you identify him if you see him? --- Yes.

Would you identify Sisulu and Tyiki? ---

(WITNESS IDENTIFIES ACCUSED NO. 19 AS SISULU and ACCUSED NO. 21 AS TYIKI). 10

That concludes the evidence on this meeting. The next meeting is a meeting of the 28th February, 1954. I hand to you a document marked G. 300, and also a typescript document marked G. 301. Now G. 300, are those notes that you made at a meeting? --- Yes, My Lord. 15

At a meeting on what date? --- On the 28th February, 1954.

What meeting was it? --- A Let the People Speak Committee meeting, held at Victoria and Morris Streets, Sophiatown. 20

And G. 301, is that a typed transcript which was handed in at the Preparatory Examination? --- Yes.

Now you have compared the transcript with your notes, and it is correct? --- It is correct, My Lord. 25

Now would you refer to your typed transcript. Who was the chairman at this meeting? --- R. Resha.

Did he say that the meeting was called by the Let the People Speak Committee? --- Yes, My Lord.

He talks about the Let the People Speak Committee which believes that no man can tell any other man that he hasn't the right to speak at meetings, is that 30

correct? --- Correct, My Lord.

And that the Government hasn't got that right?

--- Yes.

Then he refers to the passing of the Suppression of Communism Act in 1950, --- Yes. 5

Which he calls "This Satanis Act"? --- Correct.

Then he talks about a speech that Minister Swart made about organisations sabotaging the Government, and he says that the Minister mentioned the Youth League of Sophiatown? --- Correct. 10

And he describes the allegation as a lie? --- Yes.

Then you have a passage starting "Yes this country is reaching the stage,." --- Correct,

He refers to the Government's decision to send police to the meetings and to the Government's decision to 15 ban certain meetings and gag leaders of organisations? --- That is correct.

Following upon that he says "Yes, this country is reaching the stage to which the people of Kenya found themselves. In Kenya the British Imperialists brought the 20 oppression firstly all the people of Kenya were robbed of their rights and when that great son and great African leader Jomo Kenyatta protested he was arrested, it was said that the Mau-Mau wanted to drive the white people to the sea. It was this done because the scum of the European 25 people did not want to live with the Africans in peace and on equality. Today the people of Kenya are being shot down by the British soldiers. They are doing this to prove the European superiority. It can be seen that even in this country the Government wants to do what is being 30 done to the people in Kenya. In the Burger a report appeared saying that Chain letters called Cheesa Cheesa have

been sent to all Members of Parliament and it is said in these letters that all properties belonging to Europeans will be burnt down. We don't know anything about these letters who are sending these letters. I must tell you my friends there is no such organisation as Cheesa Cheesa but 5 those are the work of provocateurs. The police of the A.N.C. IS that all should live in harmony in this country." Is that right? --- Correct.

"Friends, the gentleman who have just come is Dr. Yusef Dadoo. I am glad that Dr. Dadoo comes while the 10 detectives are present so that they can see how much we regard Dr. Dadoo and that he is our leader. Swart can say what he likes we the sons and daughters of Africa we only choose who we want as our leader. I want to tell Swart through his detectives that he can take our leaders away 15 but many will be born. I want to warn the Government of Malan that it must not keep taking away our leaders. They will find themselves in trouble". And then he tells the people to organise themselves, is that correct? --- Yes.

And then at the end of the page he asks a 20 person by the name of Tyiki to come to the platform? --- Yes.

And he says they will continue the struggle until these people represent us in parliament? --- Yes.

And that they won't be satisfied until the people represent them in parliament? --- That is correct. 25

And who spoke then? --- S. Tyiki spoke.

Is it correct, I'll read what you have taken down as having been said by him, that he said "My People, the Africans you have heard what Mr. Resha told you about your leaders who are in our midst today. Before introdu- 30 cing the leaders I want to ask you this, do you want freedom? If yes, are you prepared to fight for freedom?"

