

question or are you making a statement? --- I don't know what month this is.

When did you first make a statement to the police or to the Crown Prosecutor about the evidence that you gave yesterday in connection with the Evaton Bus boycott? --- I had already arrived here, I don't know what day it was.

A few days ago? --- Yes.

You were brought up hereby the police? --- Do you mean from there?

From Natal? --- The police took me to Durban station, I came alone and I met the police here at Park Station.

And after that you made a statement describing these events? --- When I was questioned, I explained.

Is that within the last week? --- No.

How many days have you been in Johannesburg? --- I arrived Monday night here in Johannesburg.

And after that you made your statement? --- That is so.

Now you say you were questioned, who questioned you? --- I do not know this person's name, but he asked me questions about all this.

How many people were there when you were questioned? --- The interpreter and that person.

And have you seen that person again since then? --- I don't see him, I have never seen him.

Since then? --- Since that day.

Do you know Mr. Zimmerman of the Evaton Passenger Service, the bus company? --- I said I know him.

Have you seen him since you have been in Johannesburg this time? --- Yes.

Where? --- I saw him where I was questioned.

Was he present when you were questioned? --- He was present.

Did he put any of the questions to you? --- After the interpreter had left, he interpreted.

While you were still making your statement? --- Yes.

He put the questions to you and you gave your answers to him? --- Yes.

Did he assist you in making out your answers? --- He did not assist me.

Where are you staying at the present moment? --- I feel that Counsel should not feel upset. I do not want to answer the question, because I am afraid that if I disclose the place where I stay at the present moment, the Russian people might go and kill me there.

Have you not brought your battle axe with you?

BY THE COURT :

I don't know that that is entirely called for. If the man is afraid of being killed, one doesn't know whether there is any grounds for his fears, he may have grounds for his fears, I don't know.

BY MR. COAKER :

I shan't insist on an answer to that question. Let me put the question to you in this way, and again if you don't wish to answer it, please tell His Worship. Are you staying amongst private people or are you staying in a place which is in the charge of the police? ----I am staying with private people.

And have you had any assistance with regard to the place where you are staying with regard to the bus company, the Evaton Passenger Service? --- No.

I take it that the expenses involved in your journey, up to Johannesburg, have been paid for you? --- No, they have not been paid.

You expect that they will be? --- I am a prisoner, they take me here and there, I don't know whether I'll be paid or not.

I am wondering, Your Worship, in the light of evidence that has emerged from this witness, whether my learned friend has considered the question as to whether he ought not to make available to the defence the statement made by this witness. I would be glad if my learned friend would consider that matter and indicate his attitude.

BY THE P.P. :

I am not prepared to disclose the contents of that statement.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION :

(J. Mejoane - Int. Xosa-Eng.)

DANIEL MAGXAKI, duly sworn;

P.P. ADDRESSES COURT :

This is the witness who gave evidence on Monday (22.7.57) There was a request from the Defence to let this Witness stand over until further evidence was led by the Crown to connect a person by the name of Bonakela. That evidence has not been forthcoming, and it has now been arranged with the Defence, in view of the fact that the man is blind, to deal with the man on the assumption that that further evidence will be forthcoming, so that he could be discharged and go back to his home in Port Elizabeth.

CROSS-EXAMINED BY MR. COAKER :

Daniel, I believe your sight is very bad? --- That is correct.

Are you completely blind? --- I see very little, I can't do anything.

Can you see the interpreter's face now? --- I can see the interpreter's face, but if I meet the interpreter tomorrow, I wouldn't be able to identify him.

In fact you can't recognise people when you see them

because of the condition of your sight? --- That is correct.

How long have you been virtually blind? --- It is ten years that I am blind.

Since about 1947? --- Since 1946.

Where do you live, Daniel? --- Veeplaas, in the Cape.

Do you live at a location there? --- No, we are outside.

In what house do you live? --- We live in our own houses that we built for ourselves.

Who else lives there? --- My mother, my brother, his wife and their children.

How many rooms have you got in your house? --- There are three rooms in this house.

Do you and your mother live in the same room or different rooms? When I say live, I mean sleep? Do you and your mother sleep in the same room or in different rooms? --- My mother sleeps in her own room with the children, and I also sleep in my own room.

They are different rooms? They are not the same room? --- They are different rooms, they are not one room.

During the day what do you do? Do you get up and go outside or what? --- I do no work at all. I just sit outside.

You go out and sit in the sun? --- Yes.

Has your mother been in bed for a long time? --- Yes, because of ill health.

For some years? --- No, it is not years that she has been in bed.

In 1954 was she mostly in bed or was she up and about? --- No, she was walking. She was not lying in bed.

Who is Bonakela Kekana? --- He is one young man from the Qixas.

Is that another locality? --- Yes, it is another locality, and they also have houses there.

You say he is a young man? --- Yes.

Almost a boy, would you call him a youth? --- He is a young man.

Would you say he is 25, 20? --- He possibly would be 30 years of age.

That is your guess? --- Yes.

How many times have you seen this young man? --- He is not very far. I see him now and again.

Now you gave given evidence that in 1954 this young man came to your mother's house and threatened her? --- Yes.

Will you tell His Worship what it was that this man Kekana said to your mother? --- He quarrelled with my mother over children that were being taken to school.

Is that all you can remember about what he said? --- He then said that if you continue taking children to school, you'll burn like that Church of England.

You remember the Church of England at Veeplaats being burnt? --- Yes.

Was this by day or by night. This conversation, did it take place by day or by night? --- During the day.

Was your mother at that time in bed? --- No.

Where was she? --- She was inside the house. She was busy working.

And were you sitting in the sun? --- I was also inside the house.

Did you yourself hear these words? --- I heard the conversation with my own ears.

And you heard the quarrel, did you? --- I heard the quarrel between them.

Did this man Kekana become very angry? --- Yes.

Did he raise his voice and shout? --- He raised his voice, spoke loudly and walked out through the door.

Did your mother also become angry? --- My mother was also very angry.

Did she make any threats towards Kekana? --- No.

What did she say to him when she was angry? --- She said 'Leave this place, I don't want to see you here'.

And he left? --- Yes. I then said to my mother, let us go to the Sergeant now at Redhouse.

And you went, did you? --- Yes.

