

to the South African Government/^{and}to England against these unjust laws, so that they may not be introduced. Perhaps you will remember the son of Africa, Solly Plaatjies of Port Elizabeth who went overseas to see what he can do. In 1936 they decided, after a hundred years of voting by Africans, that he is not fit to vote. So they take away that vote. They then introduced the Native Representation Act and I do not know what Natives it represents. We are not prepared to tolerate the position as it is. In 1939 a war broke out with Germany and again the African people are called upon to resist the tyrant, Hitler, and ensure peace in Africa. We were told that African people were not soldiers in 1939, they were bedroom and kitchen boys, but of course Hitler's bullets did not choose between Black and White and the African people again sacrificed. Many of them lost their limbs and came back to their families useless to do anything for them. The man who was Prime Minister at the time, the great Slim Jannie Smuts, gave them bicycles. In 1945 they made more amendments to the Native Urban Act to ensure that they placed more restrictions on the ^{movements of the} African people. Perhaps bicycles to the African people were not sufficient. So in 1946 the miners strike and demand a ticky increment. Do you think they were given the ticky increment? No. They were sent the police and the army and many lost their lives. Meanwhile the Government introduced their Rehabilitation Scheme for Africans in the reserves. In so doing they have limited the amount of stock on their lands and took away 10% of their land. Need I tell you what happened in Witsiesboek in 1951 last year? In all this time the A.N.C. have been making attempts to ask the Government to open their eyes and see the suffering of the African people. Instead of the Government doing that they took away the food of the children in the schoolroom and today we find in this country we have no

alternative but to go out and struggle for the freedom of the African people. Now the Europeans come here three hundred years ago. They say that we are not civilised, in spite of all their attempts to civilise us. If by their own admission they have failed, isn't it right to give the African people the opportunity to govern themselves? Well, let us study and make an analysis of this civilisation in South Africa. If you have travelled around South Africa, you will find beautiful big buildings where all the mad Africans are kept. Europeans did not find mental institutions when they came here. What caused all the madness amongst the Africans? I'll tell you the reason. Because the African people have been so frustrated. They find they cannot support their family with the little penny that is paid to them. They find that they live in filthy conditions in their homes. What else is left for the human being but to pretend that he is mad and be sent to an institution. You also, if you walk around the country, find leper institutions. There were no lepers in South Africa three hundred years ago. Let us talk about the T.B. which is so rampant in South Africa. Why are so many children buried every day as a result of T.B.? Is it because there is not enough food in their homes and T.B. is caused by malnutrition. Yes, this is the cause for T.B. These are questioned which is very awkward to be answered by the Government. Instead they make stupid allegations against the correct leaders of this country who are fit to govern them. While these conditions prevail in this country, we have decided to ask the African people to unite and in the power of their unity they will do certain things to this country. They will introduce methods which will be to the benefit of both Europeans and Africans. My friends, I repeat, we do not hate the White people. That is why we have them at our meetings. If anybody wants to hurt a European in my presence, I shall turn

against him because I do not like the Europeans to be hurt. That the African people in Kimberley must do is to become one united force. You have been shouting 'Afrika! Afrika!' this afternoon. You remember the words of Jesus Christ. It is not everyone who shouts 'Jehovah, Jehovah' who will enter the Kingdom of God. It is not all who shout Afrika! who are really Africans. I have left Port Elizabeth to come here to find out what you will do when the real struggle commenced to free your children. We have had to leave our homes because the Government is making new laws day and night without sleep to see that you remain slaves. We know that if we should call off our struggle tomorrow, the lawyers will not do anything for us. We shall be lost without the methods of the African people. Don't think I am only talking for the ten million people in South Africa. We are talking for the two hundred million Africans on this Continent. The other countries freed themselves by their own efforts and the African people are going to free themselves. My friends, a man could speak here all day. Before I leave off I want an assurance from the African people of Kimberley so that I can know where we stand when we take this momentous decision. Let me tell you what I saw the last few days in Kimberley. The permit system has been introduced so that your children cannot live with their parents without a permit from their baas. Perhaps it is true that if you do not want passes you must organise in Kimberley and see that you have the voice in the affairs of this country. Do not apologise for being Black people. Are they all members who are shouting. Before I proceed will all those who are members and have membership cards put up their hands so that I can see. You notice that some did not put up their hands. It is your duty to see that they also become members. They tell us to believe in the creed of Cecil Rhodes who made his money out of Kimberley with diamonds. You

realise that there is such a thing as a Rhodes Scholarship, but no African has ever received this scholarship. When I received a letter from America the other day, I was surprised to see that many Africans received this scholarship. Now, where did Rhodes make his money? And who made it for him? Because we do not apologise for such things, because we do not expose how we feel about these things. We must not expect support from a people who comes from another country. My friends if you are happy to see your children unable to go to school because of the accommodation you have a duty to do. Defeat Malan and Donges when you find your cannot support your family because your wages are too meagre. You are not doing your duty. We want to see the South African people, Black and White live here in harmony and we are not doing so as inferiors. We want to do so as equals with equal rights. My friends, I have said enough this afternoon. I hope to receive a report from Kimberley one of these days that the Kimberley people are as prepared as the Port Elizabeth people."

Did Dr. S. S. Molema address the meeting? --- Ja.

What did he say? --- Ek sal graag wil weet of dit S.M. Molema s'n is of...

S.S. Was there a person by the name of S. S. Molema?

--- Dit moet wees Sefetogi Molema.

What did he say? --- "Ladies and gentlemen, this meeting like all other meetings of the African National Congress is opened with prayers. We come here this afternoon to pray God for strength and wisdom. There are many forces to distraught us, but we are all aware of the fact that the Africans are oppressed, economically, politically and in any other way. We can never liberate ourselves unless we sacrifice. Africans, we have a duty on behalf of our children. When I look around in this location, I see funny houses and queer yards. I also see funny faces, hungry and sick faces.

In other places in town I see beautiful buildings, healthy and happy children. They are not different from yours because they are all created in the image of God. Many things have been placed on earth by God of which man makes full use. Other things were made by people, and not by every class of people. Motor cars are made by Europeans. They have learnt to make them but we are denied education. That is why we are servants, poor and sick. We work and make the money for the Europeans. We have no money. All the business in this country, the industries belong to the Europeans. We have nothing. I want to make this appeal to you. Get rid of tribalism and unite. It is the duty of every African in this country to support the African National Congress, because it is the only organisation which gives us hope. Hope of uniting ourselves. Hope of the future for ourselves. Every African must join the African National Congress. Join now and unite."

Did the other Molena also address the meeting? --- Ja.

What were his initials? --- S. M.

Will you read what he said? --- "Mr. Chairman, ladies and gentlemen. I want to tell you a story of a man who went to see an eye doctor. He was asked to look at a chart with small letters, and he could not read the letters. He was then given larger letters and he could not read them. The doctor then gave him still larger letters, but still he could not read them. When he was unable to read letters as large as the hand, the doctor said to him, surely your eyes are not as bad as that? Can you see me? The man said, yes, I can see you. But teach me to read. His eyes were good, but he had to learn to read the chart. This applies to the trouble at Port Elizabeth. I think all South Africans are anxious to know the cause of the real trouble. The only solution is to appoint a judicial enquiry. The Minister of Justice used these words : We are satisfied that what has happened at New

Brighton, is one of the direct results of the Defiance Campaign and a dangerous game is being played by a number of leaders of the African National Congress and the South African Indian Congress. I do not know what the Minister of Justice has decided, but I have no doubt he will appoint a judicial enquiry. There is trouble everywhere, in Korea, Malaya, India, Algeria and the Gold Coast. There is serious trouble in Kenya where the Mau-Mau group established a threat and even in peaceful Bechuanaland and Port Elizabeth there is trouble. What is the cause? It is not a local cause. It is something general. Peaceful people became violent. I say the cause is general to repudiate the charge on the African National Congress. Blame is put on the African National Congress, the Anglican Church, UNO and the so-called Liberals in South Africa is also blamed. The Nationalist Press blame the United Party Press. They also blame the Indians, the communists, Mr. Nehru, the Prime Minister of India. Seeing that so many people and organisations are blamed, establish an enquiry and find out what is to be blamed. The African National Congress started a peaceful campaign, the Defiance Campaign. We are not violent. Our people are passive. Dr. Moroko has already condemned the riots, and by doing so he has assured the Europeans in South Africa that the African National Congress had nothing to do with the trouble in Port Elizabeth. The people who started the trouble are not men of the African National Congress. The European press says incidents like this will will create chaos in South Africa. We Africans say the same. For the sake of peace in South Africa we want a judicial enquiry. I talked just now about the man who could not read. Let us find some of the causes that brought this about. The Black man in South Africa had the feeling that he is being done out of his rights. We have a feeling that we are being oppressed.