Are you prepared to die? I ask you again. If freedom is only obtained through death, are you prepared to die? We don't want to put our leaders in trouble. As you see the lions are standing in front of you send by Malan. We in the name of Sophiatown we welcome them. Malan want to 5 remove us from here. We want to know what our leaders going to say to us about this Malan's removal. If they say we must not move from here then we are prepared to die, here. We the people of Sophiatown are with them in body and in spirit. Let us welcome them by saying Africa", 10 is that correct? --- Correct.

Then there is a comment by the chairman? ---
Yes.

And who was the next speaker? --- . P. Moretsele. His initials are E. P. Moretsele. 15

At the beginning of his speech he says that Malan and Strauss, the people in parliament are ruling them because they are not united? --- Yes.

"They are ruling us because we are not united. If we were united they would not rule us. The detectives 20 who are taking notes they know what we say is the truth, they won't be long taking these notes because we are going to take over soon and we will be united", is that so? --- Yes.

And then he refers to the fact that this is not a Congress meeting, but a Let the People Speak Committee meeting? --- Correct. 25

He concludes his speech by saying that he is a leader of the A.N.C. and he calls upon the people to join Congress, is that right? --- Right, My Lord.

Then the chairman spoke again and thanked 30 Moretsele, and he called upon the next speaker, Bopape? --- That is correct, My Lord.

And did Bopape then speak? --- He did, My Lord.

I want you to turn towards the end of his speech, where he says - he refers to what is taking place in Rhodesia and Kenya and Egypt and their - and he refers to their struggle for self determination in this country 5 and that they want to send people to Parliament to represent them and then he continues : "Before we used to send deputation after deputation to parliament. Now we are no longer going to send deputations. But we are going to fight for our right to the end." --- Correct, My Lord. 10

And then he refers to the Government who are tripping the leaders and he refers to the fact that in the new Africa a new Constitution will be drawn up? --- Correct.

And he refers to the fact that in the new Africa they will have police, but they won't be taking notes at meetings, is that right? --- Correct. 15

And he calls upon them to join Dadoo, Marks and Luthuli? --- Correct.

And he tell them not to move from Sophiatown? --- That is correct. 20

Then the next speaker is Dr. Dadoo? --- That is right, My Lord. Would you turn to the last part of Dadoo's speech, before he concludes his speech. There he says "Bopape, Marks and myself we are not allowed to take part in the activities of our organisations but we have the right to tell you to join this big united powerful organisation so that we will sweep away all the oppression and fascism government of Malan so that the people will be able to reach their goal, singing music", is that right? --- Correct, My Lord. 25 30

Then the next speaker? --- J. B. Marks.

He also congratulates the people who organised

the meeting in Sophiatown and he says : "Friends, the spirit is haunting Africans. This spirit is the spirit of fascism, the big farmer, the big industrialist, the big mines, they have come together to create hell for the non-Europeans and to suck your blood and for many years they have been searching the whole of South Africa for a man to carry out their policy and now they have found a refuge in the Nationalist policy - in the Nationalist Party, and it was said that Smuts was too weak to carry out their policy." Is that right? --- Correct, My Lord.

Then it deals with the problems of the races in South Africa and he concludes his speech by saying that they are ten million and their scream will frighten those who are oppressing them, is that right? --- That is correct, My Lord.

And then the chairman concludes the meeting, protesting against the Government decision to gag leaders, is that right? -- That is correct, My Lord.

That My Lords, concludes the meeting.

CASE REMANDED TO THE 1ST MARCH, 1960.

COURT ADJOURNS.

COURT RESUMES ON THE 1ST MARCH, 1960.

APPEARANCES AS BEFORE.

BY MR. TRENGOVE :

My Lords, at the conclusion yesterday afternoon, we just concluded leading evidence on the meeting of the 28th February, 1954. That meeting, My Lords, is referred to in the Policy Schedule at page 33, and in Schedule C at page 52. The next meeting is a meeting of the 7th March, 1954, My Lords.

