

25th JANUARY, 1963.

APPEARANCES AS BEFORE.

ON RESUMING AT 9.15 a.m.:

MR. KING: My it please your Lordship. The next witness I propose to call requests that he be allowed to give his evidence in camera. I must make the necessary application to your Lordship. He would like his identity completely preserved - his anonymity preserved. Accordingly, M'Lord, I make application to your Lordship in terms of Section 4 of the relevant Act which reads as follows:

"All the evidence and addresses heard by a Commission shall be heard in public provided that the Chairman of the Commission may, in his discretion, exclude from the place where such evidence is to be given or addresses are to be delivered any class of persons or all persons whose presence at the hearing of such evidence or address is in his opinion not necessary or desirable".

In other words, M'Lord, in my submission your Lordship has a discretion. In this case I will ask your Lordship to exercise that discretion in regard to all persons save the Press, about which I will have something to say in a moment, on the grounds that their presence is neither necessary nor desirable.

With regard to the necessity of their presence, the only reservation which I think should fairly be conceded is with regard to my learned friend,

--Mr. Grosskopf --

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Mr. Grosskopff at whose clients, or in respect of whose clients the evidence is in the main to be directed. He may find - without an opportunity for consultation with certain of the officials of his client or opportunity to refer to them from time to time, he may find himself hampered in his cross-examination. That I quite concede. In order to overcome that, if I may with respect make a suggestion to your Lordship, I would say that my learned friend, if he finds himself in that difficulty, can perhaps cross-examine to the extent that he is able to and then reserve his cross-examination, or the remainder of his cross-examination until such time as he is in a position to continue, having regard, always, to the fact, naturally, that my learned friend will not disclose to the persons whom he consults the identity of the witness. In other words, if there is any subject matter in the evidence which my learned friend feels he unable to deal with without prior consultation, then I submit he should be given the opportunity to do so.

With regard to the necessity of the presence of Municipal officials - with regard to the desirability, the position is that this witness, for reasons of his own, does not wish his identity to be disclosed and my position is - of course, this is not to be interpreted in any way as an attempt ...

THE COMMISSIONER: It is enough to say "for reasons of his own". I am not entitled to know?

MR. KING: Well, I could say a great deal more, M^rLord, but I am reluctant ...

THE COMMISSIONER: Yes, but I must know some of

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the reasons. You can't say to me "for reasons of his own it is desirable". I must make the decision.

MR. KING: Yes, I realise that, H^cLord. I could give you the reasons but in giving your Lordship the reasons it might be necessary to give some indications which might disclose his identity. If your Lordship would like, your Lordship could order the Court to be cleared during the making of this application. Then I could certainly elaborate on those reasons.

THE COMMISSIONER: Well, I don't know whether you need disclose his identity. Is it that he fears that because of the position that he holds or something like that, if his identity becomes known, he might suffer some unpleasant consequence?

MR. KING: That is substantially so, H^cLord.

THE COMMISSIONER: That is enough if you tell me that at this stage, unless other Counsel want more.

MR. KING: Yes, that is, with respect, substantially the position. H^cLord, that being so, provided those reasons satisfy your Lordship, then I submit that your Lordship will, following on that, be in a position to hold in your Lordship's discretion that it is not desirable for his evidence to be given in the presence of members of the public.

H^cLord, with regard to the Press, I am always disinclined personally to ask the Court to exclude the Press. I would ask your Lordship to direct the Press not to publish any evidence - not only not to disclose the name of this witness but also not to publish any evidence which is likely, inferentially or otherwise, to disclose his identity. There will, during the

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course of the evidence, be evidence which, if published, would either disclose his identity positively or at any rate enable people to draw a very strong inference and subsequently to find out his identity. So, if your Lordship is disposed to give such direction to the Press and subject to that, I don't ask for their exclusion.

M^r Lord, I can give your Lordship some authority. Perhaps I could do that.

THE COMMISSIONER: Well, not presently. Later, perhaps. I would like to hear what other Counsel have to say. Mr. Grosskopff, you seem to be the most involved.

M^r. GROSSKOPFF: Edele, namens my kliënte, natuurlik ontken ek dat enige persoon enige gronde het om enige vrees te hê dat my kliënte enige stappe sal doen bloot omdat hulle hier kom getuienis aflê, selfs al is daardie getuienis, getuienis wat slaan op een of ander aktiwiteit van die Munisipaliteit. Aan die ander kant wil ek natuurlik hoegenaamd nie die indruk skep op enige manier dat ek in die pad wil staan van enigiemand wat getuienis wil aflê nie. Maar ek wil darem u Edele se aandag daarop vestig dat die gronde wat aangevoer is in hierdie aansoek, is geweldig dun. Daar is feitlik geen besonderhede nie. Daar is iets gesê van 'n posisie wat mag benadeel word. Ek weet nie watter posisie dit is, hoekom hy nou dink dit sal benadeel word nie. Verder, die benadeling van my standpunt is natuurlik geweldig. Ek mag náks volgens die bevel wat my geleerde vriend vra, aan my kliënte stel wat die man se identiteit sal openbaar nie.

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So dit mag wees dat hy twintig vorige veroordelings vir meined het maar ek mag dit nie uitvind nie - ek kan dit nie aan hom stel nie want dit is die gevolg wat die bevel sal hê.

Ek voel darem dat in die algemeen geneem behoort daar meer substansie, meer besonderhede te wees voordat 'n mens 'n aansoek van hierdie soort moet oorweeg.

Aan die ander kant, u Edele, wil ek nie die aansoek opponeer in die sin dat ek die indruk wil skep dat ek enigiemand in die pad wil staan om hier getuienis af te lê nie. Ek wil u Edele net toon watter groot benadeling ek wel kan ly. My submissie is, daar is werklik nie genoeg gronde aangevoer vir die bestaan van so'n bevel nie.

MR. J. STEYN: U Edele, ek wil net sê dat dit in u diskresie is, en u moet oordeel, met respek, uitoefen of daar genoegsame gegewens voor u is om daardie diskresie te kan uitvoer. Ek laat dit net eerbied aan u oor.

MR. VAN DEN BERG: U Edele, ek het niks by te voeg nie behalwe net, dit lyk vir my dat die Kommissie nie daardie getuienis sal kry as die aansoek geweler word nie. Daar was tot 'n mate so'n indikasje gewees van my geleerde vriend, mnr. King.

THE COMMISSIONER: Is there anything you wish to add, Mr. King?

MR. KING: Except that, as I said, if your lordship wants details, I am prepared to furnish such details provided the Court could be cleared during that time.

THE COMMISSIONER: Mr. King has made an application

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that the public, including, as I understand his request Municipal officials other than Counsel for the Paarl Municipality, be excluded from the hearing ^{while} of certain witnesses he is about to call, give evidence and that the identity of this witness or any evidence that might lead to the disclosure of the identity of this witness, be withheld from the public. In regard to the Press, he does not object to the Press being present provided it does not divulge the identity of the witness or it does not publish any evidence which might lead to the identity being disclosed.

Mr. Grosskopff correctly points out to me that it is going to place him and his clients in an awkward position in the testing of the credibility of the witness because if he can't disclose the identity then he can't make enquiries about this witness and so discover any matter in regard to this person that should be brought to the attention of the Commission, and which might affect his credibility. But I am anxious to get before me as such evidence as I possibly can in regard to my terms of reference and for that reason I want all witnesses, or all persons who think they can be of assistance to the Commission, to come forward. In this case Mr. King has no doubt interviewed this witness and he believes he can be of assistance to me, and for that reason I feel I must accede to his request.

In evaluating the evidence of a witness of this kind where his credibility cannot be properly tested, if that proves to be the case, I shall simply have to bear in mind that weakness in regard to his evidence

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and evaluate it on that basis.

With regard to the particular point made by Mr. Grosskopff of possible previous convictions or a record, I think that could be overcome by Mr. Stein who acts for the Police. I have no doubt that he would be able to find out for us if there is anything of that nature against the witness who is to give evidence.

In the result, I therefore order all persons other than Counsel and officials of the Press to leave the Court while hearing the evidence of this witness and the Press will be allowed to stay in on condition and with the direction that they are not to divulge the name of this witness, his identity or any matter in his evidence which might lead to the disclosure of his identity. If the Press is in doubt as to whether his evidence might or might not lead to the disclosure of his identity, they must consult me before publishing such evidence.

MNR. GROSSKOPFF: U Edele, ek neem aan my prokureur sag inbly?

DIE KOMMISSARIS: Ja. Ek moet miskien daarby noem dat ek verwag van die advokaat - dit is feitlik vanselfsprekend - en dan ook sy prokureur, as dié hier is, dat hulle nie aan hulle kliënte of enige persoon, feitlik, die identiteit van hierdie persoon sal openbaar nie. As hulle daarmee moeilikheid het, om antwoorde te kry vir hierdie getuie, moet mnr. Grosskopff my net kom sien op Kamers en dan sal ons kyk wat ons kan doen om hom teenoet te kom en hom te help.

MNR. GROSSKOPFF: Soos dit u Edele behaag.

MNR. J. STEYN: U Edele, sal u ook toelaat dat

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mr. Kellerman bly? Daar mag aangeleenthede wees wat die Staat reak. Ek het dit met my geleerde vriend, mr. King bespreek en hy het nie beswaar nie - natuurlik onderbewig aan dieselfde opmerkings wat u so pas gemaak het.

DIE KOMMISSARIS: Ja, almal wat inbly - en ek verwag dit van al die advokate en al die amptenare dat hulle dit sal doen.

IN CAMERA:

BANTU WITNESS Z1, sworn, states: (through Interpreter)

EXAMINED BY MR. KING: You are married and you have four children? Is that correct? --- That is correct.

You are resident at the married quarters in Mbekweni? --- That is so.

After having matriculated, you studied at the (?) Brown College, Kimberley? --- That is correct.

For three years? ---Yes.

And you obtained the Teacher's Certificate? --- That is so.

You commenced teaching in 1942 - is that correct? ---Yes.

And having previously acted as principal of the school at Britstown and then at Worcester ...? --- That is so.

..... you came to Paarl as principal of the location school there in 1957? --- That is correct.

And that is the position that you presently hold.

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Is that correct? ---Yes .

At your school you have a staff of five teachers? ---
Yes.

The school itself goes up to Std. VI. Is that
correct? --- (Without interpreter): That is so.

And you have a roll of something over 400 pupils? ---
That is so.

Is it correct that since your arrival at Paarl, at
Mbekweni, you have been a member of the Advisory Board in
the location? --- That is correct.

I would like first of all to ask you something about
this Advisory Board. What exactly is this body, this
Advisory Board? --- It is a board that has some discussions
with the Council in regard to certain matters in the
location.

How often does the Board meet? ---Once a month.

What does the Board comprise - who are the members of
this Advisory Council? --- We are twelve altogether,
excluding the Superintendent.

The Superintendent, is he actually the Chairman? ---
No. The Superintendent is not the Chairman. There is a
Chairman - one of the members of the Council.