Did the Sergeant warn this man Kekana, do you know? Or charge him? ---The Sergeant never spoke to Kekana, and Kekana was never arrested.

So far as you know, to this day he has never been arrested? --- Up to this day, as far as I know, Kekana was never arrested.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. SLOVO :

Was this the first time you had had trouble with this Kekana? --- Yes.

Since that day of the trouble, have you seen him? --- Yes.

Where, at your house? --- He came to our house again.

How many times? --- He came again the second time and he spoke something else.

I don't want to know what he spoke, I want to know did he used to visit you thereafter often? --- No, he only visited me over quarrels.

Have you quarrelled with his family at all? --- No.

Do you know his family? --- I only know him alone.

When did you get to know him for the first time? --- I know him for a long time, when he was still a young boy.

Are you the oldest child of your mother, or the youngest? --- The oldest.

The youngest child, how old is he? --- The youngest James was born in 1911.

Has your mother still got her eyesight? --- She does

see, but not very well.

Better than you, or is she the same as you? --- I cannot say whether we are the same or perhaps she is better than me.

When you are in her presence, does she recognise you by your voice? --- Yes, my mother recognises me through my voice.

And do you recognise your mother through her voice?
--- That is correct.

That is how you recognise people, through their voices?
--- That is correct.

I take it that your mother - are you certain, by the way, that at the time when this conversation took place, there were only you, your mother and this man Kekana? --- It was myself, my mother and Kekana. And of course there were children in the house, but they took no notice of the conversation.

They didn't take part in this conversation? --- No.

Did your mother speak to you about this conversation after Kekana had left? --- Yes, my mother did speak to me about it.

What did she tell you about it? --- She said to me, what do you think about what this man has said. The I suggested to her that we go to Redhouse.

Did she tell you all - or repeat to you what the man had said? --- No, I was in the house, I heard.

Your mother, when she has to move around the location, or at that time, could she move about the location by herself? About the area outside the house? --- Yes, she could move about outside.

Did she have to be guided by another person? --- No.

When did she become blind? You told the Court earlier that your mother recognises you by your voice? --- Yes.

And other people, how does she recognise them? --- I do not know how she recognises these other people, but she knows.

How did you go to Redhouse with your mother? How did you get to Redhouse? --- We both went to Redhouse. We were walking at the time, and she was holding me.

Did you walk all the way? --- Yes, we did.

And back? --- When we came back, the Sergeant put us into a motor car.

I believe that Redhouse is about three or four miles from Veeplaats? --- It is about a mile and a half.

And your mother, who was then over a hundred, walked all the way with you. Nobody helped you? --- Yes.

Do you get a pension? --- Yes.

When did you start getting a pension? --- Since 1946.

And have you continued getting that pension? --- Yes.

How much? --- I get £3 in sixty days.

Is that ever since 1946? --- Yes, since 1946.

Could you just explain to His Worship whether any of your mother's children were at school at that time? --- Yes.

Your mother's children, that means your brothers or your sisters? --- My brother's children.

No, any of your brothers or sisters, were they at school at that time? When the statement was alleged to have been made, at the time of this conversation with Kekane? --- The children were at home, in the house.

No, your brothers and sisters, were they attending school when Kekane had this conversation with your mother? Your own brothers and sisters? --- They were at work.

Was your mother at that time taking any children to school? Any children? --- Yes.

How was she taking them to school? --- She used to take the children half way. The school is not very far, and then

she came back home.

At that time when she used to take children to school, could she see? --- She can see as far as she can see.

How far is that, as far as you know? --- I am unable to say.

RE-EXAMINED BY THE P.P. :

Do you know how your mother recognises you? Can you say how your mother recognises you? --- Yes, I can. She knows me through my voice and she can also see that here I am.

When she took these children half way to school, did anybody lead her? --- No.

BY THE COURT :

You have told the Court that Kekane threatened that your mother would be burnt like the Church of England. That is what you said? --- Yes.

At that time, when this threat was made, did you know of any Church that had been burnt? --- Yes, there was a Church at Veeplaats.

And how long before this conversation did the burning of the Church take place? --- I am not very certain how many days passed.

Was it some days, or weeks, or months? --- About a month and one week.

NO FURTHER QUESTIONS.

(Int. J. Mejoana - Xosa-Eng.)

LAMPO FANA SIMANI, duly sworn; (School boycott, Peddie area)

EXAMINED BY THE P.P. :

Are you residing at Qeto Msutu's Location, district of Peddie? --- Yes.

Do you know a person by the name of Solomon Nongubo? --- Yes, I know him.

Do you know whether or not he was a member of the

African National Congress? --- I know that he was a Secretary in the Committee of the Congress.

What Branch? --- He was the Secretary of the Committee.

At Peddie or where? --- At Ngwashwa.

Is that in Peddie district? --- Yes.

Will you tell the Court of what Committee this man is Secretary? --- A Committee of the Congress.

What people would attend a meeting where this man is Secretary? --- All the people of the Ngwashwa committee.

Now the place Ngwashwa, is there one branch of the African National Congress, or is there more than one branch of the African National Congress? --- One branch,

How many branches are there in the Peddie area? --- There is quite a lot of them, one at Matomela, one at Qualela.,

I just want to know the number, not the names? --- There are about ten, I am not sure.

Did these various Committees meet in one body? --- Sometimes after a year, all the Committees meet, but they work at different places.

But do they meet together in one room, one hall? --- They meet in a house.

All the Committees together? --- Yes.

Did you see Solomon Nongubo at any of those meetings? --- Yes, he was there, he was the Secretary.

Do you know a person by the name of...

BY THE COURT :

How do you know that Solomon attended these meetings? --- I am the chairman, and he is my secretary.

You are the chairman of which committee? --- When the Committees have all met together, I am the chairman.

And Nongobo? --- He is then the Secretary.

BY THE P.P. :

Do you know a person by the name of James Magutywa? ---

I know him.

Do you know whether he was a member of the African National Congress? --- Yes.

Do you remember the time of the school boycott - when it started? In the Peddie area? --- I remember the school boycott.

At that time - in relation to that time of the school boycott, when was Solomon Nongubo your Secretary? --- He was not the Secretary of the school boycott.

BY THE COURT :

Over what period was he a member of the A.N.C.? --- Do you mean Solomon?

BY THE P.P. :

I was trying to fix the date of Solomon. Over what period was Solomon the Secretary? --- For a short period. I was also a member for a short period.