BY MR. FISCHER :

My Lords, perhaps before the witness comes in I shall - I should deal briefly with our standpoint on this and on other reports. As I understand, My Lord, there are - this is a report which was subsequently made from notes taken at the time, and there are approximately ten of these cases. My Lord, it has not been easy for us to ascertain precisely what the position is. There has been some - there was some cross-examination of the witness at the Preparatory which suggests very strongly that the witness would not be entitled to refer to these reports. Now we hoped last night by getting the notes of the witness, to ascertain what his system was. That has been impossible. I wonder if my learned friend would consent to omitting the meetings which are dealt with in this way and deal only with the notes. We will endeavour as soon as possible to examine the notes. As a matter of fact, My Lord, I will at some stage put in some of these notes for the Court to see and to ascertain just how great and how numerous are the corrections made in the notes, the original notes. Now those aren't available in respect of these reports, in respect of about ten reports.

BY MR. JUSTICE RUMFF :

Are you now referring to the Crown's intention to refer the witness to reports and not to his notes?

BY MR. FISCHER :

Not to notes, because his notes have disappeared and are not available. My Lord, the only way at the moment which we can see of cross-examining this witness on whether those reports can be referred to, is to study his notes in those cases where they are available in order to try and compare what a note looks like and what these reports look like. Your Lordships will appreciate that one may be able to draw very important conclusions from that.

BY MR. JUSTICE RUMFF :

Do you want to compare the cases where there are notes and reports?

BY MR. FISCHER :

That is so, My Lord, and with the cases where there are reports only. And we want to compare, My Lord, - or to examine the corrections made on the notes, the original manuscript notes, which so far are almost entirely illegible to us. My Lords, the proper way in which I should ask for these notes to be dealt with, is for the witness to stand down entirely, and then ask the Crown for the notes and ask for a couple of days in which to study this. But in order to save time, My Lord, if it doesn't inconvenience my learned friend, he could simply go on with the meetings in which the witness refers to notes only, or to notes and reports, and we will try our best then to deal with the matter as soon as that section has been completed.

BY MR. JUSTICE RUMFF :

I take it you know in respect of what meetings

there are reports only?

BY MR. FISCHER :

I know that from a pile of G. documents which I have, because the reports start off in a different manner from the notes, My Lord. But the Crown could tell me, My Lord. 5

BY MR. JUSTICE RUMFF :

Could you perhaps proceed with the meetings or the evidence referring to other matters, which do not - which does not cover the meetings, and then the Defence 10 could have an opportunity of looking at other notes of other meetings.

BY MR. TRENGOVE :

Yes, My Lord.

BY MR. JUSTICE RUMFF : 15

Have you told the Crown to - which notes you would like to look at?

BY MR. FISCHER :

Well, My Lord, I thought if my learned friend adopted this suggestion, we would simply take the notes 20 as they were put in.

BY MR. JUSTICE RUMFF :

You have got some meetings in which there are notes, and then you now suggest that the Crown goes on with the meetings in which there are notes, and then 25 the notes...

BY MR. FISCHER :

And then the notes come to us, and we will at the earliest possible moment deal with them.

BY MR. TRENGOVE : 30

I could do that, My Lord. I must say, My Lord, that the Crown is of course always prepared to

meet the convenience of the Defence. My Lords, it would have assisted us to a very large extent in the preparation of our case, in presenting it, if this type of information could have been sought from the Crown at an earlier stage. My Learned friend has known for months now that Sergeant Sharp was going to be called - they have known since the Preparatory Examination that this difficulty exists. My Lords, we have to endeavour to gauge exactly how long the evidence of a particular witness is going to be...

BY MR. JUSTICE RUMFF : 10

Well, the Defence team has dwindled somewhat, and they are coping with the evidence as it is led by the Crown. In any event, if it is possible, can you carry on?