The Superintendent attends the meetings? ---Yes, he
does.

Broadly speaking, what type of matter is discussed at
the meetings of your Board? --- We advise one another
about matters that have to be righted in the location.

Can you give his Lordship one or two examples of the
type of thing which is discussed? --- We were now just
recently busy about the building of the new location.

Did you in fact at any time consult with the Town

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Council on this question of the building of a new location? ---Yes. There were some members that were sent out by the Board for the discussion of that matter.

Were you one of those? ---Yes, I was.

What was the Town Council's attitude towards the building of a new location? --- They spoke to us very nicely and promised us that once the plans have been approved, they will build.

At this meeting, which I take it was held quite recently, before these riots but some time last year? --- That is correct. Before the riots.

What other matters were discussed with the Town Council regarding conditions in Mbekweni at the time? --- Very little. We spoke about the coming in of Coloured women, into the single quarters, also about a clinic that we want them to erect for us.

With regard to the coming of women into the single quarters, did you discuss generally conditions in the single quarters at the time? --- No. What was said was, we asked that they have an eye and that they must put a stop to these women entering the single quarters.

THE COMMISSIONER: Coloured women, or all women? --- Coloured women.

EXAMINATION CONTINUED: Did the Council suggest any steps that they were going to take? --- Not on that day but we did receive a reply to that afterwards.

To what effect? --- In regard to the matter affecting Coloured women, the Council said it would fence the single quarters in.

Generally speaking, when matters were raised at your Board meetings, complaints were made from time to

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time, did anything happen? Did you get co-operation from the officials? --- They would promise, but there would be no co-operation.

In other words, promises were made and nothing was done about it? --- That is correct.

That was generally the case, is it - not in every instance? ---Yes.

Would you tell his Lordship, how is this ...

THE COMMISSIONER: I am not quite clear. Promises by whom? ---By the Town Council.

EXAMINATION CONTINUED: Would you tell his Lordship, how is this Advisory Board of yours elected or appointed? --- The location residents should elect seven members and the Council should elect others.

In other words, there should be an election of seven members by the residents, and appointment by the Council of others? --- That is correct.

With regard to the elected members, are these elections held from time to time? --- There are announcements, but then people do not attend meetings.

In other words, these elections meetings, are they virtually ignored by the residents? --- That is correct.

So that, in fact, are all the members appointed? --- That is correct.

By whom? ---I think the Superintendent.

You yourself - how is it that you come to be a member? Are you an elected member? --- Shortly after my arrival, I was told that I was a member of the Board. I do not know who elected me - either I have been elected by the people or appointed by the Council. I do not know.

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Are you re-appointed every year or do you just remain on the board - since 1957? --- Since I joined in 1957, I have been there.

Do you know if ...

THE COMMISSIONER: Tell me why it is that the people are not interested in elections? --- I do not know.

EXAMINATION CONTINUED: Do the residents show any particular interest in the Advisory Board? --- They show no interest whatsoever.

Do they ever come to the Board with their own problems, complaints? --- They do not because they never meet with us at meetings.

Why not? --- We have asked the Superintendent to allow us to call a meeting but he did not agree.

THE COMMISSIONER: A meeting of the public? --- Yes. The inhabitants of the location? --- That is so. Did he give any reason? --- He said people had to many politics in them.

EXAMINATION CONTINUED: So is it correct, then, that as far as the Mbekweni people are concerned, they have no interest whatsoever in the Advisory Board? --- That is so.

THE COMMISSIONER: This Advisory Council, Mr. King, is it something that is there under Municipal regulations?

MR. KING: Yes, N'Lord. Provision is made - not in the Municipal Regulations but in the Regulations under the Act.

N'Lord, I haven't got the regulations. I understand the position is that it is a Board of twelve. There are supposed to be six from Langabuya and six from Mbekweni, including two Municipal officials.

THE COMMISSIONER: That regulation - that is under what Act?

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MR. KING: Under the Urban Areas Act. In fact, that is the composite regulation of 1949. Perhaps I could address your Lordship on ...

THE COMMISSIONER: Mr. King, I can't understand this evidence, ^{if} I don't know what this Board is.

MR. KING: Well, there is this Board and it is an Advisory Board and its purpose, as I understand it, is to act as some sort of liaison.

THE COMMISSIONER: Yes, but has it got any legal significance or is it just a body of busy-bodies or is it something that is put there by Statute, under the regulations? Does it have powers and what are its powers?

MR. KING: I think it is purely consultative, M'Lord, and advisory. It has no powers. I believe there is provision made for it in these regulations in terms of the Urban Areas Act and its purpose, as I say, is to act as a liaison between the residents and the authorities. The Superintendent apparently attends ex officio.

THE COMMISSIONER: Have you got those regulations?

MR. KING: No, M'Lord. I could get them.

THE COMMISSIONER: You see, I am just floundering now. I don't know what this is all about. I don't like to flounder. I would like to adjourn. Bring them to my room so that I can read them and then go on.

- TEA ADJOURNMENT -

ON RESUMING AT 11.15 a.m.:

DANTU NAN ZI, still under oath:

EXAMINATION BY MR. KING CONTINUED: I'll then leave this question of the Advisory Council for the ...

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THE COMMISSIONER: I would like to ask him something just before you go on.

This Advisory Board, I think according to the regulations - I don't know whether they apply to the Paarl but according to the general regulations there is supposed to be an election every three years of an Advisory Board. Did that happen in Paarl? --- I am not sure of that, but generally a meeting of all the residents is called annually for the election of members.

And do they just elect them at the meeting? --- Ever since I have been there they have never attended a meeting for election.

Is that since 1957? --- Since 1957.

There has never been an election? --- Never.

Mr. Grosskopf, could you tell me, what is the position? Are there regulations governing the elections, and are they in accordance with this specimen my attention has been drawn to in Davis, Milensky and Durant's book, which sets out a specimen of the East London Local Authority as a model regulations which probably apply to the other Local Authorities?

MR. GROSSKOPFF: My Lord, my difficulty is, Mr. le Roux, who advises me on these matters, was excluded this morning and when I tried to find him during the adjournment I could not find him anywhere. I just found him a minute ago and that is why I was late when the Court assembled. He told me in the short time at my disposal that there were regulations which unfortunately he has not got here this morning because he did not know it would be raised at all. If your Lordship will grant me a moment I could find out whether they are exactly

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the same. It would probably entail my having to read through them.

THE COMMISSIONER: You can have this. It is rather important. I would like to find out from this witness what is going on, you see.

MR. GROSSKOPFF: My Lord, I was in any event going to ask for a postponement before cross-examining this witness and I could certainly have everything ready at the postponed date.

THE COMMISSIONER: What do you mean by a postponement - for how long?

MR. GROSSKOPFF: Say till Monday. If my learned friend had told me that ...

THE COMMISSIONER: Well, I am not sure whether he is raising them or whether I am.

MR. GROSSKOPFF: Anyway, if I had been apprised in advance I could of course have had everything ready, including the actual regulations applicable to Paarl.

THE COMMISSIONER: My reaction to this is that it is very important that I should know, because this goes, as far as I am concerned, to the root of the whole thing. I don't know how Mr. King feels about it, whether he perhaps wants to be more adequately briefed before he leads him because I want this aspect of these elections and what happened there and the regulations, thoroughly canvassed. I attach the utmost importance to this. What he is saying in effect, now, is that there is no proper liaison at all - that the thing has become a farce. Isn't that the tenor of the little bit that he has said?

MR. KING: Yes. That was really the point that I was hoping to make.

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THE COMMISSIONER: Well, I would like you to acquaint yourself with the Paarl regulations, if they do exist - and I take it there are regulations.

MR. GROSSKOPFF: There are regulations.

THE COMMISSIONER: But this is simply a model. It may not be the same. It sets out in considerable detail how the election is to take place - the appointment of a returning officer, polling officers; it provides for a voters' roll, nominations on particular days of the year and particular months - exactly how it has to be done. I would like to know whether that is the position with the Paarl Municipality and if so, whether it is being carried out.

MR. GROSSKOPFF: My very brief instructions that I have been able to get on this point are that in fact nomination meetings are held and that, as this witness says, people aren't interested.

THE COMMISSIONER: Yes, but even so, this also provides for meetings to be held and for the procedure and purpose to be explained - explaining to them these regulations and calling for nominations. That is in this model. So that the inhabitants should be told of the importance of this and they should then be invited, not there and then to give their nominations but to call for nominations on a set date.

MR. GROSSKOPFF: I will, however, obtain the actual nominations for your Lordship.

THE COMMISSIONER: Well, now, are you ready to go on with this or would you rather have time to explore the position and then place it properly before me?

MR. KING: M'Lord, with respect, I certainly think

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it would be of more assistance to your Lordship if the matter is thoroughly canvassed. I was at the time just content to try and show your Lordship that the whole position was that this body was ...

THE COMMISSIONER: I am not blaming anybody. I am very much concerned and interested in this aspect of the matter. I want it properly canvassed. Then, if the Department could assist us - the Department of Bantu Administration and Development could also help us. I would like this thing to be thoroughly canvassed.

MR. STEYN: N^o Lord, may I with respect make a suggestion? Isn't it possible for us to hear this witness's evidence in regard to other aspects which do not relate to the creation and working of the Bantu Advisory Board and then we can investigate that aspect over the weekend and give your Lordship all the necessary information on Monday?

THE COMMISSIONER: Could that be done?

MR. GROSSKOPFF: I would certainly welcome that, with respect.

MR. KING: Yes, N^o Lord, I was going to make that suggestion.

THE COMMISSIONER: Then we will go on and we will deal again with this on Monday.

EXAMINATION CONTINUED: For the moment, at any rate, we will leave the question of the Advisory Board and get onto something else. In 1957 you came to Paarl, to Nbeikweni from Worcester. Is that correct? --- That is correct.

Could you tell his Lordship, did you notice that the conduct of affairs in Paarl by the authorities

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differed in any way from that in Worcester? ---Yes. There was a slight difference. At Worcester, permits were issued to any visitors and when I came to Pearl in 1957, permits were not issued and yet they were being arrested for not having permits.

In other words, there was no provision for visitors to these locations? --- That is correct.

THE COMMISSIONER: That is a matter of policy, that no visitors' permits were issued, or were the officials just refusing to issue them? --- No provision was made.

EXAMINATION CONTINUED: There were no facilities for a person to get ^a visitor's permit at that time? ---Not at all.

The position has subsequently changed. Is that correct? --- Yes.

What is the position now? ---Permits are now being issued.

THE COMMISSIONER: One of the witnesses before us complained that they did not issue them on Sundays. Is that still the position? --- No. They do issue them now, at present, even on Sundays.

Is there an official there to issue it on a Sunday? --- Yes, there is an official at present.

EXAMINATION CONTINUED: The position a few years ago was that you could get permits on a Sunday, or is that a recent change? --- That is just a recent change.

In other words, am I correct in saying that there were three stages - there was a stage when there was no provision at all for visitors' permits? --- That is correct.