We are reminded also that by acts like that in Port Elizabeth those forces that work for harmony and goodwill will be estranged. I am stopping not for want of words, because I am not happy about the translation. We are told that such things as at Port Elizabeth enlarge the gulf. That those Europeans who try and work for us will be angry and won't co-operate with us. Here is the other side of the picture. The history of the Union has not produced any men of goodwill. European men and women have come forward on behalf of the African. Those people have been called Liberals, they are called liberals by the racialists of the European section. The result is that the opinion of the White South Africans is anti-African. They reject the name. As a matter of fact the United Party, especially Mr. Strauss is very ashamed when called a liberal. During the last two weeks he has tried to prove tooth and nail that he is not a liberal. That is the stage that South Africa has come to. That a man is ashamed to be called a good man. For a man is called - when a man is called a liberal or a friend of the Natives, it is an insult. It is an honour to hate a Black man, because the temperament of South Africa is anti-African. The European hater of the African is considered a good man. He is supposed to be a true Afrikaner. Can you wonder that the rank and file of Africa has considered himself as a bad man. Can you wonder that he retaliates in hate? I want to tell you that the men who started the riot in Port Elizabeth are not necessarily Congress people. They are ordinary people who believe that the White man hates the African. We later thought of the peace of the Europeans. They have instilled hatred in the Africans. I was reading the solution of Mr. O. Pirow. Some of you have seen in the paper, he said Mr. Pirow still thought it possible to restore faith between the Africans and the Europeans. He shows that he has not studied the Black man.

He does not know the intensity of feeling in the Black man and that we boil under these pin pricks. He does not realise that the White man has ruined the chances of reconciliation with the Black man. It is the Europeans who have ruined this happy state of affairs. I am not trying to tell you it is the Nationalist Party, the United Party is as guilty as the Nationalist Party. Their work of destruction has gone on for many years. The White people have destroyed and ruined our faith in them. It is impossible to restore that faith. That is the reason for the trouble in Port Elizabeth. Where a few White people were killed by angry people, those White people are sacrificial goats. I am not trying to congratulate the murderers but to solve the mystery, get at the spirit behind this trouble. Are you going to blame the people in Kenya on the United Party. Are you going to blame the trouble in Kenya on the United Party. Are you going to blame the trouble in Kenya on the African National Congress. The Mau-Mau is not of the same type as we are and no man can condemn or applaud such action as theirs, - commend or applued such action as theirs. These things happen essentially because all over South Africa the White man made himself hatable. He is a traitor to his God and his tradition. These things happen because the teachers of Christianity followed Satan. Our faith has been undermined and violent emotion has come to into the issue. The Provincial Secretary of the Youth League in view of what happened in Port Elizabeth, decided to regiew some of the oppressive laws. Horrible things like the Natives Land Act which drove us from the land. The terrible Urban Areas Act and the Colour Bar Act. The 1936 Act of General Hertzog and now the multi-headed Suppression of Communism Act. It is a strange thing to me that the clever men in the Cabinet can believe that the Black man is a Communist. It is strange that they don't know that the African National Congress is a most anti-Communist body.

How can we support communism. We hate communism. Our virile Youth League hates communism. We are not interested in communism. We do not know what communism is."

Who was the last speaker? --- I have not completed the speech yet. "What interests us is this. When we hear the Coloured or Native problems must be taken out of party politics. A statement like that makes us shake with terror and fear for the Nationalist Party and the United Party to meet and agree on how the Black man should be treated. To agree as they agreed in 1913 that the Black man should not have land. It was the liberal Mr. Sauer who introduced that Act. To agree, as they agreed in 1936 that we should be out of the vote. They now say that they want to take the Native problem out of party politics and agree on how it should be treated. It is right that we should divide these people. It is better for us that they should be divided. When the Boer and the Briton unite, it is against the African, crush him politically and otherwise. It is the constant conscienciousness of injustice that has made our people cross. The explanation is simple. It is the hard harsh laws of the Transvaal and Orange Free State that have absorbed the little liberality in the Cape. In the Transvaal the Black man had no say at all. This has made the rule of the Union and there is what we call public opinion. The White man believes that the Black man has no right to own land. It is the duty of the Black man to carry a dirty piece of paper called a pass. It is our duty not to own land or to go to school, but to work for the White man. The gold mines is our territory, farm work is our territory. To make sure of this, they appropriate our land. These are facts anyone can assure himself of. They are historical facts. No African, Coloured or Indian refuses apartheid if it is done in We object to apartheid because it is a fraud. Apartheid gives us inferior

services. We say it is a misnomer for domination. Apartheid is not apartheid at all. It denies the Black man privileges while it enlarges the life and privileges of the White man. Why should the millions of Africans not have a fair share in law and education. Why should they not get fair play for their sweat and labour? Why are they not deemed fit for human liberties. Is it not only the intellectuals of Africa who feel these things. We are all insulted with the White agitator. They call an agitator a man who tells the truth and by a variation they call him a communist. Do you not know communism. This is the spirit in the Union of South Africa today. We speak these facts without hatred. We speak them anywhere because they can be proved. This is the belief of the African and we come again and say to the White man, how can we be treated like this in the land which is ours. Let me tell you finally, there is no shame and no dishonour in an African seeking his brother African. There is no such thing as the gift of liberty. It rests with the African to stretch his hand and take that liberty God has meant for him".

Who was the last speaker? --- G. Matthews.

What did he say? --- "Fellow Africans, I am not going to be long because I think there have been enough speakers this afternoon, and we who belong to the Youth Movement are not patient with speeches. We are interested in those who are prepared to take part in the struggle for liberation of the African people. I would like to see the people of Kimberley, especially the youth of Kimberley play the part that is being played in the rest of Africa. Today it is exactly four months that we have been engaged in the defiance of unjust laws, and during that time our people have gone through a great deal of tribulation. They have sacrificed themselves, they have gone to gaol, they have suffered under

brutal treatment meted out in all spheres and have suffered under the conditions prevailing therein. I think it is right that we today should review the successes or otherwise of the campaign. The campaign has shown first of all that the African people have taken action and are prepared to struggle for their liberation, and that the African people have taken a new road. The Defiance Campaign has produced hundreds of fearless leaders already and the Defiance Campaign has exposed the conditions under which the Africans live. The Campaign has made the cause of the African people an international issue. It has made the African people open their eyes as those eyes could never have been opened by speeches. As a result of the campaign we get all sorts of happenings. Meantimeⁱⁿ the White camp, the Defiance Campaign has produced a great deal of confusion. On the one hand we have the liberals who say, let us give votes to the civilised Africans. There are a lot of bogus plans for the so-called solution of the Native people. This as you know is the doctrine of that arch-imperialist Cecil Rhodes, and I want to stress here that in the name of the African National Congress, we reject the policy of Rhodes once and for all. We must reject it because the three hundred thousand Natives in the gold mines on which the economy of this country rests are not included in those civilised. It is correct that here in Kimberley we have to reject once and for all the policy of the vote. Those people on whom the production of the company rests are not to be given the vote and included in civilisations. The factory workers who go to work every morning in town are not supposed to be civilised. Are you going to tell me that a man is going to make the supreme sacrifice and he does not know what it means. Are you going to say that the people of Peddie who are supposed to be uneducated are not good enough to say who should represent them in Parliament. Let us forget this giving of the

vote to the civilised. It is nonsense. Do you think that a man who is prepared to go to all this inconvenience isn't good enough to say who should represent him, whether they are civilised or not is irrelevant. The African people of this country demand that they should rule this country. They will know what to do. Let us examine a lot of other bogus solutions. We have had the suggestion of Pirow, so unrealistic and I do not want to say much about it. In the name of the few million Europeans he wants African to be divided into Black and White areas. I have never heard such impudence before. The Europeans we will then tell them what will happen to them in a free democracy. The two hundred million Africans must decide what goes on in Africa and so far as any solution of Africa is concerned, I think, and I would like this to be understood clearly, so that there may be no misunderstanding. We demand that it is on our own terms that what should happen. Not on the terms of the people who had left their own countries and came to Africa. We will decide the terms, and I also wish to say this, that the solution of the Dutch Reformed Church is even more ridiculous. They say let us have a meeting between African and European leaders. They are even organising a Conference for next year where these people will meet. The struggle of the African people is not against the Dutch Reformed Church. What is the purpose of the Dutch Reformed Church which represents a number of nondescript Africans who have no following. Furthermore the solution of Advocate Strijdom is not a solution. I would like to warn Strijdom and the rest of them that inasmuch as the African people were able to fight against a large empire like Great Britain, we will be able to get our freedom with a few million. We are prepared to sacrifice a few of the million, because we know history and time is on our side and justice is on our side. Finally, I would like to

issue a warning to those people who like to speak of
breaking this country. I once heard a detective say, through
this thing we will shoot you all and stop this campaign. I
want to say this. We have decided to run this campaign on a
non-violent basis, but those irresponsible statements that
the campaign can be smashed by violence, just be left alone
by all those who desire the welfare of the Europeans. Out of
the two hundred million Africans we are prepared to lose a
few, but White South Africa cannot afford to lose five.
Therefore let violence be put aside. It is not a solution.
The sten guns and aeroplanes are not a solution. It is a
social problem. Let them try the one thing they have not
tried so far, to create a true People's Democracy in South
African in which all men, irrespective of race, creed or
colour can live together. That day we describe you will have
peace and harmony."