BY MR. TRENGOVE :

Yes, My Lord, we are quite prepared to do so. 15
 My Lords, I may say, in order to give Your Lordships a picture of what happened at the Preparatory Examination in this regard - I think it is relevant in this connection, - Detective Sergeant Sharp in certain cases gave evidence from his original notes only, and only the original notes 20 were then handed in at the Preparatory Examination. In other cases he had also prepared a report in addition to his original notes. At that stage at the request of the Defence the report plus the notes went in at the Preparatory Examination. In certain cases, in order to 25 expedite the proceedings, his notes - a transcript was made, was checked in the presence of the representatives of the Crown and the Defence, and then the notes plus the transcript and in certain cases, the reports went in, and in certain cases My Lord, where the report only was 20 available, that was the only document that was handed in at that stage. Then My Lord, on that basis....

BY MR. JUSTICE RUMFFF :

How many meetings have you got in respect of which there are only reports?

BY MR. TRENGOVE :

My Lords, very few where we rely on the contents of the report. Some of them we rely only on the mention of names. Those, My Lords, I would suggest in those cases we are allowed to lead that evidence at this stage, because it might hold up this witness' evidence considerably. We rely only on the fact that persons were present, or that a person spoke, irrespective of what he said. I don't think that really falls within the possible objections which my learned friend may have to the reports as compared to notes. 5 10

BY MR. FISCHER :

My Lord, might I reserve my attitude on this, one doesn't know what might or might not be the position. My Lord, I would ask my learned friend with the next meeting, to ask the witness to read his manuscript notes. In the meanwhile I would like to show Your Lordships precisely how difficult it is to do anything - how long it takes, if I might hand in one of the sets of notes which we have examined. It really is no mean task to try and ascertain what is written there. 15 20

BY MR. TRENGOVE :

My Lords, G. 292 are notes, where the transcript was checked with the Defence at the Preparatory Examination, and we will lead evidence subsequently as to some pencil inscriptions which are made to those notes. 25

BY MR. JUSTICE RUMFFF :

Yes, then I think you had better proceed with those. 30

ISAAC SHARP, under former oath;

EXAMINATION BY MR. TRENGOVE CONTINUED :

The next is a meeting of the 9th May, 1954,
My Lords. Sharp, I hand to you a document marked G. 14.
Is that document in your handwriting? --- Yes, My Lord. 5

Are they notes that you made at a meeting that
you attended? --- Correct, My Lord.

On the 9th May, 1954? --- Yes.

Notes made by you at the meeting? --- Yes.

Under the auspices of what organisation was 10
that meeting held? --- The A.N.C.

Where was it held? --- At the corner of Bevan
and Hamilton Streets, Newclare, Johannesburg.

You have - you also have a transcript of your
notes and you checked the transcript with your notes, is 15
that correct.

Is that document in front of you a typed
transcript, corrected by you, of notes of this meeting?
---Yes, My Lord.

Now who was the first speaker - who was the 20
chairman at that meeting? --- Philip Vundhla, My Lord.

And he said that the meeting was called by
the A.N.C. Newclare Branch? --- Correct, My Lord.

And did he then say that Dr. Jongwe and Dr.
Conco and the Secretary-General were going to speak? --- 25
That is correct, My Lord.

After the opening remarks by the chairman,
who was the first speaker? --- R. Resha.

I want you to refer to his speech. Is it
correct that after referring to the presence of the 30
Police, he said "We are meeting at difficult times under
the Government of Malan, under the bad laws of Swarts,

when he said that the Africans must be removed from their homes, also to be given lower education. We must know that when we are meeting today that we are digging our graves. Are we digging these graves for whom? For us or for the boers? I say Malan must go to the grave". Is that correct? --- That is correct, My Lord.