When was that? --- 1954, 1953 and 1952.

Do you remember when the school boycott started in the Peddie area? ---- I don't know.

You don't know what date? --- I know nothing about the school business.

Have you seen that children did not go to school in the Peddie area? --- Yes I did.

In relation to that time when the children did not go to school, at that time, who was the Secretary of these Committees? --- That meeting that was convened about the boycotting of the school, was held outside.

I am not talking about the meeting of the school boycott, I am trying - at the time of the school boycott, at the time when the children did not go to school, who was the Secretary of these Congress Committees. At the time when the children did not go to school, do you know who was the Secretary of the Congress Committees? --- I say the Secretary of

the Congress was Solomon, and I was the chairman.

At that time, the same time, do you know whether James Magutywa was a member of the African National Congress? --- He was a member of the Congress.

Do you know a person by the name of Enoch Mfecana, also known as Honono Mfecana? --- Yes.

Do you know whether at that time he was a member of the Congress? I am referring to the time that the children did not go to school? --- Yes, at the time of the school boycott Enoch Mfecana was a member of the African National Congress.

Do you know whether he held any position in the Congress? --- He was a member of a Committee.

Do you know what Committee? --- Committee of the Congress.

Do you know what branch? --- The same Congress that we were in.

Yes, that is right, the same Congress, but was he in the same branch as you were? --- Yes.

Do you know a person by the name of Mbangi Mtanga? --- Yes, I know him.

Do you know whether he was at that time a member of the African National Congress? --- Yes, I know he was a member of the Congress.

Do you know whether he held any position in the Congress? --- He was a member of the Congress.

Do you know what position he held in the Congress? --- He was just an ordinary member, like other members.

Do you know a person by the name of Tembeni Mphala --- I know Tembeni Mphala.

Do you know at that time if he was a member of the African National Congress? --- Yes, he was a member of the Congress.

Do you know whether he held any position in Congress? ---

He was a chairman of the Committee composed of himself and two others. They were only three.

What do you call this Committee? --- That Committee looks after all the other Committees.

Do you know a person by the name of Mpopose Woje, of Jagi? --- Yes, I know him.

Do you know whether he was a member of the African National Congress at that time? --- Yes.

Do you know whether he held any position in Congress? --- He held no position, he was just a member.

Do you know Potyo Simane? --- Yes, I know him.

Do you know at that time whether he was a member of the African National Congress? --- He was only a member of the Congress. He was not a member of a Committee.

Do you know a person by the name of Mavavana of Jagi? --- I know Mavavana.

At that time do you know whether he was a member of the African National Congress? --- Yes.

Do you know a person by the name of Bonisile Mteto? --- I know him, but I don't know that he was anything in the Congress.

Do you know a person by the name of Makwenkwe Ntomehlo? --- I know him, but I do not know that he is anything in the Congress.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

COURT RESUMES.

MR. COAKER ADDRESSES COURT :

Accused No. 20, Leon Levy granted leave of absence this afternoon. Mary Rantha, Accused No. 62, granted leave of absence and a Medical Certificate relating to her handed in.

LAMPO FANA SIMANI, under former oath;

CROSS-EXAMINED BY MR. SLOVO :

Mr. Simane, how old are you? --- I am 73 years of age.
How long have you been living in Peddie? --- I was born there.

All your life. I take it you are aware that the residents of the different areas in Peddie have Resident's Committees? --- That is so.

And the chairman of the Resident's Committee is called the chairman - I'll put it this way - i Chairman Yomzi? Did you hold that position? --- I was the chairman of the Congress.

During the course of your evidence, you told the Court that as far as you are concerned, you don't know anything about the boycott as far as Congress is concerned? --- I am not the chairman of the school, I am the chairman of the Congress.

And you said something about the question of the school and the school boycott, that decision was taken somewhere else? --- Yes, that is correct.

It had nothing to do with Congress as far as you know? --- The people of the Congress and the school agreed on their meetings.

But you said the decision in relation to the...

BY THE COURT :

What do you mean that the people of the Congress and the school agreed on their meetings? --- I mean some of the people of the Congress are also with the people in the school.

BY MR. SLOVO :

As far as your position is concerned when you were chairman of the Congress Committee, I understood you to say that during that period, the question of the boycott was decided somewhere else? --- They held this meeting very far away.

And not your Committee of which you were chairman of

Congress? --- The Congress was one side, the people of the school boycott were also away from the Congress.

That is as far as you know? --- Yes.

Now you were chairman of Congress, I think you said up to 1954, 1953, 1952? --- That is correct.

I take it that was the end of your association with Congress? --- Yes.

NO FURTHER QUESTIONS.

BY THE COURT :

I just want to get this clear. You say you were chairman of the Congress, of your branch, up to 1954? --- That is correct.

You mean you ceased to be chairman before the school boycott started? --- I know very little about this boycott business. I was a member of the Congress, and I was only interested in Congress.

You know that there was a school boycott? --- Yes.

Did you stop being a chairman of the Congress before the boycott started, or when did you stop? --- He left the chairmanship of Congress during the year 1955. In fact, he says, he was arrested and then he ceased to be a member of the Congress.

For what were you arrested then? --- I was arrested for the Congress.

My question was merely this. Were you - did you cease to be a chairman of Congress before or after the boycott started? --- No, I don't know much about this boycott. I think I left when children were being stopped from going to school.

What year was that? --- You mean when the children were stopped from going to school?

Or when you ceased to be chairman of the Congress? --- I ceased to be chairman of the Congress in 1955.

Can you remember what month it was? --- It was in December month.

CROSS-EXAMINED BY MR. COAKER :

Did you say to His Worship, that as chairman of the Congress, you know nothing about or you knew nothing about the school boycott? --- I didn't actually say that. I knew that they were being stopped, but I had nothing to do with that.

BY THE COURT :

You mean that you were not associated with the boycott?

--- No.

BY MR. COAKER :

So far as you were concerned, your branch at any rate, of the Congress, had nothing to do with this boycott? --- I don't know. Perhaps my members can say that, I know nothing about it.

As far as you personally are concerned? --- Personally I had no hand in this whole matter.

While you were chairman, did you attend all the Committee meetings? --- You mean the Committee of the Congress?

The Committee of the branch of which you were chairman?