And then there was a stage when there was provision for visitors' permits, but you could not get them on

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Sundays? --- That is correct.

The position now is that they are obtainable throughout? --- Throughout.

What was the position in Worcester with regard to the issue of visitors' permits? --- You take a visitor to the Municipal office, where he is issued with a permit.

Was there a special official whose job it was to issue visitors' permits? --- No. After closing hours you could take the visitor to any member of the Advisory Board.

THE COMMISSIONER: And what is the position at Paarl? Must it be issued by an official? ---By the office.

Even now? --- Even now.

MR. IL STEYN: M'Lord, before your Lordship proceeds - this may be of assistance to your Lordship. There is a regulation dealing with the issue of permits. It might be convenient for your Lordship to know about it at this stage. In Mbekweni - I think these are model regulations which are applicable in the majority of these locations. It provides that -

"Any person entering the location who is not an authorised resident thereof shall report himself forthwith to the Superintendent, state the object of his visit and obtain a written permission of the superintendent or of some person duly authorised by the Superintendent to issue in his absence any such permission. No person other than an authorised resident shall enter the location except such person being engaged upon business or for the purpose of visiting a resident or of attending divine service between

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the hours of 9 a.m. and 10 p.m. on Sundays. No such person shall remain in the location if he shall have been ordered to leave by the Superintendent".

These regulations were issued in 1952 in respect of Mbekweni.

EXAMINATION CONTINUED: We have had evidence that in Mbekweni single quarters there have been frequent raids in the early hours of the morning upon people who have been in arrears with their rent.

THE COMMISSIONER: Are you suggesting that this Worcester arrangement, as I shall call it, whereby a member of the Advisory Board can issue a permit should be introduced at the Paarl locations? --- After closing hours.

Do you say members of the Advisory Board should be given the right to issue permits - visitors' permits? --- Yes.

Does this inability to have visitors lead to friction in the location? --- It does, because visitors do come any time of the day, unexpectedly, after closing hours.

EXAMINATION CONTINUED: What hours is the office open over weekends? Do you know? --- From 8.30 to 4.30.

It is open the whole day on Sunday, then? --- Yes. Then there is a constable who issues passes up to 10 p.m.

With regard to the question of people who are behind with their rent, what was the position - what steps used to be taken in Worcester with people like that? --- After two or three notices, the people were taken out of the house.

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Then they would be ejected? ---Yes.

Did they use to conduct these raids such as we have been hearing about? --- No.

On the subject of - first of all, do you know at all whether there is any system at Paarl whereby people who are behind with their rent get written notices, first of all? --- Recently they started issuing notices.

When you say "recently", for about how long - just approximately, if you can't be exact? --- Just from the middle of 1962.

Does that mean that the raids stopped or did they nevertheless continue? --- They still continued.

Are these raids confined to the single quarters or do they raid the married quarters as well? --- The married quarters as well.

Have you ever seen any of these raids on the single quarters? Have you ever witnessed any of them? --- No. They were very early in the morning.

Have you heard general talk in the location about these raids? --- Yes.

What is the talk? What do the people say? Are they dissatisfied about it? --- I have met men who were actually assaulted, who told me they were raided.

Is that an isolated instance, or according to the talk that you have heard, is that something fairly general? --- No, it was just an isolated incident.

Has there been any general talk that has come to your ears about the conduct of the people who participate in the raids? ---Yes. Quite a lot of that comes to my ears.

To what effect? What did you hear? --- The rough

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way in which they handled these people. They find a man asleep and just lift the blanket, for him to hand them his hand book.

Was there general talk of actual assaults? --- There was general talk of actual assaults.

According to this talk, who participated in these raids? Was it just the Municipal Police? ---It was just the Municipal Police together with the Superintendent.

Is the general talk that the Superintendent was personally present on these raids? ---Yes.

That is Mr. le Roux, is it? ---Mr. le Roux.

Was there any suggestion that he himself used to participate in the assaulting? --- No.

And I believe you have already said to his Lordship, the general reaction of people was unfavourable to this sort of conduct - these raids and the behaviour of the Municipal Police? --- That is so.

THE COMMISSIONER: Did they resent it? --- They resented it.

Do you say that the Worcester practice of giving a man notice to pay and then to simply eject him if he does not pay his rent, is the one ...? --- The one I favour.

At Paarl? --- At Paarl.

But wouldn't that involve them having to get a Court Order, or is there some special power?

MR. I. STEYN: Regulation 21 M'Lord, dealt with it. It says -

"Any person failing to pay any sum for which he is liable in terms of the provisions of these regulations within one month from the date on

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which they become due and payable shall be guilty of an offence and upon conviction may, in addition to any penalty the Court may impose, be ordered by the Court to pay within such period as the Order may specify the amount which is found to be owing by him or in default of payment within such period to be imprisoned, provided that no imprisonment undergone shall have the effect of cancelling the liability or barring an action for recovery of the amount due by such person and provided further that no person shall be punished a second time in respect of failure to pay the same debt".

THE COMMISSIONER: Does it say anything about ejection - I did not hear anything?

MR. I. STEYN: No, not in this regulation, as far as I can see.

MR. KING: Does that mean that they can execute on a man's movable property?

THE COMMISSIONER: That is for the money, but can they eject him? On that regulation?

MR. I. STEYN: I don't think so, M'Lord. The ordinary, common right as landlord, I take it, would apply.

THE COMMISSIONER: Doesn't that regulation exclude ejection, because it provides other machinery?

MR. I. STEYN: I beg your Lordship's pardon. Regulation 22 reads -

"If any person fails to pay any sum for which he is liable in terms of the provisions of these regulations within one month of the date on which such sum becomes due and payable, the Superintendent may, on giving such person one

--- month's ---

month's notice in writing, of his intention to do so, cancel any permit issued to such person to be or reside in the location with effect from the date set out in such notice".

He then withdraws his right of occupation.

"Any such person found to be in the location after that date not being authorised, shall be guilty of an offence and may in addition to any penalty it may impose, order his ejection from the location".

THE COMMISSIONER: That has to be done by Court?

MR. I. STEYN: If he stays, yes, M^rLord. Then he will apparently have to get a Court Order, ordering his ejection.

THE COMMISSIONER: That is what I thought. Normally I would not allow the Location Superintendent to take the matter into his own hands.

MR. I. STEYN: As I read this regulation, M^rLord, he would then terminate his right of occupation in the sense that he would withdraw his permit. He would then again be an unlawful resident. But you can't implement it, apparently, without an Order of Court, except that you would then endorse him out, presumably.

THE COMMISSIONER: But if he is still in employment, you can't endorse him out.

MR. I. STEYN: Yes, if he is still in employment you can't endorse him out.

THE COMMISSIONER: Under those regulations, in order to get a man's ejection you first of all have to cancel his permit, which might mean his removal from the location and losing his employment, whereas the method

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followed by the Paarl authorities hasn't got that drastic effect. It might involve him in a fine but he does not lose his home and he does not lose his permit. So - am I interpreting that correctly?

MR. KING: It seems so.

THE COMMISSIONER: Having regard to that, do you still think that the Worcester method is a better one? --- Well, if the Paarl Municipality could carry on decently, then I would have no objection to that regulation.

To inflict a fine? ---Yes.

You say they should not do it by way of raids? --- Not by way of raids.

That point has been raised by other witnesses and as I understand the Municipality's difficulty, they can't conduct a raid at any other time except in the middle of the night. During the day the men are at work? --- But they could approach them even at work and let the men attend Court.

Again one of the witnesses has objected to that and said that they did not want to be hauled out from their work and lose a day's pay because the Municipality is going for them about rent. That was Lydia Kasi.

MR. KING: She said, M'Lord, that the objection was actually to the men being taken from their work. What the witness suggests, as I understand it, is that they could be served with the necessary notice or even summons at their work. There is no need to arrest them - in other words, to meet the point that they are never at home and that it is difficult to get hold of them.

THE COMMISSIONER: Do you mean the processes could be served on them without arresting them?

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MR. KING: Without arresting them and without their losing a day's wages. I think that was the substance of Miss Kasi's complaint.

THE COMMISSIONER: On that basis, you say raids are not necessary? --- Raids are not necessary.

EXAMINATION CONTINUED: There is a regulation at Mbekweni that people are not allowed to cook or eat in their rooms. Was there a similar regulation at Worcester? --- At the Worcester single quarters, they don't eat or cook in their rooms. I don't know whether there was a regulation at the time, but they don't eat and cook in their rooms.

But how big is the Worcester location? --- The plan is quite different from the plan of the Paarl location. It is a three-roomed building. The room in the centre is the kitchen, and the two rooms. They cook there, and then come to their bedrooms where they have their meals.

Instead of having one, big communal kitchen? --- Instead of having one, big kitchen, yes.

EXAMINATION CONTINUED: So that each unit has two bedrooms and a kitchen? --- And a kitchen.

Are the people who live there quite satisfied with that arrangement? --- They are quite satisfied.

THE COMMISSIONER: How many inhabitants has the Worcester location got? --- Compared to Paarl?

Yes. Is it the same size? --- Much bigger.

EXAMINATION CONTINUED: Do you know whether there were any complaints or allegations in Worcester that people, by cooking and eating in their rooms, were not keeping their rooms clean - that their rooms became

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dirty in that way? ---No complaints that I know of.

Do you know, as a matter of fact, from your own observations of Worcester location whether as a fact it is any cleaner or any dirtier than Paarl? --- They are much cleaner.

One other thing that obviously would have been different when you came from Worcester to Paarl is that there was a different superintendent. The superintendent at Worcester during the time that you were there - was there one, or were there more? How many superintendents were there during your time? --- Two superintendents. The second one is the one who is there at present.

What sort of people were they? Did the residents like them or dislike them? ---Up to the time when I left there, they liked them.

There was no complaints by the residents of the superintendent personally? ---Not at all.

When you got to Paarl, did you find that Mr. le Roux, the superintendent, similarly was liked by the residents of the Paarl location? --- There was general talk that most of the people did not favour him.

So that you found when you got there in 1957, generally that people did not favour Mr. le Roux? --- Correct.

Do you mean he was not popular with them? ---He was not popular.

THE COMMISSIONER: Can you tell us what the cause of that was, as far as you could ascertain? --- The only reason I came across was these raids and ordering out of people. Those were the only two reasons I came across.

--- Did ---

EXAMINATION CONTINUED: Did you at that time hear anything about ways and means of obtaining permits, passes - working permits? --- Yes, that was the general talk throughout the location.

What was the talk? --- That permits could be bought.

THE COMMISSIONER: Was that associated in any way with the endorsing out of people? Did they say people were endorsed out and others were allowed to buy themselves in? --- That was just what they said.

EXAMINATION CONTINUED: If you did not buy a pass, you were endorsed out? --- The one man was endorsed out and another one was allowed to buy himself in.

THE COMMISSIONER: In other words, there was an accusation that the officials were making themselves money by endorsing people out and allowing others to buy themselves in? --- That is correct.

I don't want to put words into your mouth. Is that what you intend to say? --- That is so.