Did any people attend that meeting that you know to be
amongst the Accused before the Court? --- Ja, Dr. Letele en
Seochareng was teenwoordig.

Of the visitors? --- Ek sal hulle nie ken nie. Ek
weet nie of hulle hier is, maar ek sal hulle nie weer kan uit-
ken nie.

Did you remain in Kimberley after this day, or did you
leave Kimberley? --- Ek het op diens van Kimberley af wegge-
gaan.

When did you return to Kimberley? --- Die dag met die
onluste - ek dink dit was die 8e November 1952.

Have you any means of verifying the date? --- Ongeluk-
kig is al die rapporte voor daardie datum ingestuur en ek
het nie 'n vaste datum hier waarby ek dit kan vasstel nie. Ek
dink dit was die 8e November.

I'll come back to that. Did you leave Kimberley on
the 26th October? --- Nee, 'n paar dae na hierdie vergadering.

How long were you away? --- Seker omtrent agt of tien dae.

On what day of the week did you come back? --- Op n Saterdag.

Did you go to any location on that Saturday? --- Ja, na onluste in die lokasie uitgebreek het.

In which location? --- Galeshewe Village.

What time did you arrive in the location, Galeshewe Village? --- Om en by kwart voor drie.

What did you see? --- Die biersaal was aan die brand en ook die Munisipale kantore.

Was this Beer Hall burnt down completely? --- Ja, net die mure het bly staan.

What did you say about another building? --- Munisipale kantore.

Was that burnt down? --- Hulle is nie heeltemaal afgebrand nie, partliks afgebrand.

What else did you see? --- Daar was massas van Naturelle gewees en die polisie was besig om probeer die onlus te stop.

Was there still rioting that you saw? --- Ja, dit was naasteby oor gewees, maar dit was nog aan die gang.

What did you see? --- "aturelle wat heen en weer hardloop en skree 'Afrika', die polisie het gevuur op hulle.

How many Natives did you see running around? --- Daar was troppe.

Till when did you remain in the location? --- Ek het nie lank daar gebly nie. Ek het ander dienste gaan verrig daardie namiddag.

Where did you go? --- Na die stad.

Did you go to Greenpoint Location on that day? --- Nee.

Did you go there subsequently? --- Nie daardie dag nie, n paar dae daarna.

Accompanied by whom? --- Nee.

Did anything happen to you in Greenpoint Location? ---
Nee.

Did you attend any meeting there? --- Ek dink dit was
voor die onluste.

When you say before the rioting, what do you mean?
Days? Hours? Months? --- Seker omtrent agt dae voor die
onluste.

On what day of the week? --- Sondag.

Why did you go to Greenpoint Location? --- Ons het
gegaan om n vergadering daar by te woon.

Did you go on foot, by car? --- Kar.

Did anything happen to you there? --- Terwyl ons
daar gesit en wag het dat die vergadering moet begin, het van
die Naturelle om die kar gedrom en naderhand die kar begin
rondruk om hom om te gooi.

Do you know to which organisation those Natives
belonged? --- Hullehet almal saamgedrom om die African National
Congress vergadering by te woon.

What happened then? --- Ons het weggery en verder af
het ons die voorsitter, Nomthuli gekry en hom vertel wat
gebeur het, en hy het ons toe weer saam teruggeneem.

Did he address the meeting? --- Ja.

What was the theme of his speech? --- Hy het hulle
gevra om nie kwalike gevoelens teen die polisie te hou en
die polisie te steur wanneer hulle daar op diens was nie.

What was the reaction of the crowd? --- Hy was maar
oproerig gewes, maar niks verder het gebeur nie.

When you say you went away and you came back on the
8th November? --- Ek verstaan nie die vraag mooi nie.

I asked you whether you had left Kimberley. You said
yes. I asked you when you returned to Kimberley and you said
it was the 8th November? --- Dit is reg.

What was the first thing that you saw on the 8th November? What was the first thing you did when you came back to Kimberley? Did you go to the locations or not? --- Ja, ek het kwart voor drie of daar rond by die lokasie gekom.

Is that the only part you took, the only bit that you know about the riots, was when you went down to the location and saw what happened there? --- Soos ek gesê het, ek was net daar gewees en toe is ek terug na ander dienste. Ek het nie verder daarmee daardie middag gehelp hie.

Do you know whether anybody was arrested as a result of the riots in Kimberley? --- Ja, ek was persoonlik by met hulle arrestasie.

How many people were charged? --- Elf al te same.

Were they charged in the Supreme Court or the Magistrate's Court? --- Voor die Hooggeregshof was hulle skuldig gevind.

Were any of the people who addressed the meeting on the 26th October, 1952, that is two Molema's, R. Matji, G. Matthews, Tshabalala, were any of those charged? --- Een Dr. Molema, Dr. S. M. Molema was aangekla.

Wat het u in gedagte gehad, waarvan is hierdie mense aangekla? --- Hulle was aangekla onder die Kommunistiese Wet.

Which persons were charged? --- Dr. Molema van Mafeking, Dr. S. M. Molema. Ek meld net een persoon. En dan ook Matji, en Matthews van Port Elizabeth.

Any of the Executive members of the A.N.C. Kimberley Branch? --- Tshabalala, Dr. Letele.

Was evidence presented to the Court in connection with the speeches delivered on this day, the 26th October, 1952? --- Ja.

Was it on the strength of evidence of speeches made by Matji and Matthews that they were joined in that prosecution? --- Ja. Afskrifte van hulle toesprake was voor die Hof

gelê as getuienis.

Wie se toesprake? --- Matji, Matthews, Dr. Molema en al die elf beskuldigdes wat daar aangekla was.

Dit is toesprake wat op die 26e Oktober gemaak is? --- Van daardie drie persone wat nie plaaslik was nie, Dr. Molema en Matji en Matthews. Net die toesprake van die 27e, dit is al wat teen hulle gewees het. Maar die ander beskuldigdes is die toesprake gedurende die jaar gewees op verskillende vergaderings.

I am speaking of the 26th October - you say the 27th? --- Dit was op die 26e Oktober.

BY THE COURT :

Verstaan ek nou duidelik? Dit is nou die toesprake wat op die 26e Oktober gemaak is, is dit voor die Hof gelê as getuienis? --- Dit is korrek.

BY THE P.P. :

Did you report to your superior officers on the speeches made, developments from time to time? --- Ja, hulle het volledige rapporte van my gekry omtrent die vergaderings.

Who was your superior officer? --- Die Adjunk Kommissaris destyds daar was Kolonel Grobler.

I repeat my earlier question, were any people arrested as a result of the rioting. Ignore the eleven that were charged under the Suppression of Communism Act. Were there any others charged in connection with incidents that took place during the riots?

BY MR. BERRANGE :

My learned friend has got this from the witness. People were arrested as a result of the riots, eleven persons, I think, were charged. In the Supreme Court they were convicted.

BY THE P.P. :

Apart from that. I say, ignore the eleven? --- Ja, daar was.

How many? --- Getalle kan ek nie gee nie, maar daar was seker tussen dertig en veertig mense wat hulle arresteer het.

Do you know what they were charged with? --- Nee, ek weet nie. Ek het nie daardie saak hanteer nie. Ek weet nie wat die klagtes wat hulle teen hulle gesit het, was nie.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. BERRANGE :

I would like to get some clarity on this position. Let me get it quite clearly. As we know there were some riots in Kimberley. Arising from the riots, those persons who participated in the riots or persons who did participate with the riots, were charged. Those are the thirty or forty persons you are talking about? --- Die dertig of veertig, ja.

And you weren't in that case, so you are not able to say whether they were charged with murder or public violence or what it was? --- Heeltemaal reg.

Then there were a number of persons who were charged, they were the persons who had attended this meeting on the 26th October under the Suppression of Communism Act? --- Ja, daar was verkillende aanklagtes, maar hulle was skuldig bevind onder die Kommunistiese Wet.