"There are many foolish men who are going about saying that these graves we must not put Malan in but the Africans. There are people who go by night and tell the Government the people want to go to Meadowlands, also the papers do not report what we say". Is that correct? --- That is correct, My Lord.

And then he continues talking about the attitude of people in regard to removal and the way the Bantu World represents the attitude of the people to be removed? --- That is correct, My Lord.

Then at the bottom of the page he refers to the fact that the meeting was called for the Africans and not for the police, and he refers to the fact that the police oppress the people? --- That is correct, My Lord.

Then he refers to Sisulu? --- Correct.

And then he refers to the fact that still more people are going to Russia and China? --- Correct.

And then he says "We say to Dr. Verwoerd and Malan and all the foolish people who are with them, that we are not moving from the Western Areas. They must know that what was made in Korea where a Peace Treaty was signed that the war is finished has not been ended here. The war which we fought with the European is still on." Is that right? --- That is right, My Lord.

Then there is a remark by the chairman, and Resha continues with his speech? --- That is right, My Lord.

" "We are not here to fight the African, but Malan and the others boers and the bafa begiya". Is that right? --- Yes.

If any one of them wants me can get me. The boers are arresting us for passes and the boers are raping 5 our wives. Don't you think that only a person who has been bought by the Police fight his own people. Should somebody fight Congress instead of fighting the boers there is only one thing Africans, what is wanted amongst us is unity. The boers are controlled by one man, 10 we should also be controlled by one man Chief Luthuli. When we take over the government there will be no N.A.D." What does N.A.D. stand for? --- Native Affairs Department.

"All the Europeans too who will like to live here will have no passes. I want the youth to come for- 15 ward, and you will also know that the boers who are driving the pick-ups are young boers. These things will only happen when we the youth come forward. Won't it be good, my mothers and fathers, when the blood of the young African people is spilled for a good cause. Next 20 week we will have a youth meeting where we will tell you what to do. You should remember that the leaders of Congress, even the Government is afraid of them. There is one thing which should be in our minds is that we do not move from the Western Areas". Is that right? --- 25 That is correct, My Lord.

Then the next speaker introduced by the chairman was introduced as the President of the Transvaal? --- Correct.

And who was he? --- Mr. E. P. Moretsele. 30

And he starts off his speech as follows :

"I am glad to introduce the leaders of Congress. It is

also good to teach the children about Congress. If we want to be as the other nations are we must take a note of the presence of the police. Is it not the cause there is some truth in what we are telling you? Mr. Resha has spoken about very important words. It is clear that the Bantu World wants to destroy this organisation, A.N.C. You should all be members of the A.N.C." Then he introduces Dr. Jong we as the leader in the Cape, and then he introduces Sisulu, is that correct? --- That is correct, My Lord.

Sisulu, the Secretary-General. And then he introduces a person by the name of Tambo, as a member of the National Executive, and he also introduces a speaker Morris as the Secretary of the Transvaal A.N.C. Is that correct? --- That is correct, My Lord.

Now then the next speaker was..? --- Mr. Sisulu.

I want you to refer to the first part of Sisulu's speech. "My last meeting here in Newclare was when I told the boers that the red bull Mr. Marks was now breaking the laws. The boers were thrown into a confusion, the Prime Minister and the police should take a lesson from us, we are the educated leaders of the people. You see my people a white man wrote and said that the A.N.C. can teach the Nationalists and the United Party, that the A.N.C. has a better understanding. In India things has been taken from the British. Behru is now ruling. In China the Government is in the hands of the Chinese people. In Indonesia the people are being freed from the French. The British in Geneva admitted that China has a better man and that they are going to make friendship with the Chinese government. This was a setback for