EXAMINATION CONTINUED: Would you tell his Lordship about certain personal experiences of yours with regard to this question of selling and buying of passes? --- I met a man who told me that he was a runner. He was actually selling the passes for the superintendent.

Would you just describe to his Lordship, what is a "runner"? --- Taking the reference books from the men to the office with the money.

Did he tell you to which persons in particular at the office he would take the reference books? --- To Wilson Hoganane.

You actually went to see this man, did you - this "runner"? --- Yes.

What was the purpose of your going to see him? ---
It happened that my brother-in-law wanted to come to
Worcester - from Worcester to Paarl, to come and work at
Paarl. Having heard that this man was a runner, as he
had told me, I went to see him to try and find out how he
could help me. He told me that for a certain amount
I could get a pass.

THE COMMISSIONER: Did he say how much? ---It varied
from £8 to £15. That is what he told me.

EXAMINATION CONTINUED: So that one way of obtaining
the necessary permit was to pay from £8 to £15 for it? ---
Yes.

That money, you understood, was money that was paid
to Wilson? ---Yes.

Did this man explain any other ways to you whereby
a permit could be obtained? --- He referred me to a clerk,
Hoza, who could also help me - Klaas Hoza. I went to
Klaas Hoza. He told me he could arrange for my brother-
in-law to work at Paarl, for a period of ...

THE COMMISSIONER: You saw Klaas yourself? ---
Personally.

EXAMINATION CONTINUED: You say Klaas said he could
arrange for your brother-in-law ...? --- That he should
go and work at the farm for a period of two to three
weeks.

Which farm is this? ---Nr. le Boux's farm.

Was the idea that the person concerned in this
instance, your brother-in-law, was to be paid for his
services on the farm? --- I tried to find out from Klaas
Hoza. He said there would be no payment. He would be
provided with food.

He said Mr. le Roux's farm - do you know where this farm is? --- No.

Are you quite clear that it is a farm belonging to, or farmed by Mr. le Roux? --- At that time Mr. le Roux was staying at that Municipality farm, adjoining the Langabuya camp. I do not know whether it was that farm.

You do not know which farm it was? ---I did not know which farm it was.

As a matter of fact, did your brother-in-law obtain a permit in either one of those ways? --- No. He was not in favour of going to the farm.

Was he prepared to buy a pass? --- I was quite prepared because Klaas said after working for that period I just had to give him the sum of £4 to get a permit.

THE COMMISSIONER: He would have to work and then still give £4? --- £4 to Klaas - that is what he said to me.

EXAMINATION CONTINUED: But in fact your brother-in-law was not prepared to go to the farm? ---He was not prepared to go to the farm.

THE COMMISSIONER: You were prepared to give him the money? ---I was quite prepared because I wanted him to work there.

EXAMINATION CONTINUED: Your brother-in-law has remained at Worcester? ---He is still at Worcester.

This personal experience that you have just related to his Lordship, is that an indication of something that was going on generally at that time or was that also just an isolated instance? --- It was general talk - it was a daily occurrence.

General practice? --- Yes.

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We have had evidence that on one occasion there was a certain amount of trouble between an inspector and somebody in the location over the question of a visitor's permit. Do you recall that incident at all? ---Yes, I do remember that Sunday afternoon when a certain young man entered the location without a visitor's permit.

What happened? --- He resisted arrest and a fight took place. There was a general uprising. The whole location was involved in that. They even tried to go and burn the Municipality offices.

Was this at Langabuya? ---No, at Mbekweni. The incident took place at Langabuya.

But you say there was a sort of general uprising - that took place at Mbekweni? --- Yes.

Was that the first incident that came to your knowledge during the time that you were there, the first incident of that type of a sort of a general nature involving the residents? --- That was the first.

THE COMMISSIONER: Were there any other such incidents later? Or was this the only one that you know of? --- That is the only one that I know of involving the visitor's permit.

EXAMINATION CONTINUED: Do you remember when that was, approximately - how many years ago? ---If I am not mistaken, I think that was in December, 1959.

At about that time, when these raids were going on by the Municipal constables, was there any general reaction by the residents to this raiding? --- Yes. They attacked a constable - especially the "A" block attacked the Municipal constables.

Did this happen once, or more often? --- Two or

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three or four times.

Several times? --- Several times.

THE COMMISSIONER: What was the reason for these attacks? --- The early morning raids.

EXAMINATION CONTINUED: In other words, the particular people in "A" block started, so to say, fighting back when these early morning raids took place? ---Yes.

That is on the Municipal police? --- The Municipal police.

What was the reaction of the Municipal police to this fighting back? How did they react - what was their conduct? --- They fought back.

So at that stage there was the beginning of resistance to these raids - it took the form of actual, physical violence between the Police and the residents? ---Yes.

More particularly the people who were living in "A" block at that time? --- Yes.

The "A" block people at that time, were they any particular type? Did they have any political affiliations? Did they come from any particular place? --- I do not know.

As far as you know, were they just generally residents of Mbekweni at that time? --- They were residents - they were residing there.

Did this fighting back involve any of the white officials or was it confined to the Bantu? ---Yes. It involved inspector, Mr. Breunissen.

In what way did it involve him? Did he participate in the assaults? ---*He participated because he actually* clashed with another young man there in "A" block.

Was that the young man ...? --- Not the young man of the visitor's permit.

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Was that at the same time or at another time? ---
No. It was at an early morning raid. It was not
connected with that. Inspector Breunissen clashed with
this young man and they had a fight.

Were any other white officials involved in these
fisticuffs? --- Not that I know of.

While we are on the subject of the Municipal Police,
what can you tell us about them? Do they come from any-
where in particular? ---It is only recently that I heard
that most of them are from the Transkei, from Kentane
and Willowvale areas.

So recently it has become apparent to you that most
of the Municipal Police come from Kentane? ---Yes.
And others come from Willowvale.

Is that near Kentane? --- Somewhere there.

Do you know where Wilson Nxgagane comes from? ---
I was told that he came from Kentane.

Is that in Pondoland? --- No, I do not know.

At that stage, round about 1959, was there any
evidence to you of the existence of any sort of political
organisation? ---No.

If there had been, do you think you would have known
about it? ---I can't say.

More particularly the activities in the single
quarters. Is it possible that there could have been
political activities which did not come to your knowledge?
--- Possibly.

But as far as you are concerned, you are not aware of
anything? --- I know nothing about that.

Did matters improve at all after the time you have
now told us about, when the "A" block people started

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reacting to these raids? Generally speaking, was there an improvement of conditions and relationships in the location or did they begin to deteriorate? --- There was no improvement.

THE COMMISSIONER: You say this first trouble was in December, 1959 with the visitor's permit? ---Yes.

You say the raids also led to attacks on the Municipal Police, because the people resented it? ---Yes.

Is that subsequent to December, 1959? --- I am not sure of the date.

I am rather concerned to know when it happened? Was this all happening from 1959 onwards? --- 1959/60.

Prior to that, things were quiet in the location. Is that right? --- That's right.

EXAMINATION CONTINUED: By "quiet", you mean quiet in the sense that the residents did not react in any particular way? --- Correct.

Do you recall the occasion when the superintendent, Mr. le Roux and certain others were arrested? --- Yes, I remember.

Can you tell us, during the time that Mr. le Roux was temporarily relieved from his position as superintendent, who acted in his place? ---I remember Mr. van Jaarsveld and Mr. Benade - firstly Mr. van Jaarsveld and then Mr. Benade.

Was it at that time, in other words the time between Mr. le Roux's arrest and his trial, that a deputation went to see the Mayor? ---Yes.

Do you remember that deputation? ---I remember that deputation.

You were a member of it? ---I was.

In fact, you led the deputation? ---I led the deputation.

Who did you see? --- We met the Mayor, Mr. Volks, together with Mr. Herholdt. He was the Chairman of the Committee, the Bantu Affairs Committee.

There was a secretary present as well, was there? --- Yes.

What was the purpose of the visit of your deputation to the mayor? --- We had a few requests. Firstly, that lights be provided on the main road leading from the single quarters to Mbekweni station. That was point No.1. Secondly, an improvement to the Langabuya sanitation. Thirdly, that women and children should not be allowed to go into the Municipal beerhall. The last point was that headmen be appointed to the single quarters to keep order there.

We have heard them described as "blockmen"? ---Yes.

One for each block? ---One for each block.

We heard, as a matter of fact, from previous evidence that the street lighting that you asked for was provided and that there was some improvement in the sanitary facilities at Langabuya? ---Yes.

With regard to the appointment of blockmen - first of all, what was the attitude of the mayor and Mr. Herholdt, as chairman of the Committee? --- They promised that a man would be sent out to go and inspect the conditions down there. They said they could promise nothing further as Mr. le Roux was on holiday.

Was, in fact, anyone ever sent out to inspect? --- Not that I know of.

As a matter of fact, were blockmen ever appointed?

---No.

I want to know from you, why specifically did you feel that it was necessary for blockmen to be put in control of the single quarters? --- When Mr. le Roux was still there, women were not allowed to go to the single quarters. Now, in his absence, there was free movement. They were coming in from as far as even Wellington, Cape Town and Worcester.

Did you want the blockmen to control the influx of women and children? --- Yes.

Did you discuss in any way conditions generally in the single quarters and the behaviour of the men there, with the mayor and Mr. Herholdt? --- Yes. We did. We discussed the dancing parties they used to have from Friday to Sunday evening.

Did you discuss their general behaviour and attitude towards authority? ---No.

Did you in any way indicate to the mayor that you people were worried about the way things were going there? --- Yes. We did indicate that the people were getting out of hand down there, because of the freedom of movement.

By "freedom of movement", do you mean in and out of the location? ---In and out, yes.

Were you aware at that time of whether there were any meetings being held in the location? ---Not to my knowledge.

Before we go on to the time when Mr. le Roux returned, were there - was there any talk in the location with regard to this case of Mr. le Roux, and people who

were going to give evidence in the case?

THE COMMISSIONER: I would like to just get this position clear. You say you discussed with Mr. Herholdt and the mayor that the blockmen had to be put there to control the movement of the people? ---Yes.

There were these women and children coming in there and dancing and getting out of hand? ---Yes.

Arising out of that, do you and the responsible type like yourself in this location, in this Native area, approve of control by the authorities of this sort of thing? You don't want to be left on your own, to let people come in and out as they like? --- We do want the control.

Do you approve of it? --- Yes.

Because I understood that from other witnesses who were here as well and I want to ask you to get it clear in my mind? ---Yes.

EXAMINATION CONTINUED: Just one small point. You say the mayor told you that Mr. le Roux was on holiday at the time? --- Yes.

Was he in fact away on holiday? Do you know? --- Not as far as I know.

Did you see him at all around that time? ---Yes. I saw him that very morning before we went into the office of the mayor.

After the meeting with the mayor, did you receive any visits at all? ---Yes. Mr. Snyman of the C.I.D. came to me.