There were no charges of violence or murder or anything of that sort preferred against them? --- Nie vir moord nie, maar ek kan nie onthou wat die ander alternatiewe klagtes teen die beskuldigdes was nie.

You know that at that time the authorities were instituting a number of prosecutions in different parts of the country, Johannesburg and other parts, arising out of the Defiance Campaign? --- Ek veronderstel hulle was aangekla - sover ek weet was hulle wat die wette verset het, aangekla.

The basis of the charge being that inasmuch as they were seeking to bring about a social, political and economic change in the country, their acts in breaking laws was an

unlawful act? --- Ek dink dit was die artikel, hoe die artikel gelees het waaronder hulle aangekla is onder die Kommunistiese Wet.

Yes, under the Suppression of Communism Act? --- Ja.

And then there were a number of alternative charges?

--- Ja.

And I want to suggest to you that the Crown withdrew all these counts, except the main charge that I have already dealt with? --- As ek reg onthou het die Beskuldigdes skuldig gepleit op die hoof aanklag, en gevolglik het die Publieke Aanklaer die ander klagtes teruggetrek.

You may be right. In this case, this case was heard in Kimberley in August, 1953, in front of His Lordship Mr. Justice Beyers? --- Ja.

And this case had nothing whatsoever to do with the riots or the unrest that took place in Kimberley? --- Ek sou nie so sê nie. My opinie is dit, dat die getuienis wat gelewer is om daardie artikel onder die Kommunistiese Wet te bewys, was net die getuienis van toesprake wat die mense gelewer het om mense op te sweep.

That is right, perfectly correct. And it was on that day, the 26th October, that they were inviting people to participate in the Defiance Campaign? --- Nee, hulle was lank voor dit uitgenooi om deel te neem aan die Verser Beweging.

On that and other days then. I wonder whether an explanation could be given by me to the Court in regard to this aspect. I don't know whether the Court is aware of what happened. I mean generally, not at Kimberley. It is to be found in the Law Reports and that is why I want to draw Your Worship's attention to it.

BY THE COURT :

You mean this case is reported?

BY MR. BERRANGE :

Yes, I have the record, I am going to produce it on

Monday when I deal with this witness and all the other cases reported. There was the case of Regina versus Sisulu which I referred to yesterday, there was this case in Kimberley, there was another case in Port Elizabeth. All these cases were brought by the authorities after the Defiance Campaign, the allegation being that the Defiance or the initiation of the Defiance Campaign in itself, was a contravention of the Suppression of Communism Act in that it was intended, through the Defiance Campaign to bring about a social and economic change by unlawful means, the unlawful means of course being the means of sitting on benches you shouldn't sit on or not carrying passes or some one or other of these petty offences. And those are the cases which were heard - the Kimberley case was heard after Sisulu's case. This matter was argued both in front of His Lordship Mr. Justice Broom and thereafter in the Appellate Division on the question whether or not the acts which took place in the Defiance Campaign could be covered by this section of the Suppression of Communism Act. And in due course the Appellate Division gave a judgment adverse to these accused and thereafter these other prosecutions took place as in this one the witness is referring to, because of the Appellate Division judgment, the Accused pleaded guilty. I want to make it perfectly clear, so that there is no misunderstanding that these cases I referred to yesterday, Sisulu's case, this case that this witness is referring to, that the evidence had nothing whatsoever to do with the riots.

BY THE COURT :

Had nothing to do with the rioting but did these prosecutions actually also take place after the riots?

BY MR. BERRANGE :

Which prosecutions?

BY THE COURT :

The Suppression of the Communism Act.

by MR. BERRANGE :

This prosecution took place in August, 1953.

BY THE COURT :

That would be after the riots. But I understand, and that is the point that the witness has conceded, that this particular prosecution at Kimberley arose from the speeches which intended to get the people to resist.

BY MR. BERRANGE :

Yes, and not only this speech that he referred to, but a number of other speeches as well, because that was the Defiance Campaign. The speeches which called the volunteers to explain the Defiance Campaign and then sent the volunteers out in order to break laws which the Appellate Division ultimately held was an unlawful means of trying to bring about a social and economic change. And may I just finish up by saying this that in view of the fact that this was the first type of prosecution of this sort and in view of the fact too that it was shown from the speeches that no violence was preached, and that it was a peaceful campaign, in every single case in the Supreme Court the Accused received a suspended sentence.

BY THE P.P. :

I beg to differ with that last statement of my learned friend.

BY MR. BERRANGE :

If I am wrong in that, my learned friend is at liberty to correct me. I am not infallible on that. I thought that that had happened. So may I ask you one further thing, I don't want to question this witness any further at the present moment, I will produce the record of the proceedings in due course as I have already indicated that I'm prepared to do and I'm prepared to hand them to the Crown, and may his examination then stand down till Monday.

BY THE P.P. :

I would just like to clear up something that was said or insinuated by my - by Mr. Slovo this morning in the ~~hat~~ of the moment, something that I think is very unjust towards me personally and towards the Crown. And that is the reference to the failure of the Crown to study these cases and I take very strong exception to that. What I did indicate when I said I would like to question Sergeant Kruger was that I would like to have the opportunity of studying that record again. I have read these cases, and I take exception to the reference that the Crown has acted unethically, that was the statement that he made.

BY THE COURT :

Yes, I think that the remark was totally uncalled for. I don't want to have any further argument about it.

COURT ADJOURNS.

COURT RESUMES :

THOMAS CHARLES HAWLEY, duly sworn;

Were you a Major in the South African Police, District Commandant at Kimberley from the beginning of 1951 to the end of November, 1952? --- Yes.

Were you in Kimberley when the riots broke out in the location? --- Yes.

On what day did the riots start? --- On the 8th November 1952.

What day of the week was that? --- It was a Saturday.

When did you first receive a report? --- About quarter to two in the afternoon.

What did you do? --- I reported to the Deputy Commissioner and then went down to the Charge Office.

Did you give certain instructions at the Charge Office in Kimberley? --- Yes.

What? --- I instructed that the married men be called from their homes and call out the single men in barracks.

Did you find anybody at the Charge Office? --- Yes, Mr. Meyer the manager of the Native Affairs of the Municipality was there.

Was he also the Superintendent of the Location? --- Yes.

Of which location? --- Of both locations, of Greenpoint and No. 2, otherwise known as Galeshewe. I believe it became the Galeshewe location afterwards.

Did he make the report to you? --- Mr. Meyer made a report to me.

What did you do then? --- He reported to me...

Leave the report. What did you do as a result of the report? --- I could not find the only transport available, an open lorry. I then 'phoned to the bus company and ordered a bus, asked them to supply me with a bus.

Was that done? --- Yes.

What did you do then? --- I took the eighteen men...

How were they armed? --- They were armed with service revolvers.

Were they all Europeans? --- Yes.

Any Natives? --- There was a Native with Mr. Meyer, and Mr. Meyer and the Native accompanied us to..

No, I am speaking of the men that you took? --- I think there were only the eighteen Europeans, they were S.A. Police.

Where did you go then? Did you all get into the bus? --- We all got into the bus and I directed the driver to go to No. 2 Location.

And then? --- As we reached the approaches of the location there were clusters of Natives, mostly youths. They were shouting, the thumbs up.

What were they shouting? --- 'Afrika', 'Mayebuye'.

Was that inside the location or on the outskirts? ---
That was on the outskirts, the road flanks the married
quarters, it is open on the left - on the right - on the
left of the road is open veld.

I don't understand. Were you proceeding along
Royal Road to the location? --- Yes.

Does this Royal Road run into the location? --- It
runs right into the location.

Where did you come across this crowd of youths? ---
As soon as we reached the location.

On which side of the road were they? --- On the right
hand side.

Your right hand as you were going on? --- Yes.

Did they do anything to you? --- No, not other than
shout.

Did you pass the crowd? --- Yes, they were in groups
all along the road.

I see. What happened as you entered the location? ---
About a hundred yards from the offices, the administrative
offices, there was a crowd on the left of the road, that is
on the opposite side of the road, as well as in front of the
offices and there were denser crowds on the right hand side.
When about a hundred yards from the offices, they started
pelting the bus with stones.

Who did that? --- They were throwing from left and
right.

You say they? --- Stones were just coming from all
over. From the Natives, there were only Natives there.

Did you hear any shouts there? --- Yes, there was
general shouting.

Of what? --- Afrika, Afrika, Mayebuye.

And did the stones hit the bus? --- Yes, by the time

we reached the offices practically all the windows were smashed.

What did you do when you got to the offices? --- I had to open fire.

At what stage? --- As we reached the offices.

Did you get out of the bus? --- Yes, after the first round was fired, the crowd cleared immediately around the bus.