--- I was the chairman of the Congress.

Were you a member of the branch of the Congress? ---

I am the chairman of the Committee of the Congress.

Which committee? Where? --- This Congress met in a house.

How many times? --- Sometimes once a year. Not regular.

In your capacity as chairman, have you only presided and been present at about three or four meetings in all? --- I only remember presiding over two meetings.

In what years were those two meetings? --- I don't remember.

Are those the only meetings of the African National Congress to which you have ever been? --- Yes.

You did not pay any subscriptions? --- I did pay out some money.

On how many occasions? Two or three occasions? ---
Once a year.

BY THE COURT :

What did he pay this money for? --- Money for the
Congress. I took out money for the Congress once a year.

Money from where? --- From the _____ of Congress.
These are subscriptions.

The question was whether you paid any subscriptions to
the A.N.C.? --- Yes, I had.

BY MR. COAKER :

And at these meetings at which you were present, there
was no discussion about a school boycott? --- No, we never
discussed any school boycott.

And is it possible that the last of these meetings that
you attended may have been in about 1954? --- I am not sure,
but I know I attended two meetings.

You are not sure when the last one was? --- I don't know.

NO FURTHER QUESTIONS.

(J. Mejoane Int. Xosa-Eng.)

JEREMIAH MSUTU, duly sworn;

EXAMINED BY THE P.P. :

Do you reside in Msutu's Location, district of Peddie?
--- Yes.

Are you the officially appointed headman of that
location? --- Yes.

Do you know a person by the name of Mbangi Mtanga? ---
Yes.

Do you remember when - do you remember the time when
the children started not going to school? --- Yes.

During that time, were you a member of the African
National Congress? --- No.

Did anybody come to your house to ask you to join the
Congress? --- Yes.

Who was that person? --- Mbangi Mtanga.

Can you remember more or less when that was? --- Before the schools were burnt out.

But in relation to the start of the school boycott.- How long before the schools were burnt out? --- About two to three months before the schools were burnt out.

Do you know a person by the name of Robert Mgaxati? --- Yes, I do.

Do you know whether he is a member of the African National Congress? --- I don't know.

Did you ever see people going or coming from an African National Congress meeting? --- I saw them go and come from this meeting of the Congress.

Did you at any time see this person going to or coming from such a meeting? --- Which person.

Robert Mgaxati? --- This meeting was held in his house.

In whose house? --- This meeting of the Congress was held in his house.

What did you see after the meeting?--- I saw the people that came from this meeting the next day.

Do you know...? --- They went to this meeting towards sunset and I saw them the next day come from this meeting.

Was he alone when you saw him - no. Did you see him coming from this meeting? --- Who is him?

RobertM --- I saw Robert when these people assembled there and I also saw him the next day at his house.

Do you know a man by the name of Finxo Sogokomashe? --- Yes, I know him.

Do you know whether he is a member of Congress? --- I don't know that.

Did you see him at any time going to or coming from a meeting? --- Yes.

When? On what occasion? --- I saw him the same morning when I saw the others come from Robert's house.

BY THE COURT :

Where did you see this man? --- I met him along the road. He was from Robert's house.

BY THE P.P. :

Do you know whether Robert had any children of school going age? --- He had children attending school, and he took them out.

Do you know when he took them out? --- He took the children out at the time of the boycott.

And Mbangi Mtanga, has he got children of school going age? --- No.

And Finxo Sogokomashe? --- No, he has no children.

Do you know a man by the name of Potyo Simani? --- Yes, I know him.

Do you know whether he is a member of Congress? --- Yes.

How do you know that? --- I saw him come from this meeting and also from a school boycott meeting.

Where was this school boycott meeting held? --- It was held in the open veld.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER :

I take it that you have never attended a meeting of Congress? --- No.

And you have never attended a meeting at the house of Robert Mgaxati? --- No.

So you know nothing, of your own knowledge, about what may have been discussed at such a meeting? --- Of my own knowledge, I cannot say what was discussed at this meeting.

Who told you that it was a meeting of the African National Congress? --- I was told by someone who was collecting money.

Who was this? --- Raymond.

BY THE COURT :

What was he collecting money for? --- Money for food.
For himself? --- To cook for these people at the
Congress.

BY MR. COAKER :

Were you present at this school boycott meeting that
was held in the open veld? --- No.

Of your own knowledge then, you do not know what was
discussed at that meeting? --- I don't know from my own know-
ledge what was discussed, because I did not attend.

These people, Sogokomashe and Simani, do they live in
your location or not? --- Who are these people you are refer-
ring to?

I wish I knew. One Finxo Sogokomashe? --- Yes, he lives
in my location.

And Potyo? --- He does not live in my location.

Do you know Potyo? --- Yes.

Is he a friend of yours? --- No.

You mean you can recognise him if you see him? --- Yes,
I can.

And that is about all? --- That is all.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(Int. J. Mejoane - Xosa-Eng.)

PETRUS SONDI, duly sworn;

(19-20.3.55)

EXAMINED BY THE P.P. :

Are you a Native Detective Sergeant, South African
Police, stationed at Alice? --- Correct.

And on the 19th-20th March, 1955, did you attend a
Regional Conference of the African National Congress held in
the Municipal Location at Adelaide, in the Cape Province? ---
That is correct.

Did you notice various persons at this Conference? ---

Yes, I did.

Were you actually inside this place where they held the Conference? --- The meeting was held in the Wesleyan Church.

Were you inside when the meeting was held, when a portion of the meeting was held? --- I was also inside this place.

Who was the Chairman of that meeting? --- The Chairman of that meeting was Professor Matthews, but he asked someone to act on his behalf.

Were you present when that was said? Was that said in the Hall? --- That was said in the Hall in my presence.

Can you identify Professor Matthews? --- Yes, I can.
(Witness identifies Accused No. 109, Professor Z. K. Matthews).

Do you know a certain person by the name of Solomon Nongubo? --- Yes, I know him, but he is not here.

Where did you see him? --- He was also in that meeting.

Do you know what his position is? --- He opened the meeting with a prayer.

Solomon Nongubo? --- Yes.

Do you know where he came from? --- He was from Ngqushwa, Peddie.

Is that an area? --- That is in Peddie.

Do you know whether he belonged to a particular location? --- No, I have forgotten that.

Did you take notes at that meeting? --- I did take notes at that meeting, and I have already read them here.