What was the purpose of his visit to you? ---He told me he heard that I had a political meeting in my house. Then I referred him back to the mayor to go and find out

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from the mayor, at the mayor's office.

THE COMMISSIONER: Was this untrue? --- That was untrue - definitely.

Do you know at all where Mr. Snyman could have heard that you had held a political meeting in your house? --- I have no idea at all.

He did not disclose that to you? ---He did not.

EXAMINATION CONTINUED: Did Mr. Snyman have any comment to make on the holding of political meetings? --- He merely advised me that I should be careful in holding meetings.

Did you tell him that you had not held a meeting? --- I told him.

And he still warned you? ---He still warned me.

His warning was in regard to your future conduct? --- Yes.

That you should be careful not to hold meetings? --- Yes.

THE COMMISSIONER: Did he say he had been informed that you had held a political meeting at your house? --- Yes.

He did not say who had informed him? ---No, he did not tell me.

Have you any suspicion as to who could have told him? You need not mention names. Did you suspect that anybody might have given that false information about you, because you had gone to the mayor with a deputation, or did you not associated it? --- No, I did not.

EXAMINATION CONTINUED: Did you just after you had been to see the mayor receive a visit from somebody else? No. I was just called by Mr. Benade who wanted to know

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the same.

Was Mr. Benade at that time ...? ---He was acting at that time.

You say you were called by him? ---Yes.

What did he have to say? --- He wanted to know the purpose of the visit to the mayor.

Did he say anything about the fact that you had gone to the mayor? --- He advised that things should go through the correct channels. I should first have reported to him and then gone to the mayor's office.

In other words, you should not have gone direct to the mayor. You should have gone, first of all, to the superintendent? ---Yes.

Did he appear to be annoyed at the fact that you had gone direct to the mayor? --- I could not say because I am not sure.

You don't perhaps know how Mr. Benade got to know that you had been to see the mayor? ---I have no idea.

With regard to the trial of Mr. le Roux, was there any talk about people who were to give evidence against Mr. le Roux? --- What I know of - no.

As to whether anything was going to happen to people who gave evidence, or that had happened to people who did give evidence? Did anything to that effect reach your ears? --- During the time of the trial or after the trial?

THE COMMISSIONER: Before or during the trial? --- I heard nothing.

EXAMINATION CONTINUED: There has been evidence that there was a meeting at the beerhall in connection with this case. There has been evidence by people who said they heard there was a meeting at the beerhall? ---Yes,

--- that ---

that I heard. It was general talk in the location.

According to what you heard, what was supposed to have happened at that meeting at the beerhall? --- That Mr. le Roux was addressing them that they should not go and give evidence.

Did you hear any other rumours about any attempts in any way to try and dissuade people from giving evidence? --- There was general talk amongst them. That very evening he even offered money.

Money was offered at this beerhall? --- Yes.

Do you know of anything that happened to people who did give evidence? --- Yes. I know a man was endorsed out.

Do you actually know one man who was endorsed out? ---Yes.

Do you know if there was any other reason why he should have been endorsed out? --- According to what he told me when he came to me for a testimonial, because he was taking the child out of school to leave the place, he told me he was leaving the place because he was endorsed out because he had given evidence.

People who were going to give evidence but did not in fact give evidence in Court, have you any idea about their feelings about it? ---I know one who was very dissatisfied.

What was the general feeling in Mbekweni about the fact that Mr. le Roux and one or two of the others who were charged with him, were acquitted? --- They felt that justice did not play a part.

In want you to tell his Lordship, at that stage, with the return of the Superintendent and the other officials, what was the atmosphere like in the location - residents,

--- officials ---

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officials and generally? Was it pleasant and happy?

--- They were not happy because each and every man you met told you they were disappointed, they had been maltreated.

At that stage, did you hear of any meetings being held in the location? ---No.

Did you at that stage know anything about this organisation, Poqo? --- No.

Was there to your knowledge any form of political activity in the location at that time, as far as you knew? ---Not to my knowledge.

Time then went on and then there were a series of murders in the location. The first of these - can you remember which one that was? ---I remember Klaas Hoza.

At the time of the death of Klaas Hoza, was there any talk about activities at the single quarters? ---No. It was all quiet, as far as I know.

Then there was a man called George Tshisha? --- I remember him.

He was murdered as well. At that stage, was there anything - did anything come to your knowledge about political organisations and political activities? --- It was only after the death of George Tshisha that we heard about this Poqo.

What did you hear about Poqo? --- That there was an organisation called Poqo.

THE COMMISSIONER: Did you know what sort of organisation it was? Were you told, or did you hear? --- Trying to find out, a friend advised that I keep out because if they discover that I am trying to trace and find out, I'll be in danger.

So you were afraid to try and find out what this organisation was? --- Correct.

EXAMINATION CONTINUED: Was there a suggestion that it was this Pogo organisation that was responsible for these murders? --- That was the general talk.

THE COMMISSIONER: Did you ever meet any members of Pogo, or people who confessed to be members of Pogo? --- No. Not at all.

EXAMINATION CONTINUED: What were conditions like now - take this period after Hoza and Tshisha had been murdered. What were conditions like then, as far as you could see, at the single quarters? Was there any form of activity going on then? --- Yes. Things then went from bad to worse. It was difficult to move about at night. There were rumours that anyone found about at night would be murdered by this organisation.

Did you hear anything at that stage of meetings in and about the location? --- Yes, I heard about meetings in the single quarters.

What sort of meetings? --- That was just what I wanted to find out and then I could not actually get at the root of that.

Was it at that stage when you were advised to keep your nose out of Pogo? --- Yes.

THE COMMISSIONER: Was there anything to indicate that it was a political organisation? --- My idea was that it was a political organisation, yes. I was advised that it was a political organisation.

But you did not know what the nature of it was? --- That is what I wanted to find out.

And then you were told to keep your nose out of it?

--- Yes ---

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--- Yes.

EXAMINATION CONTINUED: In any event, you are concerned, were you not, at that time with the way matters were getting out of hand? --- I did not like the way matters were going on that is why I wanted to find out.

Was it about that time that you decided to go and see the district commandant, Col. Carstens? --- It was just at the time of the murder of George Tshisha that I went to the district commandant.

The beginning of 1962? --- I do not remember the date.

I think it was in May, 1962 - round about that time. The first half of last year, at any rate? --- I think so.

You and some others went to see the district commandant. You were a group of four. Is that correct?

--- That's correct.

One of them was the witness Sonyoni? --- Yes. I took him along with me.

You might just mention the names of the others.

There was ...? --- Mr. Bam, and Mr. Ebenange.

THE COMMISSIONER: Are these all prominent residents? --- Yes. Quite reasonable men.

EXAMINATION CONTINUED: What was the purpose of your visit to Col. Carstens? --- What we wanted was, firstly, frequent raids at the single quarters and secondly, we wanted protection.

THE COMMISSIONER: You actually asked for raids at the single quarters? --- Yes.

EXAMINATION CONTINUED: Raids for what purpose? --- To find out the cause of the murders.

At that stage, was there still trouble with women in the location? --- Yes. The women were moving freely.

THE COMMISSIONER: What was your objection to the women? --- There were dancing parties and fighting.

Was that the trouble? ---Yes.

EXAMINATION CONTINUED: So you wanted the Police to make a thorough investigation? --- A thorough investigation as to what was actually taking place down there.

Did you ask for anything else? --- Protection.

What we actually wanted was a Police station in the old Municipal office at Nbekweni.

So you asked for investigation and protection in the form of a Police Station? ---Yes.

Did you feel that the protection which up to that time had been afforded by the South African Police was inadequate? --- Very much.

THE COMMISSIONER: And that by the Municipal Police? --- The Municipal Police were patrolling there and they could not cope.

You had more confidence in the South African Police? ---Yes.

EXAMINATION CONTINUED: In other words, you were not satisfied with the protection afforded by the Municipal Police. You wanted the South African Police to come in? ---Yes. We had more confidence in them.

What was Col. Carstens's reaction to those requests of yours? --- Col. Carstens suggested that we go and see Mr. le Roux. We objected.

Why did you object to the suggestion to go and see Mr. le Roux? --- My only reason was, Mr. le Roux is the sort of man who promises and he never fulfils his promises.

So you felt that it would be useless? ---Yes. It does not pay going to him.

When you mentioned that to Col. Carstens, that you felt there was no purpose in your going to Mr. le Roux, did Col. Carstens have any other suggestion to make to you? --- He said he could not get into the location without a permit from Mr. le Roux himself.

I want to try and make that clear, because Sonyoni had the same recollection and then, when he was cross-examined, he agreed that there might have been a misunderstanding between himself and Col. Carstens, and that what Col. Carstens had said was that the South African Police could not take over the control of the location without permission? --- Maybe that is what he meant. His words were that he must obtain a permit.

THE COMMISSIONER: Did he use the word "permit", or "permission"? --- Permission.

Because it seems, according to the regulations, that the maintenance of law and order is left in the hands of the Municipal Police. That was probably Col. Carstens's difficulty.

MR. GROSSKOPFF: No, M'Lord, if I may be of assistance, that is not quite correct. The regulations expressly provide that the South African Police are allowed in without any permit. They are exempted ...

THE COMMISSIONER: I don't think we must quarrel with the word "permit" or "permission".

MR. GROSSKOPFF: But even at Paarl - I want to make it quite clear, I don't concede that the maintenance of law and order is part of the Municipal employees' duties.

THE COMMISSIONER: Where did I get that from, Mr. Steyn?

MR. J. STEYN: It is a question, really which we

will have to address your Lordship on, on the interpretation of the regulations as a whole, as to exactly what the position is between the duties of the Police and the Municipality. I think both my learned friend and I will probably have to address your Lordship on that, as to what exactly the position is.

THE COMMISSIONER: There seems to be some doubt about it, as to whether he could go in or whether it was the function of the Municipal Police. That might have given Col. Carstens the difficulty.

MR. GROSSKOPFF: If I may just say, H^c Lord, there is no doubt that the South African Police are entitled to go in to combat crime. There is no doubt about that.

THE COMMISSIONER: But still, I was under the impression that the actual maintaining of law and order is the function of the Municipal Police and not of the South African Police. There is an over-riding right, in the South African Police, of course, to step in. That obviously must be so.

MR. GROSSKOPFF: Yes. To a limited extent. But I certainly would not concede that it is their function to combat an organisation like Fogo, for instance.

THE WITNESS: That is what he said, at any rate.

THE COMMISSIONER: You are quite sure in your own mind that he said that? --- There were four of us, H^c Lord. Unless that is not what he meant.

EXAMINATION CONTINUED: In what language was the discussion conducted? --- In Afrikaans.

You have a good knowledge of Afrikaans? --- I shall not say good - I have a working knowledge.

As a matter of fact, after your visit to Col.

Carstens, did the South African Police interest in the location increase? Did you see them there more frequently at all? ---Yes. We did.

While we are on this question of your visit, do you recall that a week or so after that visit you went along to the Municipal office to register one of the teachers who had come there to join your staff and you had a discussion with somebody there - would you just mention that to his Lordship, please? --- There were two of us - the Chairman of my School Board and myself. While we were busy with that, Wilson told us that members of the Poqo organisation were hunting for the men who had visited the district commandant.