So the first volley was fired from the bus? --- Out of the bus windows.

How many people would you say were there around the bus? --- It is difficult to say, it was a dense crowd.

Could you give the Court an idea? Thousands or hundreds? --- Many hundreds.

Will you continue and describe the developments from there onwards? --- I got my men out of the bus, stones were raining from all sides and we formed a small circle - a semi-circle with our backs towards the bus, facing the crowd. I shouted for them to disperse, told them there was danger, that they would be shot if they continued throwing stones. Seeing this had no effect we continued firing sporadically as they closed in. It was about twenty minutes to half an hour that this kept on. As the ammunition had run out...

Before you proceed, were any of you people struck by the stones that were thrown? --- Yes, most of us were struck by stones.

Were there any of the Natives hit by the fire? --- Some must have been struck by the fire.

And then you say the ammunition ran out? --- Yes.

What did you do? --- I ordered my men back to the bus.

And then? --- With the few rounds that I had left I kept off the crowd until I bordered the bus too.

Where did you go then? --- As the bus pulled out, they closed in, pelting the bus with stones. Some tried to

scramble up the back of the bus, and we tried to push them off, hitting their hands to try and get them off the bus. I then went back to the barracks.

Did you notice anything happening at the Municipal offices? --- Yes, on arrival at the Municipal offices - that was on the first instance on our way to the location - there was smoke coming from the back of the Municipal offices. At the main entrance to the Municipal offices there were papers and obviously records lying all over the place. Two Native Municipal policemen came out of the office. The Post Office and the hall on the right were burning. It was the Bantu Hall where they had their bioscope. There was dense smoke further on to the right near this Beer Hall. I later found that this came from the Municipal police pickup that had been burning there. Whilst busy in front of the offices, I heard a few explosions at the back of the offices and we later found that there were two Municipal vehicles, they were trucks, had been burnt there.

Did you have a Native Detective Constable Matibi with you? --- He arrived on cycle from the rear, when we were still holding back the crowd with our backs to the truck.

Did he come up to you? --- He came up to me and I told him to shout to the crowd in a native language to disperse, or there would be trouble. I turned and next I saw him jumping onto his cycle heading straight into the crowd. He had only gone a short distance when he collapsed under a hail of stones. We pushed forward sufficiently far enough to retrieve him and put him onto the bus. It was shortly after that that we had to leave.

Did he survive? --- He survived, but I believe he lost the sight of one eye subsequently.

And then you say you went back to the charge office?
--- Yes.

What did you do there? --- I there found about twenty of the men who had gathered meanwhile, they were armed with .303 rifles and I then returned to the location.

In the same bus? --- I used the same bus.

Did the other extra man also get into the same bus?
--- Yes.

Continue? --- On arrival there the crowds had massed. The crowds were greater than at the time I had left. They seemed - there seemed to be more adult native males there in the crowd egging them on. Shortly afterwards the Deputy Commissioner, Colonel Grobler arrived and took charge. He put me on duty along the main road there. There is a bit of a square around the opposite...

What did you say about duty on that square? --- Colonel Grobler then allocated me that square there and the main road with a company of men.

Had you ordered any firing to be done before Colonel Grobler arrived? I am talking about the second time you went there? --- I am not sure. It is possible that there were shots fired because the crowd was hostile and slinging stones.

What happened further? --- A few of the leaders were deliberately shot at, those egging on the crowds.

How were they egging on the crowds? In what manner?
--- There was such a terrible din, and you could see them in the front shouting, gesticulating.

BY THE COURT :

You mean the movement of the arms. It is impossible to put that into words. If you moved your arms in a calling people behind you. Is that right? --- Yes.

BY THE P.P. :

Was there some more firing done there? --- Yes, there was this sporadic firing as groups charged. Then gradually

the crowds withdrew into lanes, side lanes and then stones would be thrown out of the yards onto the bodies of policemen moving about trying to clear the streets and the lanes.

Did you have sten guns with you? --- Yes, I had a sten gun with me.

Did you make use of it? --- No, I did not use it.

Why not? --- I only kept it for if we were attacked at close quarters.

What happened then further? You say the crowds retreated into yards, lanes and there was still stone throwing after that? --- Yes.

And how did things develop after that? --- It gradually died down towards sunset.

What did you do then? --- We withdrew, and were mainly concerned then with the West end. The European area is very close to the Native Location, with preventing the crowds from breaking into the European area.

Were there any further outbreaks?

BY THE COURT :

How do you mean you had to prevent the crowds? Was there any attempt to do so? --- It was really a precautionary because it is right up against the European area there.

You say there was no attempt on the part of the Natives..? --- There was no concerted attempt made.

BY THE P.P. :

Were there any further outbreaks after that? --- By the next morning the creche had been fired and looted. You could see the fires and what not going on, but we did not go into the location. The creche in the location had been destroyed and had been burnt, as also the two clinics.

Did you see anything wrong with the Municipal Offices? --- They had been fired too.

The Beer Hall? --- That was in a shambles, it had been

smashed up inside.

Not burnt? --- No.

How many vehicles were damaged? --- There were three Municipal vehicles that had been burnt out.

Who was in charge of the Bantu Hall that you say was burnt? --- So far as I can understand, it is a Communal Hall, but somebody had licence or permission to show films there, I believe a European, but I don't know his name. It was the bioscope hall for the location.

You don't know who was in charge? --- No, I don't know who was in charge. I know a European had the right to show films there.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

PIETER GROBLER, duly sworn;

EXAMINED BY THE P.P. :

Are you present Deputy Commissioner of the South African Police, stationed in Johannesburg? --- I am.

Were you stationed in Kimberley and did you hold the post of Deputy Commissioner there from 1951 to 1953? --- Yes.

Do you remember the time of the riots in Kimberley in 1952? --- Yes.

Did you receive reports from your subordinate officers from time to time in connection with developments in the area? --- I did.

Did you have occasion to speak to certain persons on some occasion? --- Yes.

To whom did you speak in connection with the developments in the location? --- I spoke to certain members of the A.N.C. Executive, in connection with events in the Greenpoint Location.

To whom did you speak, can you remember? --- I can't

remember the names, but there was one I remember, Sesedi.

Do you know what position he held in the African National Congress? --- I think he was a member of the A.N.C.

Were you informed of the developments on the 8th November, 1952? --- I was informed of probable developments.

Did you take certain precautionary measures? --- I did.

What did you do? --- I instructed the District Commandant who was at the time Major Hawley, to keep all single men standing by in the police barracks and married men to stay at their homes ready to deal with any emergency.

Did you go out to the locations during that day on the 8th November, 1952? --- I did. I was called out during the afternoon.

To which location? --- No. 2 Location, what was then known as No. 2 Location.

Do you know by what name it is presently known? At what time did you arrive in the location? --- It must have been between three and four. I think about 3.30.

What did you find on your arrival? --- I was travelling in my official car with a driver and a Sergeant and a Constable as passengers in the back. As we entered the location there were large crowds of Natives along the road, on both sides of the road leading into the location, as also in the location. They were - they appeared to be very hostile and shouting and shouting 'Afrika, Afrika' and giving the thumbs up sign.

Will you describe what was happening as you were proceeding along? --- My intention was to join the District Commandant who had preceded me with a party of policemen. I got as far as the Municipal offices and I realised then that the District Commandant was not in that area, or just beyond the Municipal offices. At this stage, or just before then, the crowds along the roads and on either side of the road,

started stoning us from all directions, in my police car.

Were there any shouts there? --- Yes, continued shouting of 'Afrika'.

Yes? --- I instructed the three men with me to draw their revolvers and to fire at the mobs which were attacking us. I did the same. When I realised that the District Commandant was no longer in the location, I instructed my driver to turn around and to make his way out of the location as quickly as he could without stopping. He managed to get through the crowds.

Where did you go then? --- I returned to the Kimberley barracks, and en route I met the District Commandant who was then returning in a bus with a party of policemen.

Where was the District Commandant going then? --- He was returning to the location at that stage.

Did you return with him? --- No, I told him to enter the location with his party...

You then gave him certain instructions, yes? --- And I went along to the Kimberley barracks where I took charge of the reinforcements which had gathered there.

Did you return to the location? --- Yes, I did, with this party under my command.

How many men? --- I think there were about twenty, I am not very sure.

Did you enter the location again? --- I did. We entered the location in a lorry, Major Bester was with me, and this party of men, and we made our way through the - into the location and joined the District Commandant, Major Hawley's party, in the vicinity of the Municipal offices.

What was happening there when you got to the offices? --- Crowds along the road entering the location were not so thick, but there were crowds in open spaces behind the Municipal offices and along the streets - beyond the Municipal

offices and towards the Beer Hall. These crowds kept on shouting, jeering, shouting 'Afrika' and they advanced as close as they could and threw stones at the body of policemen - at us.