Can you recollect more or less when you read those notes about the meeting in this Court? --- I don't remember the date, but it is the last time I gave evidence in the box.

Were you at one time stationed in Port Elizabeth? --- Yes.

Were you then a Constable in the C.I.D. stationed at

the New Law Courts, Port Elizabeth? --- Yes.

And were you - where were you staying at the time? ---
I was living at 44 Gqamlana Street.

Where is that? --- New Brighton.

Do you know the Native Detective Sogoni? --- Yes.

Where did he live at that time? --- He also lived at
Gqamlana.

How far away from your house? --- It was the fifth
house from my house.

Do you recollect an occasion when persons came to your
house to look for Sogoni? --- The back door was broken open.

When was that? --- It was in the evening at about 7.

What date? --- I don't remember the date, but it is the
day when the Rio Bioscope was burnt out.

What year? --- If I am not mistaken, it is 1952.

You say your back door was smashed? --- Yes.

And what happened when your back door was smashed? ---
I think about twenty people got into the house.

What did they do to you? --- It was said, here he is,
and I was taken away.

What did they do with you? --- I was carried out of the
house.

Yes? --- And I was taken to a street where I found a
number of people. I was placed beneath an electric pole.
One of these people said : This is not Sogoni.

How did they refer to him, to Segoni? --- They said I
am not Sogoni.

Did they say anything about Segoni? --- They asked me
where does Segoni live? This man who is a spy in the Congress.

Did you tell them? --- I told them that I am not looking
after this Segoni.

And what did they do to you? --- Someone kicked me and
said I should return back to my house.

Now, on the 30th September, 1956, did you attend a Regional African National Conference held at Port Alfred? --- Yes, I did.

Whom did you see there? --- I saw a number of people there and Stanley Kaba was also there.

Where is he from? --- He comes - he lives at Grahamstown.

Do you know whether he holds any particular position in the African National Congress? --- He is a secretary of the Congress at Grahamstown - of that region.

What did he do at the Regional Conference at Port Alfred? --- He made a speech and there were also C.O.P. papers taken out.

What position did he take up in the Hall where the Conference was held? --- No, it was in the veld.

Where about was he standing or sitting? --- He was sitting in front, behind the table.

NO FURTHER QUESTIONS.

(The meeting at Adelaide, this witness' evidence was led on the 27th June, 1957).

CROSS-EXAMINED BY MR. SLOVO :

How old are you? --- I am 45 years of age.

When were you first assaulted in your life? --- A number of times.

Let us hear all about it. The first time you were assaulted? --- When I was still a young boy, I was assaulted a number of times.

In the 1920's? --- Between the nineteens and the twenties.

You tell his Worship about it. Tell us all about it? --- When do you mean.

You were assaulted, I don't know when it was. You tell me when? Were you assaulted in the 1920's as far as your memory serves you? --- I said I was long assaulted.

In the 1930's? Or later? --- Except this last occasion in 1952.

Were you never assaulted before then? --- I was assaulted.

When was that? --- In 1944.

Tell us about that occasion? --- I arrested someone at South End, Port Elizabeth.

And he assaulted you? --- Coloureds came up to me, and ran away, and they threw stones at me.

As far as your memory serves you, did you thereafter give evidence against those people in the treason trial? --- Do you mean those two?

No, those coloureds who assaulted you? --- No, I never did.

These people who assaulted you in 1952, are any of them in this Court? --- They are not amongst the Accused.

Where are they? --- I don't know.

Do you know who they are at all? --- No, I did not know them, it was the first time I saw them.

You don't know who they are? --- No.

Never saw them since? --- I never met them again.

Now you must be able to help. You are a member of the Special Branch, aren't you? --- Yes.

You might be able to help me, because I am extremely puzzled. When you came into this box, did you know you were going to give evidence about the assault in 1952? --- I did not know that I had to give evidence about that.

Isn't it strange that the Prosecutor spoke to you about this incident concerned with people whom you have never seen since? --- I wouldn't be surprised, because he spoke about something I knew.

But didn't you think to yourself, what has it got to do with anything I am giving evidence about in connection with this case? --- No, I didn't think about that.

Didn't you think about it at all? --- No.

You have been asked to point out, or whether you knew a man by the name of Solomon Nongubo? --- I was asked if I knew him.

You said you knew him? --- Yes, I know him.

Do you know where this person is? --- I don't know where he is at the moment, but I know he lives at Peddie, at Ngqushwa.

MR. SLOVO OBJECTS.

OBJECTION OVERRULED.

CROSS-EXAMINED BY MR. COAKER :

At this Regional Conference at Adelaide - the Regional Conference of the African National Congress at Adelaide, about which you have given evidence, you remember? --- I remember.

It was said in your presence that Professor Matthews wished some one else to act in his place as chairman, is that right? --- Correct.

Who said that? --- Professor Matthews himself.

Did he remain for the rest of the Congress or did he then leave? --- He remained at the Conference.

You have also spoken of one Solomon Nongubo, is he a minister of religion? --- I don't know.

So far as you know, if Solomon Nongubo had committed any offence, there would be no difficulty in finding him and bringing him here now? --- Do you mean I might be able to trace him, where he is?

Yes? --- Yes, I know where he lives.

You could trace him without any difficulty? --- I can trace him easily.

I imagine that you have been to a very great number of meetings of the African National Congress? --- I attended quite a number of meetings of the African National Congress.

Have you attended a large number of meetings of the African National Congress in Port Elizabeth? --- No, only a

few, at Port Elizabeth.

Tell me about this meeting at Port Alfred that was held in the veld? --- Yes.

Were you also in the veld? --- Yes.

Was this the meeting of which you have given other evidence in this Court? --- Yes.

Did you hand in any notes relating to it? --- Yes, we took notes.

Have they been handed in to this Court? --- I have not read those notes out.

NO FURTHER QUESTIONS.

NO RE-EXAMINATION.

(J. Mejoana Int. Xosa-Eng.)

CORNELIUS MADLINGOZI, duly sworn, recalled;

EXAMINED BY THE P.P. :

Do you remember giving evidence in this Court on Monday, the 22nd? --- Yes.

Did you assume principal - did you assume duties as principal of the Logiko School in Jagi Location in January, 1955, that is in the district of Peddie? --- Correct.