The activities of the South African Police in the location - was there ever any suggestion that they were guilty of any improper conduct, assaults or anything like that? --- I have travelled to a number of places and there are very few complaints against the S.A.P. and at Paarl not a single one.

THE COMMISSIONER: What about the Municipal Police?
--- A number of complaints.

EXAMINATION CONTINUED: Do you recall that there was an incident involving a visit by Col. Carstens to the location? ---I remember.

What happened? --- According to what he told me, he was attacked.

THE COMMISSIONER: Was that the first time you heard of it? ---No, I first heard it from the Press.

EXAMINATION CONTINUED: I take it having heard it from the Press, you were not prepared to believe it until I got it from Col. Carstens? ---No, I believe it

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because (inaudible).

At the time of that attack on Col. Carstens, you and a friend of yours - you were approached by a friend of yours who said he had suspicions about this Poqo organisation? A friend of yours by the name of Reggie? ---I remember.

Will you just mention that particular incident to his Lordship? ---He called me to his house and told me that there were a few men he suspected --- Reggie Qumisa is his name. He said I should accompany him to the location superintendent. He had a list which he wanted to hand over to him just to investigate whether these men were taking part in the Poqo organisation, or not.

He had a list of people whom he suspected might be taking part in Poqo activities? ---Yes.

And that you should accompany him to the location superintendent with this list? --- Yes.

Did you in fact go with him? ---Yes, but unfortunately we did not find Mr. le Roux then Reggie handed the list to Mrs. le Roux.

What time of the day did you go there? --- Immediately after school, at about 3 o'clock.

Mr. le Roux was not at the office? ---He was not at the office.

Is Mr. le Roux normally at the office at 3 o'clock? ---He is supposed to be there. The office closes at 4.30.

He is supposed to be there. Do you know ...? --- He is not usually there.

So you handed the list to Mrs. le Roux? ---Yes.

Did you try to find her at the Municipal?

offices or did you try anywhere else? --- After leaving the Municipal offices, we went to the town hall. He was not there either. Then we left it at his house with Mrs. le Roux.

Do you know whether anything happened as a result of that? --- No.

Were you approached at all? ---I was never approached.

Did Reggie Gumza tell you whether he had been approached by Mr. le Roux or anybody else? --- No.

As a result of this list that had been handed in? --- No.

Did you explain to Mrs. le Roux what the purpose of this list was? --- Reggie explained.

Did Mrs. le Roux appear to understand? ---Yes, definitely.

Does Mrs. le Roux know you - does she know who you are? ---I do not know whether she knows me but she knows Reggie.

THE COMMISSIONER: What is Reggie's position? --- He is just a resident there.

A well-known resident? --- A well-known resident.

EXAMINATION CONTINUED: Was he at one time in the service of the le Roux's? ---I have no idea.

Can you remember when this was, roughly? --- After the attack on Col. Carsterns.

Was it shortly after the attack? ---Yes, shortly after the attack.

This list compiled by Reggie ...? --- Reggie had all knowledge of it. It was compiled by him.

You accompanied him presumably to lend a little bit of tone to the visit? --- That was all.

It was not a question of it being your suspicions?

--- No.

Were you in a position yourself to have suspicions as to who was, and was not Pege? --- Not at all.

You say that you, at any event, heard nothing further about this and as far as you know, Reggie never told you that he heard anything? --- Correct.

What was Mr. le Roux's attitude generally? Would you say he was interested in the goings-on or reports that were made to him by the residents about goings-on in the location? ---It is very difficult to say because we do not meet him often.

Is he generally available at his office for consultation with residents who want to see him? ---It is very difficult to meet him.

Why do you say it is difficult to meet him? --- He is most of the time not at the office.

Is that an assumption you make or is that based on personal experience? ---Personal experience.

In your professional capacity as headmaster of the school, do you have occasion to see him from time to time? ---Yes. I make an appointment when I want to see him. He does 'phone me, too, if he wants me.

And generally, is there talk amongst the people there that he is very difficult to get hold of, or can you not say? ---No, that I cannot say.

What about the junior officials, men like Mr. Bautenbach? --- They are always available.

Are they helpful and receptive of people's complaints? --- I shall not say that, because I have very few dealings with them.

After this particular occasion that you have mentioned in 1962, did you see conditions, feelings and tensions in the location improve, or were they deteriorating? ---No improvement.

Particularly, did you observe, did you hear of people going in and out of the location in groups and buses and lorries and that sort of thing? ---I heard about that.

Did you hear of groups of people coming in? --- Going out.

According to what you heard, where were they going? --- Dancing parties and so on, to the beach.

Did you hear of lorries with people going to Cape Town? --- Yes.

Did you consider that there was anything sinister in these people going out? ---No. I did not take much interest in that.

Do you now suspect, looking back, that there was any political significance in these groups of people that were coming and going or would you still just regard it as recreation? ---It is very difficult to say.

In any case, you say there was no improvement in the situation. Did you make any further efforts to approach anyone in authority? ---No.

THE COMMISSIONER: Why - any reason? ---I had personal reasons.

What were they? --- Firstly, when I approached the Mayor I was surprised to be visited by the detective. Secondly, accompanying Reggie to Mr. le Roux - there was no reaction. Thirdly, that the district commandant should tell us that he could not enter and take over

--- without ---

without permission.

EXAMINATION CONTINUED: Are there any further reasons that you have? ---Yes. I was warned by Wilson, that they are dissatisfied that I led a deputation to the mayor saying that I wanted to take over his job.

If I understand your evidence correctly, Wilson had indicated to people and it had come back to your ears, that Wilson had said you were trying to take over from him? ----Yes, that is what came to my ears.

This fellow Wilson who has been mentioned from time to time in the evidence, what sort of person is he? Mild-mannered, pleasant dispositioned gentleman, would you say? --- To those who keep company with him, they do respect him and take him to be an honourable gentleman.

You regard him as such? Those who don't go with him, what do they think of him? --- They are a little bit scared of him.

Are they frightened of him? ---Yes - like myself.

Is he/man who can assault you if he wishes, or anything like that? --- No. Fearing to be endorsed out.

Is he a man who it is felt ...? ---He has great influence.

- LUNCH ADJOURNMENT -

ON RESUMING AT 2.15 P.M.:

BANTU MAN Z1 still under oath:

EXAMINATION BY MR. KING CONTINUED: I want you to recall, if you can, the Sunday morning before the March into Paarl. Do you recall that on that Sunday morning you were on your way to church? ---I do remember. On my way to church - I attend services at Langabuya.

On the way to Langabuya, I have to pass the Municipal farm.

This Municipal farm is the place where Wilson stays?

--- Yes. Where the Municipal authorities are staying.

I noticed that there was a gathering outside, under the

trees. I learnt, later, that there was a meeting.

THE COMMISSIONER: Was that meeting on this farm where Wilson lives? --- Where Wilson lives.

EXAMINATION CONTINUED: Did you stop to listen at all to what was being said? --- No. I was quite a distance away.

Did you see a gathering of people there? --- A number of people.

Could you give any estimate to his Lordship as to what number of people were there? Was it a large crowd, or a few people? --- According to my estimation, it would have been something between 150 and 200 people.

Did you subsequently learn about this meeting? Did you hear what was supposed to have been said at this meeting? --- Not at that very moment - later in the afternoon I heard.

What was it that you heard? --- That there was going to be a general sorting out of people, having the Fogo members in the "C" and "D" blocks and the non-Fogo members in the "A" and "B" blocks.

How was this sorting out going to be effected? How were they going to do it? --- I cannot tell how they were going to do it but we could see it from where we stay out in Mbekweni in the married quarters when they did the shifting from one block to another.

What did you see? --- Men carrying their loads from the block to where he was going.

Did you see any violence during the course of this ...? ---Not on that day - the Sunday.

THE COMMISSIONER: Was the sorting-out already on the same day? --- Yes. That very Sunday afternoon.

EXAMINATION CONTINUED: Did you hear from the people who told you about this meeting, of anything to the effect that this was an authorised meeting - that permission or authority had been given for the holding of the meeting? --- Yes, there was general talk that day, that it had been authorised by the South African Police.

Was the talk that the people at the meeting had said - or the people who addressed the meeting ...? --- The people who convened the meeting said it was authorised by the South African Police.

Is that what these people who convened the meeting are supposed to have said to the meeting? --- It was what they said to the men who attended the meeting.

Can you recall whether you heard who in particular was supposed to have addressed the meeting and said that? --- According to what I gathered, Wilson Nxganga was the convener.

Were there any other Municipal employees present, apart from Wilson? ---Only the Municipal constables, and Wilson.

This talk which was apparently current in the location, that this meeting had been authorised by the South African Police - what was the reaction of the people at Mhekweni to this suggestion that the South African Police had authorised this meeting? --- We took exception, especially myself being a member of the location Advisory Board, to an action of that kind, not knowing about it.

What was your reaction to the fact - when you heard that this meeting had been authorized by the South African Police, what was your reaction to the fact that the Police had apparently permitted this? --- I was surprised to learn this story, although I did nothing.

I asked you whether during the course of this shifting over and changing you saw any violence and you said no, not that Sunday. Now, was there an occasion after that that you did actually witness some violence? --- During the week, the day prior to the march into town, I did notice some violence.

Where did you see that? --- That was at the "C" and "D" blocks - a number of men chasing others with sticks.

Could you ascertain from what you saw yourself who was chasing who? --- I know a man who was chased, by the name of Dick. I saw him running. They did not actually hit him. They chased him.

Was he somebody who was to be shifted into "C" and "D" or was he somebody shifted from "D" block? --- I cannot say.

Generally, who was doing the chasing and the hitting, as far as you could see? --- The men who are at present staying at "D" block

In other words, the people who are presently at "D" block? ---Yes.

It was said that "D" block was the block which became, in effect, the Fogo block. Do you know whether that is so? --- That is the general talk but not as far as I shall say.

But that is the general talk? ---Yes.

Apart from this one incident which you yourself

saw, did you hear anything - was there any discussion of people being chased or hit anywhere? ---Yes, a lot.

What part, if any, did the Municipal Police play in this chasing and hitting, according to your information?

--- According to the information I have, people were being taken from the "C" and "D" blocks to the farm where they were hit by the constables.

Which farm? --- The Municipal farm.

This business about people being taken to this Municipal farm and beaten there, is this something that you heard about before? --- No.

Could you perhaps assist his Lordship by giving us your opinion as to what should be done to restore proper conditions at Mkekweni? What do you feel needs to be done? You can speak quite openly about it? --- I think step No. 1 - they will have to provide new officials, right from Mr. le Roux to the constables.

Why do you say that? --- When the officials were acquitted after the corruption trial, a few men were endorsed out. There was great dissatisfaction - ever since. I am sure, no-one can stay where there is no friendship.

Do you feel that people at Mkekweni still have trust and confidence in these officials? ---Not at all.