Yes? --- I instructed - I could see certain natives appeared to be the leaders and I selected two men who were with me, and I instructed them to shoot one of the leaders when the stones were falling amongst us. The two men fired and this one Native fell. Subsequently another mob approached us from another direction, the same thing happened, and I instructed the two men again to fire which they did. These mobs then withdrew. After that they continued jeering and shouting at a distance from us and throwing stones. I divided the party under my command into three bodies and instructed Major Hawley the District Commandant to take charge of one, to clear one of the streets - to advance along one of the streets and to disperse the mobs along that street. I gave Major Bester Command of another party and instructed him to clear another street in the vicinity of the Beer Hall. I remained, took command of the reserve party which remained near the Municipal offices.

Yes? Was some more shooting done then? --- Yes, I heard shots being fired from the direction of both parties, but there was no further firing by the party under my immediate command.

What happened then? --- At that stage certain buildings were burning.

Which buildings? --- The Municipal offices were in flames, the Bantu Batho Hall was burning, the Post Office which was part of the Bantu Batho Hall was burning, the Beer Hall was burning, there were certain motor vehicles belonging to the Municipality in the vicinity of the Municipal offices, and also a van as far as I can remember at the Beer Hall, also

burning.

Was anything done to the electrical supply? --- The electrical supply had been interrupted by - some of the cables had been brought down, had been severed, and an engineer of the Municipal Engineering - City Engineers Department told me that there was no power available in the location.

Did you do anything further? --- We endeavoured to quench the fires, put out the fires, but we were unable to do so because of the lack of water. I then instructed the police to make arrangements for ambulances to collect the injured.

Did you see ambulances arrive? --- I saw an ambulance coming towards us and it was stoned by the mob.

Were there people killed? --- Yes, a number were killed.

How many were killed? --- As far as I remember there were twelve killed on that particular day.

And can you remember how many were wounded? --- There was quite a large number wounded. I think it - I can't remember exactly, I think it was forty or forty-seven or thereabouts.

Were these people removed from the location? --- Yes, they were all removed either to the mortuary or to the hospital.

Did you eventually leave the location? --- Yes, when things were quiet and towards evening because of the lack of lights, I considered it advisable to withdraw the police from the location.

At what time did you leave the location? --- It must have been about seven o'clock I should say.

Did you do anything in regard to preventing further outbreaks? --- I put patrols on around the location, around

the circumference of the location, armed patrols to prevent any further disturbances on the outskirts and to prevent any persons leaving the area.

BY THE COURT :

When was that? --- On the evening of the 8th November, 1952, that same evening.

BY THE P.P. :

Were there any further outbreaks of disturbances? --- Later that same evening I received reports that other buildings in the location had been set on fire.

You did not see it? --- I did not see them until the following day.

What did you see the following day? --- I saw the following day that the creche and there was one other building, I know there were two buildings, had been set alight the previous evening.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

CASE REMANDED TO THE 19TH AUGUST, 1957.

COURT RESUMES 19TH AUGUST, 1957.

APPEARANCES AS BEFORE :

MR. COAKER ADDRESSES COURT :

Accused Absent : Position same as on 15th August, 1957.
Back in Court : No. 36, B. Mashaba; 124, T. E. Tshunungwa; 139, G. M. Naicker; 143, A. Ngcobo; 149, D. Dingh.
In Default : No. 130, J. H. gendyk; 131, G. Hurbans; 134, I. C. Meer.
Medical Certificates handed in : No. 36, B. Mashaba.
: No. 105, C. Jasson, granted leave of absence for a further fourteen days.

(Int. M. van Rooyen - Afr./Eng.)

ABRAHAM LODEWIKUS HECHTER, verklaar onder eed;

VERHOOR DEUR DIE P.A. :

Are you a Detective Sergeant, South African Police, at present stationed at Lichtenburg? --- Ek is.

During the period March, 1952, to May 1953, were you stationed in Kimberley and attached to the Security Branch of the South African Police?--- Dit is reg.

As a member^{of}/the Security Branch did you attend meetings held by organisations in the Kimberley district? --- Dit is so.

Do you remember a meeting that was held by a certain Mr. Millar of Cape Town? --- Ek onthou die vergadering.

Was that meeting held on the evening of the 23rd October, 1952? --- Dit is reg.

Was it held in the A.M.E. - the Hall of the A.M.E. Church in Galeshiwe Location, Kimberley? --- Ja.

Did you attend that meeting? --- Ek het.

Was that meeting attended by any members of the African National Congress? --- Een van hulle wat goed aan my bekend was, was daar, - het ek daar gesien.

Wat was sy naam? --- David Mpiwa.

What was his position in the A.N.C.? --- Hy was destyds n lid van die Uitvoerende Bestuur van die Kimberley-tak van die A.N.C.

Did he take any part in the proceedings? --- Hy het.

What part did he take? --- Hy was n lid van die verhoor. Hy het, nadat n paar ~~aanmerkings~~ uit die agterste deel van die saal gemaak is, sekere aanmerkings gemaak. Mpiwa het opgestaan nadat sekere aanmerkings deur die voorsitter van die vergadering gemaak is.

Who was he? --- Tshoba.

Continue? --- n Woordewisseling tussen Mpiwa en die voorsitter het plaasgevind. Die woordewisseling was in Sechuana wat ek nie kon volg nie. Mpiwa het toe opgestaan, nadat hy eers weer gaan sit het. Hy het die saal verlaat, en omtrent die helfte van die gehoor het saam met hom die saal verlaat.

What happened then? --- n Poging is aangewend om met die vergadering voort te gaan. Maar die persone wat die saal verlaat het het so n lawaai opgeskop dat dit onmoontlik was om met die vergadering voort te gaan.

Yes? --- Daar is toe besluit om nie met die vergadering voort te gaan nie.

Did you leave the Hall? --- Nadat besluit is om nie met die vergadering voort te gaan nie, het ek die saal verlaat in geselskap van mnr. Miller.

What did you see outside? --- Daar was n hele klomp Naturelle buitekant saangedrom. Sommige van hulle was gewapen met stokke, tot selfs fietkettings.

Where was this man Mpiwa? --- Ek het hom toe nie kon sien nie met die gemaal daar buite.

Did anything happen to you? --- Op versoek van mnr. Miller het ek ingestem om hom met my saam te neem. Ons het in my motor ingeklim en net toe ons wegry, het n hele paar

van die Naturelle wat buite die saal was, die motor van agter beetgepak. Hulle het dit op en af geruk, dat ek gevrees het dat hulle n poging sou aanwend om die motor om te gooi. Ek het toe vinnig weggery, en op daardie stadium het n hele paar klippe die motor getref.

Were you in Kimberley when the riots broke out? --- Ek was, maar ek wil byvoeg, op die dag van die onluste was ek in die hospitaal.

Do you know - did you know any of the persons that got killed on that day? --- Persoonlik nie geken nie.
(No further questions).

CROSS-EXAMINED BY MR. COAKER :

This was a political meeting, was it not? An election meeting? --- Dit was.

Did you accompany Mr. Miller to the meeting? --- Ek het nie.

Was Mr. Miller standing for election? --- So het ek verstaan.

You knew what the purpose of the meeting was, surely? --- Ek het geweet.

What was he standing for election to? To what body? --- Dit het ek nie geweet nie.

Was he a parliamentary candidate or a candidate for the senate or what? --- Soos ek verstaan het was hy n kandidaat vir die Provinsialeraad.

So there was an argument in the course of the meeting, between one Mpiwa and the Chairman? --- Dit is so.

And you don't know what the subject matter of that argument was? --- Nee.

At the close of the argument Mpiwa got to his feet and went out of the Hall? --- Dit is so.

And a number of persons in the Hall followed him out? --- Ten minste die helfte van die gehoor het hom gevolg.

Up to that stage the meeting was fairly orderly, I take it? --- Behalwe vir n paar aanmerkings wat vanuit die

agterkant van die saal gemaak is.

Tell me, is this the first time that you have ever heard of confusion and disorder taking place at any political meeting? --- Die enigste waarop ek teenwoordig was.

You have never been present at any meeting of the United Party or the Nationalist Party which has been broken up? --- Ek self was nie teenwoordig nie. Ek het slegs daarvan gehoor en in die koerante daarvan gelees.

I suppose you don't know which party Mr. Miller was standing for, do you? --- Nee, ek weet nie.

Was this man Mpiwa a member of the Native Advisory Board in Kimberley? --- Nee, ek weet nie.

You wouldn't dispute it? --- Ek sal dit nie betwis nie.