the American policy. Overseas nations wants all the people of the world to be free. You have wonderful friends in the outside world. When we talk about freedom we know that we are going to get freedom. In Kenya people are fighting for their freedom. They are being shot down. 5
 The Africans will get their freedom even if the whiteman like it or not. But we are going to get our freedom. We should guide the boers in the farms even if they want it or not, but we should guide them. We say the Western Areas are not moving. We know what we are saying. You 10
 have elected us, you should listen to us. There is no order without a leadership. Resha said he want the youth to come forward I am very glad about that because I have seen the work of the youth in overseas. You have the Regional Committee here, you are compelled to listen to 15
 its decisions. In the year 1954 there is a black cloud which we don't know where it is going to. The Executive made a decision about the removal of the Western Areas. It is against it." And then he refers to a meeting with the National Executive, at which Luthuli was present, 20
 and that he says also explains the presence of Dr. Jongwe. And he refers to the Bantu Education Act, which he attacks and then he says that the time has arrived that the time of the white man has ended, that Africans are going to rule? --- That is correct. 25

And then he concludes by saying that they are not going to Meadowlands. Then the Chairman makes a statement, is that correct? --- Correct, My Lord.

And he introduces Dr. Jongwe? --- Right.

And Dr. Jongwe says : "In the first place I am 30
 going to tell you that the people of the Cape says where-
 ever you go they will also go with you. There are many

things to talk about, there are many dangers. When the people are in trouble because the people don't understand the organisation to which it belongs it is easy to go astray. What are we fighting for? Is it the freedom of the black people? When you marry you take an oath and say : Until death do us part. (He then read the conditions appearing on the membership card of the Congress and said) that the people voluntarily accept those conditions", is that correct? --- Correct, My Lord. 5

Then he refers to the removal - the land question, and he makes the statement "It is hard to speak after the future president of the A.N.C. because he has already said all I wanted to say. If you want to give a hard blow to a person, just deprive him of his land. Today I can see that there are still bulls here in Newclare, because they want oxen only, because oxen cannot gore. These people are no good because they are inclined to change your mind and make you accept oppression. We in the Cape are just waiting to order, but it should be boycotted". Is that correct? --- Correct. 10 15 20

Then he refers to the Chamber of Mines, which he said is encouraging oppression, and he refers to the paper called the Eastern Province Herald, and then he refers to a place called Korsten, is that right? ---

He says "There is a place called Korsten. It is also said that the people there must also move. They have replied and said we are not moving from there. A decision to the effect that you don't move after that, I will tell you what to do. Go to the Committee and say to it : Give me ten houses, and then make it your duty that not one of the people living in those houses will go to Meadowlands. Make them not to go. The people living in 25 30

these ten houses they must only know you alone. If anybody is sent by the police, kick him out. I know where Verwoerd is taking you." Then he refers to - "You won't be allowed to have a meeting like this one. The time of holding meetings like this is past." And then he refers to Port Elizabeth where they decided to boycott the trains and the trams, and then he continues : "You are given volunteers....."

(CONTINUED ON PAGE 10115);

10115.

BY MR. FISCHER :

My Lord, I am sorry, I must interrupt my learned friend. I think at this stage I must ask the witness to read from his own notes, because whenever meaningless passages occur, they are omitted, My Lord. 5
They may not appear important, but from the point of view of understanding how this witness records meetings, my submission is that they are very important.

BY MR. TRENGOVE :

My Lords, the witness can read or I can read 10
the whole thing.

BY MR. FISCHER :

I want him, My Lord, to read from his own notes, not from his transcript.

BY MR. JUSTICE RUMPF : 15

Very well. Is it this particular portion that you are referring to ?

BY MR. FISCHER :

Well, My Lord, he can start from here, I don't mind. I don't want to go back, My Lord. I am trying to 20
save time. What I am fearing, My Lords, is that we will be compelled to make this witness read out large portions from his notes...

BY MR. JUSTICE RUMPF :

Re-read from his notes? 25

BY MR. FISCHER :

Yes, My Lord.

BY MR. JUSTICE RUMPF :

Alright. The only difficulty is that the Crown intends to lead this witness in regard to portions 30
of the document only. I don't know to what extent...

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