You say there is an apparent lack of friendship - is that only from the point of view of the residents who are unfriendly towards the officials? --- From the officials, too.

So is there a mutual absence of friendship? --- Yes. The second one - I would suggest that the Municipality should erect a proper location, rehousing the people at

Langabuya and taking the people out of town to the location.

In other words, this location which apparently has been promised for some time - you feel they should make an immediate start with its erection? --- The sooner the better - a proper location with all amenities, sports facilities, shopping centre, recreation hall.

THE COMMISSIONER: To replace Langabuya and Huguenot? --- And Huguenot area.

EXAMINATION CONTINUED: Are there still actually Africans living in various parts of town? --- Hundreds!

Do you feel that any revision is necessary in the administration of the pass system? --- Referring to the pass system - there is nothing wrong with the ordinary reference book. It has never worried me but I think an eye should be kept so that there is no selling of passes.

In other words, as far as you are concerned you have no personal objection to the system - to the principle of the pass - but you feel there should be no corruption in the administration? --- It should be carried on in proper order.

Do you feel that any sort of investigation by the Police or the C.I.D. of the Police Force would be beneficial - an investigation into the position generally at the location? --- In connection with?

In connection with breaking of the law - of whatever description. Do you feel it is necessary for a thorough investigation to be made? --- Very beneficial.

With regard to - in addition to this investigation which you feel is necessary, you did earlier in your

--- evidence ---

evidence tell his Lordship how you had previously led a deputation which had requested more adequate Police protection? ---Yes.

You adhere to that view, I take it? --- Yes. It is quite necessary that the South African Police should open up an office over there.

Do you feel there should be a Police Station? --- Absolutely necessary.

What are your views on this whole question of people being endorsed out of the area? --- Any wrongdoers, after thorough investigation, must be endorsed out if it is proved. ^{with} But/the law-abiding people, I think a thorough investigation and a more sympathetic method must be applied.

You mentioned that one of the remedies which you feel would help is the erection of this new location. Leaving the new location aside, are there any additional facilities which you feel could with advantage be applied at Mbekweni location, at the moment - quite apart from what they provide in a new location, in Mbekweni as it stands today. Is there anything that you feel is needed? You have told us about a Police station, for instance. I think you did also mention that at one stage you asked for a clinic? --- I would suggest that they put a clinic there, and something must be done - I am sorry to say that if you have two families and the one is well-fed and the other one is ill-fed, then there will be no friendship between them. The Municipality has provided a beerhall just for those who participate in drinking. Something must be done for the non-drinkers.

THE COMMISSIONER: What is that "something"? --- Well, a recreation hall where they could have indoor games and so on. That would be keeping the youngsters out of the streets and out of mischief.

EXAMINATION CONTINUED: Is there any opportunity for people of your type for intellectual or cultural expression in the location? Are there any societies? --- There are very few - very poor.

Is there anything at all? --- There is some - only the rugby field and the tennis courts. Something must be provided for the children as well.

Apart from physical activity there is nothing else? --- Nothing else.

And you say there is nothing provided for the children? --- Nothing for the children at all.

Is there any provision made for the children, for instance, where both parents are away at work? Is there anything like a creche? --- Not at all.

THE COMMISSIONER: But would something like a creche take on amongst the Bantu people? Would they use that sort of thing? --- They would leave their children there, when the mothers go to work.

EXAMINATION CONTINUED: What is the position with regard to postal facilities? I believe there is no post office? --- That is the worst I have ever seen. The Municipality has a postal agent where all the post is carried and left on the counter. After losing several official letters, I had to get a box of my own - a private box. An improvement is necessary.

These various factors which you have mentioned, would it be correct to say that that is an expression

of the general feeling of people of your type in the location - the married persons, persons in responsible positions? --- I should say about 90% of the inhabitants would agree with me.

These various matters, are they matters which from time to time are discussed amongst the residents? --- They are generally discussed, at the bus stop, everywhere - wherever you meet people, they will tell you about the difficulties they experience.

THE COMMISSIONER: Do you think you can claim to be speaking for 90% of the residents? --- I can claim that. Especially the amenities in the ^{now} location I am talking of now - general improvements.

EXAMINATION CONTINUED: As a matter of interest, what are the views of the other 10% for whom you don't speak? --- Well, that would be very hard. Those, I should say, are those who side with Wilson.

Quite an effective 10%, I should say, in many ways? --- Yes.

THE COMMISSIONER: You suggested, I think, that they all come from a certain area - Kentane? --- They are the ^{who} people/are presently making up the "A" and "B" blocks - mostly the "B" block and a few individuals in Langabuya.

They all come from that one area - are they Kentane people? --- They are all from one area.

They have all been given these positions in this ... ? --- That is what I have noticed ever since I have been to Paari.

And the Municipal Police as well? --- They are all from one area.

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And do I understand you correctly? You seem to suggest that they are dominating the other people? --- That is what they are doing at present.

EXAMINATION CONTINUED: Do you know, is it just coincidence that these people are all from the one area or has there been some deliberate effort to get people from that area to come down here as Municipal police? Have you heard, perhaps? --- I heard, yes, that they are all from one area.

That they are deliberately brought down from that one area? --- Yes.

Just finally, you yourself, have you ever been associated with any of these African political organizations? --- Unfortunately not -only religious organizations.

When you say "unfortunately not", do you mean unfortunately in the sense that you can't tell us about them? ---I know nothing of them.

You yourself, have you ever been associated with any - you have been employed as a teacher for your whole adult life, really? --- It is the only kind of job I have done.

And as such you cannot participate in politics, even if you had wanted to. Is that correct? --- I am not even interested, whether I am allowed to or not. That is why I have tried my utmost to trace and take these things to the officials.

The question of the Advisory Council remains, otherwise my examination-is-chief ...

THE COMMISSIONER: Yes, well, I take it we are agreed that we are leaving that over until Monday.

Do you know anything at all about the existence of the other organisations such as the A.N.C. and the P.A.C. in your area? ---Yes. I understand there used to be an B.N.C.

Of course, that has been banned? --- That was banned, and it has withered away.

And the P.A.C.? --- The P.A.C. - to get a fair knowledge of that, was only after the evidence of George Skoss. That is all I can mention. I know nothing about that.

Was that the first you heard of it? --- That was the first that I heard more of it, that it is the translation of the word "Pogo".

Do you know whether it was ever there in your area on an organised basis? ---I have no knowledge of that.

We also have some evidence that the P.A.C. and Pogo are really one and the same organisation. Do you know anything about that? --- That is very difficult - it wants a thorough investigation.

You don't know? ---I don't know.

You can't help me with that? --- Not at all.

- THE COMMISSION ADJOURNS UNTIL -
28th JANUARY, 1963 at 9.15 a.m.

28th JANUARY, 1963.

APPEARANCES AS BEFORE.

ON RESUMING AT 9.15 a.m.:

BANTUNAH ZI, still under oath:

EXAMINATION BY MR. KING CONTINUED: How many members of the Advisory Board are there, did you say? --- There are twelve members of the Advisory Board.

Is this the Advisory Board for Mbekweni? --- Six from Langabuya and six from Mbekweni.

Of these members, who is the chairman of the Advisory Board? --- The present chairman of the advisory Board is Mr. de Villiers, the Chairman of the Bantu Affairs Committee of the Town Council.

Does he actually preside at the meetings of the Board? --- He is the man who presides.

If he is not present at any meeting? --- In his absence, we have Mr. le Roux as Chairman.

The superintendent? --- Yes.

Regulation 3 provides that - "The Superintendent shall annually convene a meeting of the registered occupiers of the location for the purpose of explaining to them these regulations and calling for the nomination of candidates for the election of members for the ensuing period of twelve months". Do you know if such meetings are ever held? --- Not at all.

You have no knowledge at all of any such meeting being held? --- No knowledge.

It says, further that - "Public notice of such meeting shall be given by posting a notice of the meeting

--- during ---

during the month of August on the notice board at the office and in some conspicuous place in the location for a period of not less than fourteen days". Have you ever seen such notice? ---I have seen notices calling meetings, which meetings the residents, of course, do not attend. There have been posters ...

Posters advising that the meeting will be held?

--- Will be held.

And in fact, is it correct that the meetings are not held because of the non-attendance of the residents?

---Yes.

THE COMMISSIONER: Why don't they attend? ---

That I cannot say but I remember in 1962 such a meeting was called in Mbekweni and the residents did turn up at about 6 p.m. The superintendent was not present and so there was no meeting.

EXAMINATION CONTINUED: What time was the meeting scheduled to be held? ---If I am not mistaken, the meeting was called for 4.30.

Is that a practical time? ---No, that is not a suitable time. Most of the people return from work at about 5.30 or 6 o'clock.

THE COMMISSIONER: Was anybody there at all at 4.30? --- At 4.30, I understood that Mr. Bantebach was there, and then he left before 5 o'clock.

EXAMINATION CONTINUED: Do you know whether any of the residents actually were present at 4.30? ---Not a single one. At 6 o'clock the residents turned up.

THE COMMISSIONER: Was this time for this meeting discussed with the Advisory Board before it was arranged?

--- Times are never discussed, nor the advertisements,

--- of ---

of those posters. We only see the posters. We hardly know when our time expires, of membership.

It is not placed before the Advisory Board for discussion? ---Never.

Because then I take it you could have told them that 4.30 is not a suitable time? --- Definitely. I should have told them and the members as well should have told them as most of the members on the Board are working.

Not even the members were there? ---Not even the members were there.

Were you there? ---I was there.

EXAMINATION CONTINUED:

What was the reaction of the residents who did attend at 6 o'clock when they discovered that the meeting was to all intents and purposes over or that it had not been held? Do you know? --- No.

THE COMMISSIONER: Who is Mr. Rautenbach? --- Actually, Mr. le Roux is the Director of Bantu Affairs and Mr. Rautenbach is the superintendent.

Where was the chairman of the Native Affairs Committee? ---He was neither there. Not a single one of the officials was there.

At 4.30 I am talking about - was the chairman there? --- The chairman was not there, the director was not there. Mr. Rautenbach was there.

Do those regulations, like East London's regulations, provide that the Chairman of the Native Affairs Committee is the chairman of the Advisory Board?

MR. KING: They provide - Regulations 2 reads:

"The Town Council shall appoint one of its members or some other European conversant with Native affairs as chairman of the Advisory Board".

The East ---

The East London regulations provide that the Chairman shall be the Chairman of the Native Affairs Committee of the Council. But in fact, according to this witness, Mr. de Villiers, who is the Chairman ...

THE COMMISSIONER: Then in terms of that they could have appointed Mr. Hautenbach? ---

MR. KING: Yes. They could have appointed any European conversant with Native Affairs.

THE COMMISSIONER: It does not even say "European employee"?

MR. KING: No. It just says "some other European". "... onder blanke wat vertrou is met Naturellesake". As my learned friend points out, the convening of the meeting is the duty of the Superintendent.

THE COMMISSIONER: Is that in terms of the regulations?