Have you given evidence about this particular meeting in other proceedings? --- Ek het.

What proceedings were those? A preparatory examination in Kimberley? --- Dit was 'n voorlopige versoek toe sekere persone aangekla gestaan het.

Was Mpiwa one of those people? --- Hy was.

Correct, me if I am wrong, I think these must have been the people in Kimberley who were charged in terms of the Suppression of Communism Act? --- Hulle was aangekla onder die Wet vir Onderdrukking van Kommunisme.

And was that trial in August August, 1953? --- Dit kan so wees.

FURTHER CROSS-EXAMINATION RESERVED, BY MR. COAKER AND MR.

BERRANGE :

CROSS-EXAMINED BY MR. SLOVO :

Apart from this preparatory examination you spoke about in 1953, I take it no people were charged directly with the acts committed at this meeting? --- Daar was nie persone aangekla nie.

I take it that that is because you are not aware who

it was who committed the offences, for instance with the car and eventuating to an attempt to accost you outside? --- Ek het weens die omstandighede nie oorweeg om n klagte teen die persone te lê nie.

Why not? --- Omdat ek nie in staat sou wees om van die persone daar buite te herken nie!

That is precisely what I put to you. You can't say today who committed those acts? --- Ek sal dit nie kon sê nie.

When was this statement taken from you? The statement in connection with the evidence that you are giving today? --- Ongeveer veertien dae of drie weke gelede.

Who took the statement from you? --- Ek het die verklaring gemaak aan Speurder Konstabel Markram van Kimberley.

Did you indicate to him that some unknown persons - did you make clear to him that as far as you are concerned you don't know who it was that committed these unlawful acts outside? --- Ek neem aan hy was bewus daarvan. Daar was niks ^{besonders} anders/daaromtrent gesê nie.

Was this the - did I understand you to say that this was the only political meeting which you have ever attended at which there was some confusion? --- Dit was.

All the other meetings you attended you say have been orderly? --- Ja.

I take it that it was not part of your duty as a member of the Special Branch to attend political meetings of the United Party and Nationalist Party? --- Dit was.

It was part of your duties? --- Ja.

To attend meetings of the United Party? --- Van alle politieke partye.

For what purpose? --- Om vas te stel dat geen wanordelikhede plaasvind nie, - om seker te maak dat geen wanordelikhede plaasvind nie en indien wel die verantwoordelike persone te kan aanwys.

MR. SLOVO OBJECTS TO RELEVANCY OF THE EVIDENCE.

THE COURT, THE P.P. AND MR. SLOVO DISCUSS.

EXAMINATION BY P.P. CONTINUED (With Court's permission) :

Were you in charge or did you assist with the investigation of the case against the eleven persons who were eventually charged under the Suppression of Communism Act? --- Ek was behulpsaam daarmee.

Do you know when this person Mpiwa was arrested in connection with that preparatory examination? --- Die presiese datum sal ek nie onthou nie, maar dit was kort na die onluste, in Kimberley.

Soon after the riots? --- Dit is so.

Will you say it was a matter of days or weeks? --- n Kwessie van weke.

Do you know the persons who were charged? --- Ja, ek dink ek sal hulle nog ken.

Were there persons from Port Elizabeth who were charged in that case? --- Daar was een.

What is his name? --- Matji.

Were there any from the Eastern Cape apart from Matji? --- Matthews is een.

What are his initials? --- G.

When was he arrested in relation to the outbreak of the riots? --- Met owerheid sal ek nie die datum kan gee nie, maar dit was ook na die uitbreking van onluste in Kimberley.

Do you know on what charge these persons were arrested?

MR. COLKER OBJECTS.

WITNESS STANDS DOWN.

P.P. ADDRESSES COURT :

FURTHER CROSS-EXAMINATION OF THIS WITNESS RESERVED.

(M. van Rooyen - Int. Eng./Afr.)

JACOB FRANCOIS BURGER, duly sworn;

EXAMINED BY THE P.P. :

Are you a Sergeant in the Railway Police stationed where at present? --- Uitenhage, Kaapprovinsie.

Were you stationed at New Brighton, Port Elizabeth on the 18th October, 1952? --- Dit is reg.

Were you on duty during the afternoon? --- Dit is reg.

Did the Port Elizabeth - were you on the platform, that is Platform No. 2 when the passenger train from Uitenhage on New Brighton Station? --- Dit is reg.

And was a Native Constable Frans with you? --- Dit is reg.

Did he arrest a certain a certain Native there? --- Dis reg.

Why? --- Hy het uit die trein uit gespring.

DEUR DIE HOF :

Daar is niks daarmee verkeerd nie, om uit n trein uit te spring? --- Hy het uit n bewegende trein gespring.

DEUR DIE P.A. :

What was the offence that this Native is supposed to have committed? --- Die Naturel het die trein verlaat terwyl dit in beweging was.

Did anything take place on the platform after the arrest? --- Ja, n klomp Naturelle het saamedrom on die beskuldigde.

Yes? What happened then? --- Ek het hulle gesê om die stasieperseel te verlaat.

What happened then? What was the reaction? --- Hulle was baie opstandig gewees. Hulle het n dreigende houding aangeneem.

Did they say anything? --- Toe ek hulle waarsku om die persele te verlaat het hulle uitgeroep 'Afrika, Afrika'.

Did they leave the premises? --- Ja.

Did you then take this Native to the Charge Office?

--- Dis reg.

What was the time? --- Ongeveer 2.30 n.m.

Did the Cradock train arrive later on? Say about quarter to four? --- Dis reg, dieselfde middag.

Did you receive a certain report, as a result of which you awaited the arrival of the Cradock train? --- Dis reg.

And when the train stopped, what happened? --- Vanaf die trein het twee Naturelle geklim met n drom verf, vier gellings groot.

What did you do? --- Ek het hulle genader en hulle gewaarsku dat ek n klagte van diefstel van verf ondersoek.

Did you arrest them? --- Nadat hulle my nie n verduideliking kon gee aangaande die besit daarvan nie, het ek hulle in hegtenis geneem.

What happened then? --- Hulle het hulle onmiddellik teegesit.

And then? --- Ek het hulle vasgegryp, altwee, toe ek die boeie om die een Beskuldigde se arm gekry, het die ander een losgeruk.

And then? --- Daarna was ek aangepak deur ander Naturelle wat daar saamgedrom was.

What happened? --- Hulle het my geslaan en tesame met die een Beskuldigde wat ek nog steeds vasgehou het, vanaf die platform tussen die spore gestoot. T

Was anything said by these people? --- Gedurende hierdie tyd het hulle geskree 'Kill the bastard, kill the Whites'.

Anything else? --- Die woord 'Afrika', en voorafgegaan deur n ander Naturelle woord wat onbekend is aan my, het hulle gedurig uitgeskree.

Do you say you were - what did they do to you? After that? --- Terwyl ek nog steeds gespook het met die Naturel wie ek in hegtenis geneem het, het hulle by rewolwers uit my sak uit gegryp.

And then? --- Ek het my rewolwer vasgegryp en probeer afneem van hulle af. Ek was later suksesvol.

How did things develop then? --- Hulle het teveel geword en ek kon nie verdere slae verduur het nie en was verplig om die Beskuldigde te los. Omrede ek omsingel was deur die Naturelle, het ek n waarskuwing skoot in die lug in geskiet. Hierdie Naturelle het op hierdie stadium begin klippe gooi.

Where did they throw? --- Na my.

Continue? --- Ek het op nr. IV Platform gespring, bo-op die platform het die Beskuldigde met wie ek vroeër gestoei het en wou arresteer na my gestorm met n lang mes in sy hand.

Continue? --- Hy het na my gesteek.

BY THE COURT :

Are you talking about the man that you had handcuffed, or the man who had broken away from you? --- Die man wat ek geboei het.

BY THE P.P. :

Continue? --- Ek het die hou afgeweer, en probeer wegkom tussen die Naturelle uit.

How many Natives were there? --- Ongeveer n duisend op die stasie.

Yes? --- Op nr. IV platform, terwyl ek probeer het om weg te kom het daardie selfde Naturel weer op my afgestorm, met dieselfde mes. Ek het my rewolwer gelig en ^{hom}neergeskiet. Hy het bly lê. Ek het probeer deurbreek na die Klagtekantoor, wat op nr. 1 platform was. Terwyl ek besig was op weg na die klagtekantoor was ek weereens hewig deur klippe bestook en

ook deur n Naturel genader met klippe in beide hande. Ek het hom ook neergeskiet. By my aankoms by die Klagtekantoor het ek gesien dat daar duisende kaffers - Naturelle voor die stasie saangedrom was. Die asbestos dak, vensters van die stasie was op hierdie tydstip reeds n totale wrak. Hulle was nog steeds besig om die stasiegebou met klippe te bestook.