And when you got there did you see a person to whom you had been referred to whenever you have any difficulty with the school? --- Correct.

Who is that person? --- Solomon Nongubo.

Sometime after you started being principal of that school, did you see Solomon again at your school one day? --- Yes, I did.

Was he alone? --- He was accompanied by some one else.

Do you know who the some one else was? --- Yes.

Who was he? --- D. Mavavana.

Did they say anything to you? --- They told me that they were going to boycott this school.

When was that? Do you remember the date or the month? --- It was on the 8th September, 1955.

Do you remember the day when you had trouble at the school when the persons came to your school? --- Yes.

Did you send for Solomon Nongubo? --- Correct.

Did he come to the school? --- Yes.

Were these people still at the school when he arrived there? --- When he arrived at the school, these people were still at the school.

What did you - you sent for him and he came. What did you tell him? --- I said to him that here are people, they want to take the keys.

What did he say? --- He said if they want the keys, they can take them, because the pupils don't even come to school.

If who wants the keys? --- He said, when the Volunteers want the keys, they should have them.

NO FURTHER QUESTIONS.

MR. COAKER :

Your Worship, I am not going to ask this witness any questions. None of the persons concerned are before the Court and I can't obtain any instructions on the matter and without arguing the matter, I formally record my objection to the admissibility of this evidence.

MR. SLOVO : I make a similar objection.

COURT ADJOURNS.

CASE REMANDED TO 29TH JULY, 1957.

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COURT RESUMES 29TH JULY, 1957.

APPEARANCES AS BEFORE :

MR. COAKER ADDRESSES COURT :

Accused Absent : Position same as on 26th July, 1957.
In addition : No. 103, Rev. Gawe and No. 96, A. Selinga.
No. 12, P.J. Hoggson; No. 62, M. Rantha; No. 67, S. Shall and No. 130, J. Hoogendyk are back in Court.
No. 19, J. Jumalo is in Court.
No. 37, P. Mathole granted leave of absence.
No. 85, A. La Guma and No. 95 R. September will be late.

ANDREW HOWSON MURRAY, duly sworn;

MR. ROSENBERG ADDRESSES COURT :

I do not propose in this preparatory examination to cross-examine Professor Murray on the evidence that he has given, but I desire, however, to place on record that the Defence challenges the validity and correctness of the witness' views, opinions and conclusions, both on the general aspect to which he has deposed, and his evidence in relation to the documents and speeches to which he has referred. The Defence want to make it perfectly clear, that the omission on my part to cross-examine him in this preparatory examination, is subject to the general challenge I have indicated and to state that his evidence is impugned on all relevant matters. But notwithstanding, it is considered desirable to put forward a very limited and restricted cross-examination on certain general matters which arise from or are connected with his evidence. This will be done by my learned friend, Mr. Berrange and perhaps, if necessary, by the Accused Mr. Slovo. That is all I wish to say at the present juncture.

CROSS-EXAMINED BY MR. BERRANGE :

Professor Murray, you have indicated to us your degrees

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qualifications and the subjects to which you have specifically directed your attention over the last few years. I take it, of course, that your education hasn't been confined purely to the study of political philosophy? --- No.

I take it that you have had the usual classical education, you studied history and its developments, and the classics? --- Yes.

The great poets, some of the philosophers and thinkers throughout the ages? --- Yes.

And I take it that you have also studied the economic and political developments in the Union of South Africa, over shall we say, the last thirty, forty or fifty years? --- I try to keep up with trends.

Before we go any further, I would like to get an opinion from you in regard to what you would say about a doctor of philosophy who has the following academic and international qualifications, and I am going to, after I have told you something about this man, I am going to ask you the question directly as to whether or not you think his views, whether you agree with them or disagree with them, are entitled to your respect. The man I have in mind is a Doctor of Philosophy, who has taken part in three of the international projects of UNESCO, who selected his work for publication and translation into many languages. A man who has contributed the results of his researches in the form of lectures and papers at the invitation of International Congresses of Philosophy at Copenhagen, Brussels, Amsterdam and Harvard. A man who has been awarded research fellowships and grants by the Cutting and Rockefeller Foundations, Columbia and Stanford Universities to carry out projects of more than three years duration, two of them to be spent in the U.S.S.R. and one at the Herbert Hoover Institute and Library on War, Revolution and Peace. It is quite an impressive record so far, is it not? --- Does your nod indicate agreement? --- On

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paper it is.

Yes, well I can ask you to do no more than to take it on paper. A man who has written articles bearing on the philosophy of Marxism-Leninism for the Encyclopaedia Americana, the dictionary of Philosophy, the Encyclopaedia Slavonica, Collier's Encyclopaedia, and many other journals. I take it these journals don't accept persons unless they are men of some repute? --- Yes.

A man who has given lectures and papers over a number of years on aspects of Marxist-Leninist thought before many scholarly institutions, such as the American Philosophical Association, the Phi-Beta-Kappa, the American Association for the Advancement of Science? --- Yes.

I take it they also would not accept persons unless they were persons of repute with a scholarly and classical background, philosophical background, I should say? --- Yes.

A man who is a visiting professor and lecturer at numerous institutions, such as Columbia, Stanford, Cornell and Michigan. Those are Universities, are they not? --- Yes.

In America. Do you know of them? Have you visited them? --- No, I haven't visited them. I am in touch with most of them.

Those lectures in the main have had a bearing on the problems connected with Marxism and Leninism. I take it that you would agree that such a person - a Doctor of Philosophy - with that background is a person whose views would receive your attention and respect? --- Very much so.

You will agree, of course, that reports - very often press reports - for that matter any sort of reports - on countries, on other countries, are very often not impartial when reporting such other countries and their conditions? --- Quite.

That is one of the complaints that is made about press reports about our country? --- Quite.

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And, of course, we know that the Communist countries now cover a large portion of the globe, and they must necessarily be of great interest to all scholars and thinking people who are interested in finding out what goes on there? --- Quite.

A lot of interest to you? --- Yes.

If you were given the opportunity, and provided you weren't going to suffer any penalties - it can always happen - I take it you would avail yourself of a visit to such countries, in order to see for yourself; see what they are doing and achieving; to learn what the people are thinking; to ascertain how their system works, generally. Wouldn't you? --- Yes.

You would jump at the opportunity? --- It depends on the nature of the opportunity offered me there to study the system.