COURT ADJOURNS.

COURT RESUMES.

MR. COAKER ADDRESSES COURT :

(Accused No. 141, N. T. Naicker; No. 130, J. Hoogendyk and No. 134, I. C. Meer are back in Court. No. 131, G. Hurbans is ill, and Medical Certificate handed in).

There is one other matter I would like to mention. Just before the adjournment the witness remarked that there had collected on the station a larger number of 'kaffers'. He then corrected himself and used the word 'Naturelle'. Rightly or wrongly, I don't want to go into the merits of this matter now, but rightly or wrongly this expression is regarded not only by my clients but by many non-Europeans in this country, I think I might say by all, as having a certain offensive quality, and I would appeal to the witness through Your Sorship to avoid the use of such expressions.

BY THE COURT :

I agree that seeing the word is regarded in such a light, that it should not be used. I don't think the witness intended to be offensive. I don't think that is the case.

JACOB FRANCOIS BURGER, under former oath;

EXAMINATION BY P.P. CONTINUED :

Did you make a report to your superior officers? ---
Ja, ek het die kantore, verskillende polisiestasies telefonies in verbinding getree.

You spoke of stones that were thrown at the building?

--- Ja.

Was anything else done to the building? --- Die kaartjieskantoor - terwyl ek die klerk gesê het om sy geld weg te sluit en om uit te kom, op daardie stadiums was bottels paraffien gevolg deur brandende poetskantoen in die kantoor binne gegooi.

Did that have any affect? --- Ja, dit het onmiddellik begin brand en ek was verplig gewees om dit te vat en uit te gooi en verskillende krane in die gebou oop te draai om brand te voorkom.

How many shots in all did you fire that afternoon? --- Van die begin van die moeilikheid tot tyd en wyl die polisie opgedaag het, een-en-twintig skote.

When did the re-inforcements arrive? --- Ongeveer vyftig minute na die uitbreek van die moeilikheid.

Did the officers then take over? --- Dis reg.

Did you take any further part after they had arrived? --- Ek het gebly op die toneel en verdere aandag gegee.

Did you remain there until the stone throwing came to an end/^{and}the crowds dispersed? --- Dit is reg.

Do you remember how the two persons that you arrested were dressed? --- Ek kan onthou hulle was in sport klere geklee.

Was there anything distinctive about the dress? --- Ja, hulle het die African National Congress rosette aangehad.

Anything else? Did they wear anything on their arms? --- Ja, die kleinste een van die twee het 'n band om die arm gehad.

What type of band? --- Dit is ook die band van die African National Congress, was hulle gewoonlik dra.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION RESERVED.

BY THE P.P. :

I may say that the next few witnesses will give evidence about the boycott of their businesses in East London and Port Elizabeth.

AUSTIN WILLIAM WEBB, duly sworn;

EXAMINED BY THE P.P. :

Do you live at 15 Albany Street, East London? --- I do.

Are you in charge of the Farmers' Supply Butchery in East London? --- I am, Farmers' Meat Supply, a retail butcher shop.

And do you carry on business at No. 3, Caxton Street, East London? --- I do.

On the 12th February, 1954, did you receive a letter from the African National Congress in East London? --- Yes.

Was it addressed to the Manager, Farmers' Supply Butchery, 3 Caxton Street? --- Farmers' Meat Supply.

Was it signed by somebody on behalf of - or as Assistant Secretary, African National Congress, East London Branch? --- Yes.

Is this the letter that you received? This will be EXHIBIT G. 984? --- That is the letter.

Will you read that letter? --- Will somebody read it, I've got the wrong glasses on.

(P.P. reads letter) : "We wish to advise your butchery that the African people are dissatisfied with the treatment they receive when buying at your butchery. Consequently they will cease to buy from your butchery unless (a) proper treatment is accorded them as customers; (b) they can buy according to their choice; (c) their purchasing power is duly recognised; (d) good employment opportunities are made available for Africans. We shall expect your answer within three days from today." And did you reply to that letter? --- No.

And did the Africans continue buying from your shop or not? --- Yes, they continued buying, it made no difference.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

Tell me, Mr. Webb, when did you first realise that you were going to give evidence in these proceedings? --- About a couple of months ago, and I said I had no statement to make because I wasn't boycotted by the Natives.

You said that you were not boycotted? --- No. And I tried to get out of making a statement altogether, but they eventually came and said I had to make a statement.

And you made a statement to that effect? --- To the effect that they didn't boycott me.

You came a long way to tell us that, Mr. Webb? --- I told them that in East London.

Do you employ any Africans? --- Yes.

In your business? --- Yes.

Do you pay a what you might call standard wages? --- Standard rate of wage.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. SLOVO :

Mr. Webb, I take it that as a business man, that you heard - it must have been around 1952 or 1953, of the big movement which was on foot at that stage to boycott Indian shops by certain circles amongst the Europeans? You heard of that? --- Yes.

Do you know much about that? --- Nothing.

Do you know whether any of the gentlemen concerned were ever prosecuted arising out of their organised boycott of Indian shops? --- No.

NO FURTHER QUESTIONS.

HILL CHARLES COCKCROFT, duly sworn;

EXAMINED BY THE P.P. :

Do you reside at No. 10 Richard Street, Sidwell, Port Elizabeth? --- I do.

Do you carry on a butchery at Veeplaas, Port Elizabeth district? --- I did.

During 1954? --- Yes.

What races - members of what races did your customers consist of? --- Mostly Coloureds and Natives. There were Europeans as well.

Do you know an organisation known as the African National Congress? --- Yes, I received a letter from them.

Did you ever have anything to do with that organisation? - Sorry. When did you receive that letter? --- The early part of February, 1954.

What was the effect of the letter? --- Telling me that I had to employ an African in my business and pay him or her at least £1 per day, otherwise further steps would be taken to boycott my business.

Did you respond to this request? --- I wrote a letter to the address that was given in that letter and told them that I considered it an unwarranted interference with me in the running of my business and that I could not accede to their request and that should there be any damage to my property or any other effects to my property in connection with this, I would hold the African National Congress responsible for it.

To which Branch of the African National Congress did you address your letter? --- It was the Veeplaas Branch, the local branch.

Did you address it to any person? --- To the Secretary.

Did any change come about in your business? --- They started to boycott my business. They placed pickets.

How long after the receipt of this letter? --- It was approximately two weeks later.

You say they placed pickets? --- Yes.

How do you know? --- At one stage the two that were there had bush-shirts on..

Are you referring to the pickets? --- Yes. And they had the A.N.C. rosettes on.

What did they do at your shop? --- They prevented people buying, coming down to the shop, and stopped them as they went away. Also there was a riot at my place on two occasions - not quite a riot, what I should really describe as a march en masse - a procession.

There was a procession? --- Yes, to the butchery itself.

A procession by whom? --- Of the A.N.C. members.

Did they actually reach your shop? --- They were told to disperse by the police, and they dispersed on the first occasion.

Yes? --- And on the second occasion they had to be forcibly dispersed by the police. That was a Saturday afternoon.

How long did this boycott last? --- The actual picketing never lasted very long, but there was a lot of - they went around to the customers and said to the customers if they came down and purchased.

BY THE COURT :

How long did the picketting last, did you say? --- The picketting lasted not more than a few weeks.

BY THE P.P. :

My question was how long did the boycott last? --- The boycott itself - I cannot state when that stopped. As far as I know it never stopped.

Was it a matter of weeks or months?

BY THE COURT :

He said the picketing lasted about two or three weeks, did you say? --- Yes, but the business never picked up after that and eventually I had to close down.

BY THE P.P. :

During 1954 or later? --- During the beginning of 1956.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

Tell me, Mr. Cockroft, what were the complaints that were set out in this letter you received? --- There was no complaints. They merely stated that as I 'derived my benefit' - those are the actual words of the letter of which the police are in possession of a photostatic copy - as I 'derived my benefit' from Africans, I had to employ an African and pay him or her at least £1 per day.

BY THE COURT :

Did you say there is a photostatic copy of this letter in possession of the police? --- Yes.

BY MR. COAKER :

Where is the original? --- The original I cannot state. This business happened a few years ago, and I saw no reason really for keeping it and I can't say where it is today. It is quite possible that it is amongst a lot of papers I destroyed, and it is also quite possible that it may be in my possession.

You haven't made any search for it? ---No.

When you were subpoenaed to come and give evidence here, was it not suggested in your subpoena that you should bring the letter with you? --- I was not at home on Thursday afternoon, and I was told I must be on the train Saturday afternoon, and I had to prepare for the trip and everything, and there was just no time. I only arrived home on Thursday

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