Well, assuming that you were given the opportunity of going there to see and study for yourself as much as you possibly can? --- Yes.

And if on your return to your homeland - South Africa is your homeland, isn't it? --- Yes.

Where were you born, by the way? --- Central Africa.

And you have lived here all your life? --- Yes.

You haven't been to the U.S.S.R.? --- No.

Have you been to America? --- No.

Now, if on your return to your homeland, you believed rightly or wrongly, but sincerely, that these countries had much to offer to mankind in the fields of economic and human relationship, political philosophy and good government, would you be prepared and ready to report such things fairly and honestly to the best of your ability? --- I would make a clear statement of the reasons on which I based my opinion, and then I would express it very frankly and freely.

Of course, that is why I prefaced my question by sugges-

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ting that if you believe, rightly or wrongly, that doesn't matter, but sincerely, that these countries had much to offer in the fields that I have mentioned, would you report that? Would you be prepared to report it? --- I would report it with argument to prove the case as a scientist.

Yes, naturally. That is part and parcel of a sincere belief, is it not? --- Yes.

And if as a result of such reporting you were to find yourself penalised, I take it that you would feel rather badly about it, would you not? --- If I should be penalised.

That is how I prefaced my question. Before we go any further, I wonder if you would be so good as to define certain terms, terms which are in general use and which are very often wrongly used, and which mean different things to different people. I wonder whether first of all you would define for us the meaning of the term "democracy", and in doing so I would be very glad if you would do it slowly, so that we could keep a note of what you are saying? --- I would not define the term democracy in the narrow sense of define, I would describe it rather. In social phenomena, the phenomenon is very rarely so clearly demarcated as it would be in the natural sciences, in the natural world, that you can define it.

Do I understand from you that you are not in a position to define the term democracy? --- No, I will describe it. I will indicate its main features, but I wouldn't - nobody I think would define it in the narrow sense of the term, the narrow sense of the term "definition".

Well, how would you describe it? --- I would describe democracy as - from a government point of view, as a form a government of a country...

May I interject? Why qualify it "from a government point of view"? --- Because I think the word democracy has

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various aspects. It has a purely political aspect...

Based on the word "demos"?? --- Sometimes. It has a social - I would say it has a philosophical aspect, suggesting a basic attitude of mine...

Such as? --- The value of the individual - laying emphasis on the value of the individual and so forth, but I was busy first defining democracy from the political point of view...

No, I am interested in the question of the value of the individual. What do you mean by that? --- That the individual is a value in defending himself; that he is - his interests and so forth should be looked after, that...

Irrespective of his race, colour or creed?? --- Naturally.

Yes, go on, I am sorry to interrupt you? --- Do I go on with my political...

No, unless you are finished with the value of the individual? --- I think that describes what I would call the philosophical background of democracy basically - there are other features too, of course, but I mean basically.

You are not suggesting by any chance that the philosophical aspect is inconsistent with any other aspect of democracy in the political field, are you? --- Not in the least.

Perhaps we can leave it at that, can't we? I mean to say that which you say in relation to democracy, when talking about the value of the individual, applies to all fields, does it not? --- Yes.

In the political field, I think you want to say something. I don't want to stop you? --- Not unless you want me to...

No, please..? --- I would say that from the point of view of government, I would describe as the two main features of a democratic form of government, the form of government in

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which people who are - who form part of the body politic, and who are capable of taking part in government, take part in the government, that the government is governed by rule of law and the government is one of - it works on a procedure of check and balance. Those are the main features of democracy...

Always remembering the protection of the rights of the individual, which is not inconsistent, is it? --- Always maintaining the position of the individual in the body politic.

And perhaps you would be so good then to describe first what is meant by the word "fascism"? --- Correctly, in the scientific sense of the word, in important encyclopaedias and so forth, fascism means just one thing. It refers to a form of government which Benito Mussolini tried to develop in Italy - tried to apply in Italy. The form of government, associated corporations and syndical organisations and the Fascist grand council and so forth. Under Communist influence, especially in Italy and partly in Germany, the term fascism has been used in a slightly different sense by what I would call generally extremist left-wing writers.

May I just ask you one thing. I am pointing out to you that I want your definition, not the definition of anybody else? --- My personal view? For me, personally, fascism means one thing. It means the form of government, and the attendant forms which are associated with the work of Benito Mussolini.

I mean to say that is somewhat trite. We all know that Benito Mussolini was responsible for fascism. I want to know from you what you mean by fascism? --- I mean by fascism just this. Fascism is sometimes used in a different sense. I have never accepted the different sense. Standard textbooks don't accept the different sense of fascism. A certain class of writer in political science, associated with extreme

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left wing movements accept the different sense of fascism,

But what do you say? --- Technically fascism means the country which is habitually organised in syndicates and corporations on the scheme which Mussolini inter alia explained in the Labour Charter.

What is that? --- Well, he suggests there, in the first clause, I can produce the Labour Charter if it is necessary, I don't know if it is necessary...

No, no. You tell us? --- I am speaking without notes, of course, but he suggests there that the nation is the supreme political unit. That people have their status by virtue of their participation in the nation, and then the nation is divided into various types of syndicates and these into corporations, workmen's corporations. It is a parliamentary form of government - at least in appearance a parliamentary form of government and so forth.

What about the philosophical aspect? --- Philosophically the idea underlining fascism is that the nation is free. It is embodied, it finds its expression in the state and that a man - the individual - derives his position and his rights through his participation in the activities that promote the welfare of the nation in the state.

You suggest that it differs from democracy? --- Basically and substantially, I think.

You think so, only? --- I beg your pardon. Basically and substantially it differs from democracy.

In what way? --- In democracy the individual is regarded as the basic unit of political action and values and of social values, whereas in fascism the state is the basic unit in terms of which - shall I put it this way. In democracy the state, if you like, derives its duties and its rights from the individual. In fascism and individual derives his rights, privileges and duties as the member of the nation.

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You mean what is thrown to him by the state? --- It is more than thrown. It is a legal process if you like, according to Mussolini. It is not a matter of ...

According to you? --- I can only accept Mussolini's position there. I define fascism as..

What as your views? --- I have no experience of a fascist state. I must accept Mussolini's statement...

Have you any experience of a Communist state? --- No, I have no experience of a Communist state.

You are prepared to say a lot about it, aren't you? --- In the same way as I am prepared to say a lot about the fascist state..

And what are your views? --- On the dicta of the Masters who have written on the Communist state.

Perhaps you would be so good as to tell us what is meant by the term that is so often used, the "herrenvolk"? --- That is an expression which is used, as you said, in the press, very often and I don't think it has....

I never said the press. I said that is so often used? --- Earlier you referred to the misrepresentation of notions and ideas in the press. I was referring to that.

What do you understand by the term "herrenvolk"? --- By the term herrenvolk I think is understood the...

What do you understand, was my question? --- I understand by the term herrenvolk the theory of a people which is based on the philosophy of the superiority of certain racial groups.

Is that peculiar to fascism? Is it one of the facets of fascism, if you prefer me to put it in that way? --- I can't for the moment recall a single statement by Mussolini that the Italian people were superior to the other peoples, but I would have to look up literature on that point.

No, I am not asking you whether Mussolini said so, I

am asking you whether you suggest, or whether you will be prepared to concede that "herrenvolkism" is something which is peculiar to fascism? --- My view of fascism is Mussolini's, and I don't think he said it, and so I don't identify herrenvolkism with fascism. Unless I am shown a statement to that effect by one of the Masters.

What about Nazism? Is that an offshoot of Fascism? --- I think Nazism, as we understand it, as I understand it, the type that Hitler produced, has absolutely nothing to do with Fascism.

So to call the German Nazis fascists, would be completely wrong? --- That is usually done only by certain writers belonging to a certain school of thought.

You disagree with it? --- Fundamentally.

Factually? --- Factually also.

Well then, perhaps you would tell us what Nazism is?

--- What I understand by Nazism?

Yes? I take it that everything you have told us, in these proceedings, is that you understand when you have spoken about fascism, or communism, or democracy. What do you understand by nazism? --- Nazism is the - again assumes a kind of philosophy, as I understand it, which takes as its basis, theories of race superiority. That certain races are superior to other races. It has...

Does it differ from democracy at all? In its concept as to the relations of the individual to the state? --- Democracy as such is not concerned with the racial differences..

No, no. I am not talking about the racial differences. I am going on to a further point? --- Would you ask your previous question again?

I say, does nazism differ from democracy in the relationship of the individual to the state? --- Fundamentally, in this sense again, that for nazism the state dominates the

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individual.

What do you mean by dominates? --- The state is able to use the individual as an instrument of its purpose, for its particular purpose and so forth.

Is that not a feature of fascism? --- Not according to Mussolini in the same sense.

In what sense then? --- For Mussolini the state consisted of individuals and was there - it was a function of the state to look after the welfare of the individuals. In German nazism the state was supreme.

And it wasn't the function of the state to look after the individual? --- The state could use individuals for its own purpose to a greater extent than in nazism - I beg your pardon, in fascism.

I am asking you was it the function of the state to look after the individual? --- Not, I think, in the same sense as in fascism.

You mean not to the same extent? --- In the same sense. In nazism the state had a mystical purpose to achieve and maintain the superiority of the race over large areas of the world, which you do not find in Mussolini's fascism.

And do you find any fundamental agreement between fascism and nazism at any point? --- I don't think there are fundamental agreements. There are agreements which go over the surface; the one agreement obviously is that both lay a considerable emphasis on the state...

But there is, of course, fundamental disagreement between fascism and nazism on the one hand, and democracy on the other, is there not? You yourself have mentioned it? --- I would make it a triangular position. Fascism on the one hand, nazism on the other, and democracy on the other.

Fundamental disagreements? --- I would say fundamental disagreements.

By the way, also, what I would like to know is, what

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is a "fellow traveller"? --- There are two meanings to that word, I think. There is the usual meaning, if I travel by train and somebody travels with me, he is my fellow traveller.

You know what I mean. I don't think that was really called for? We certainly weren't asking you as an expert on train travels? --- I am answering your question...

We are asking you as an expert on - a so-called expert - on communism? --- I am answering your question. There is the other meaning of the word fellow traveller, which has been used in connection with political parties, when people cooperate with a political party up to a certain extent, possibly only for their own purposes, but are not really an intimate member of that party.

Or organisation? --- Or organisation.

You can have a fellow traveller of communism, a fellow traveller of nazism, a fellow traveller to fascism. Correct? --- I am just wondering for the moment. I agree you can have a fellow traveller with communism, possibly, democracy. I am not sure you could have a fellow traveller with nazism where the state has got a complete control of you.

Would you say a fellow traveller, to put it quite shortly, is a person who, although not a member of the organisation or the party, nevertheless assists and is prepared to assist such organisation or party? --- Up to a certain extent.

You would call that a fellow traveller? --- Yes.

In dealing with the question of Marxism and communism, you have made a number of statements indicating the sort of things that communists and Marxists say, and the sort of things that they believe. I take it that you have seen your evidence since you last gave it? --- I read the Court record.

You read it? --- Yes.

There is nothing that you want to correct? --- Typing

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errors and certain omissions...

Typing errors, yes. But there is nothing you want to correct insofar as your own views are concerned? --- Substantially, not.

I notice that you have indicated after having spoken about the socialist and the capitalist economic system, that you say that what happens is that capital is in the hands of the capitalist class and, this is what the communists say, and that that class necessarily becomes richer and richer and the rich ones push out the poor ones, so that the capitalist class becomes smaller and the working class ever larger. And the result of that is that the people who own the instruments of production, who have the capital, have all the social power in their hands, so that the socialistic power gets into the hands of an ever smaller group and in increasing number of the population is left as workers without any political power or social power? --- Shouldn't the word 'socialistic' there, be 'political power'. Not socialistic power, I corrected it in my...

Very well, we'll call that a typing error. I am not trying to take you up on little points. You can be quite certain. I am only trying to get some things clear, in order to find out exactly what you have been saying and what you are saying. It may sound, from time to time, as if I am rather being a propagandist or a publicist for Marxism or communism, but please believe me that that is not my object. The criticism, shortly, is that private property means political power. That is so, is it not? --- Yes.

And the sort of thing that the communists say, is that a small number of men control the raw materials, the water powers, the railroads, and they make agreements to control prices and they control the larger credits of the country? --- Yes, especially they control the instruments of production...

Yes, well, that includes such things as I have mentioned

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