MR. KING: Yes - Regulation 3.

THE COMMISSIONER: But must he not consult the Advisory Board?

MR. KING: No, it simply says -

"The Superintendent shall annually not later than the 3rd September convene a meeting of the registered occupiers of the location for the purpose of explaining to them these regulations and of calling for the nomination of candidates for the election of members of the Advisory Board for the ensuing twelve months, of which meeting public notice shall be given by posting a notice thereof during August on the notice board at the office of the Council and in some conspicuous place in the location

for a period of not less than fourteen days".
In other words, to have a notice posted at the
Municipal office in the town and also at some conspicuous
place in the location which states that this meeting is
going to be held.

EXAMINATION CONTINUED: In terms of Regulation 4(2),
the members of an Advisory Board hold office until the
30th September following their election or appointment
and shall be eligible for election or appointment for
the ensuing year. In other words, members of the
Board are elected or appointed as the case may be, for
a period of a year.

As a matter of fact, in your own experience have
you been re-elected or re-appointed annually since 1957?
--- It is very difficult to answer that question because
nothing has been said to me ever since I was informed in
1957 that I had been appointed. I have just been sitting
on the Board ever since.

THE COMMISSIONER: You haven't annually been told
that you have been reappointed? ---Never.

MR. KING: The next regulation deals with persons
who are ineligible for election, M'Lord. I don't think
the witness can really help us on that.

Then there is a great deal of machinery laid down
for the election.

THE COMMISSIONER: Well, if there were no elections
then no purpose will be served in going through that.
What I would like to know is how do they know - for him
to deal with the procedure where there are no nominations.

MR. KING: That is laid down right at the beginning,
in a proviso to regulation 1 which says -

"Provided that should the registered occupiers fail to nominate and elect the number of members in respect of any election held in terms of these regulations, the Council may appoint as members of the Advisory Board the required number of persons. Such persons shall then be deemed to have been elected".

In other words, presumably after the necessary elections have been held or possibly after there have been no nominations, if there is a failure to nominate by the residents, then the Council may appoint the members of the Advisory Board.

There is provision made for submission in writing to the returning officer of nominations of candidates, supported by the signatures or marks of at least five registered occupiers of the location each of whom has paid his rent up to the end of the month preceding that in which the nominations are called for.

EXAMINATION CONTINUED: Do you know anything about written nominations being handed in or in any way submitted? --- No.

THE COMMISSIONER: Did you read the notice that was posted up in the location? --- Yes. It was just calling for a meeting.

Did it not say it was to call for nominations or anything like that? --- Calling for a meeting for the nomination of members of the Advisory Board.

EXAMINATION CONTINUED: Then there is provision for the posting, also at the office of the Council and in some conspicuous place in the location of a list of candidates nominated and a notice convening a further meeting within a period of between seven and ten days

after the lodging of nominations. Presumably if there were no nominations, there was not any further meeting. In other words, a meeting at which the list of nominees is read out. Do you know of such meeting having taken place? --- No.

Then, in the event of there being more than ...

DIE KOMMISSARIS: Mr. v.d. Berg, ek sal graag wil van die Stadsraad se kant ook uiteindelik van een of ander amptenaar of van die burgemeester of stadsklerk, hoor watter pogings is aangewend om hierdie regulasies te laat fungeer en of hulle behandel is as 'n doolie letter. Ek sê nie dit is so nie maar ek wil net graag wies wat was hulle benadering, het hulle hierdie dinge gesien. Is besluite geneem, en so aan. Sien, dit help nie om regulasies te hê as niemand ongees of dit werk nie. Ek sê nie dit is die geval nie maar ek wil weet of daar in erns probeer is om hierdie dinge te laat fungeer.

MR. VAN DEN BERG: Ek sal navrae doen, u Edele.

EXAMINATION CONTINUED: Then, if there are more candidates than there are positions on the Board, an election becomes necessary and there are a number of regulations dealing with the manner in which this poll is to be held. To your knowledge, has there been a polling at the location? --- No.

Then the regulations go on, H^r Lord, to deal with ipso facto the vacation of a seat by a member for the usual reasons.

THE COMMISSIONER: If the Bantu community there had been aware of this right to elect people to the Advisory Board, do you think they would have done so? Would they

--- have ---

have taken more interest in it? --- Yes, as far as I have heard what they actually want is that before the expiry the Superintendent should call a public meeting where he will give a brief outline of - a summary of the work that has been done during the year, before calling for elections.

EXAMINATION CONTINUED: Report back, in other words, to the electorate? --- That is so.

THE COMMISSIONER: But would they have been interested? --- Definitely. I am quite sure.

They would have come to such meeting - taken an interest in it? --- They would.

EXAMINATION CONTINUED: Do you think, then, that if there had been a proper opportunity given to them, they would have taken an interest in the Advisory Board? --- They will.

The next significant regulation is to the effect that ordinary meetings of the Advisory Board be held once a month on a day and at a time to be decided by the Board. Does your Board in fact meet once a month? --- Yes.

Do you get any form of notice? --- Yes, we do get a notice, with an Agenda.

Then there is provision to the effect that the Chairman may at any time, upon being satisfied of the necessity of doing so, call a special meeting of the Board. Do you know whether there were ever, in addition to the monthly meetings, special meetings of the Board called? --- Yes. We had a special meeting recently.

Was that the first one that you are aware of? --- Yes. It was in December some time.

The quorum for the meeting of the Board shall be four members - are these meetings normally well attended by the members of the Board? ---Yes, they are well attended.

There
/Is provision for the keeping of a record of the proceedings in a Minute book to be kept by such person as the Board appoints as secretary. Is a Minute book kept - do you know? ---Yes. Minutes are kept.

Are copies of the Minutes circulated to members of the Board? --- No.

Who is the secretary of the Board? --- The secretary at our meeting is Mr. le Roux, although Mr. Matlopo is supposed to be the secretary - one of the clerks there.

A clerk in the employ of the Council? ---Yes. He is a member of the Advisory Board as well.

THE COMMISSIONER: Doesn't he attend? ---He does attend, although Mr. le Roux records the Minutes.

He takes the notes? ---Yes.

EXAMINATION CONTINUED: During the actual meeting, are there certain rules which have to be observed? Regulation 25, for instance, provides that a speaker at the meeting addresses the chair, standing? ---Yes.

And when there is a motion or an amendment to bring, it must be duly moved and seconded. Is that done? ---Yes.

And before a motion is put, it is read out by the chairman or by the secretary? Before a motion is put to the vote? ---It is read out, yes.

The last regulation, 31, deals with the duties and functions of the Advisory Board. The first of these, (a), is to act in an advisory capacity on matters

concerning the location. With regard to that, acting in an advisory capacity on matters concerning the location, can you give his Lordship an idea, generally, what type of thing is discussed at the meetings of the Board? --- We discuss such things as sanitary, the supply of water, housing and such things.

General matters affecting the conditions in the location? ---Yes.

And do the members of the Board from time to time make recommendations? --- They do make recommendations.

THE COMMISSIONER: And are these ^{recommendations} regulations given heed to? ---Never.

What happens to the recommendations you make? --- The recommendations are forwarded to the Committee for Bantu Affairs.

EXAMINATION CONTINUED: Can you perhaps mention something specific to his Lordship, some recommendation that has been made by the Board, which has been forwarded to the Committee and about which nothing has been forthcoming? ---Yes. The improvement of the streets both in Mbekweni and in Langabuya.

Do you mean the actual surfaces? ---Yes.

Is that something which the Advisory Board requested? ---Yes. Requested from the Council.

About which nothing has been done? --- Correct. Then the supply of more water in Langabuya.

THE COMMISSIONER: Is there a shortage of water? --- A great shortage of water. There are not enough taps in the location. They have communal taps and those are not enough for the location.

EXAMINATION CONTINUED: Is that the feeling of the
--- residents ---

residents at Langabuya, that not enough taps - that the water facilities provided are insufficient? --- Very insufficient.

THE COMMISSIONER: And have you as an Advisory Board taken that up, to ask for more taps? --- We have several times asked for more taps.

EXAMINATION CONTINUED: This particular request, do you think that would be one which emanated from the Langabuya representatives on the Board? --- From the Langabuya representatives, supported, of course, by the Mbekweni members as well because we have a joint sitting.

In any case, those were matters of general concern that you felt required some sort of rectification that were raised by the ordinary members of the Board from time to time. Is that correct? ---Yes.

Your second duty or function is to receive and consider complaints, representations and suggestions from the inhabitants and, if deemed necessary - in other words, if the members of the Board deem it necessary - to make representations thereon to the Council, ^{OR} to any Committee appointed by the Council to deal with the affairs of the location. The first part of that function, then, is to receive and consider complaints, representations and suggestions from the inhabitants of the location. As a matter of fact, did you find that the inhabitants ever came to you as a member of the Board with their complaints, representations or suggestions? --- No. No resident has ever approached me.

Not on any single occasion? --- They may have approached the others.

As far as you are concerned - I take it, it is generally known that you are a member of the Advisory

Board? ---Yes. It is well-known.

You say you speak for yourself. With regard to the other members ...? --- That I cannot say.

Do you know, from what you have heard from the other members themselves, whether they are ever approached? --- Yes. I know of a member who was approached and he brought the matter up.

You remember one occasion? ---One occasion.

Generally speaking, at the meetings of the Board do the members make a habit of saying "I have received the following complaints - the following suggestions have been made to me, the following representations have been made"? --- Yes. They do.

So that means that in fact the other members are from time to time approached by residents of the location? --- They are approached, yes.

These members are not just speaking for themselves? --- No.

Then, the further part of that function is, if the Board feels it necessary to make representations concerning this particular complaint to the Council or to any Committee appointed by the Council. Do you know if these complaints are taken to the Council? --- I know of requests - not complaints, actually - that have been taken to the Council.

Was anything done about them? --- Truly speaking, very little has been done.

The third function is to receive and consider any report concerning the location by the Council or any of its officials. During your time on the Board, has the Board ever received any report from the Town Council or

from the Bantu Affairs Committee of the Council dealing with the location? --- We have an annual report from the Council.

THE COMMISSIONER: Do you get this thing when it is finished or are you consulted about its preparation or anything like that? ---It is read out by the superintendent at our meeting.

Is that after he has already made the report? Does he consult you as to what must go into his report? ---No.

You see the finished article? ---Just the completed report.

SEALE there never a report by you as an Advisory Council? --- We have never compiled a report ourselves.

EXAMINATION CONTINUED: These reports, are copies of these reports filed in the record book or with the Minutes of the Board? --- That I cannot say.

What type of matter is dealt with in the report that is read out to you from the Council. Can you recall? What does it deal with? ---Mostly financial reports.

Financial reports to show how income which has been received has been spent? ---Yes. Income and expenditure.

The next duty or function is a general one. It reads - "To perform the functions assigned to it (the Board) by the Native Urban Areas Consolidation Act of 1945 or any amendment thereof". Section 21(2) of the Act provides for the Board to consider and report upon, amongst other things, ".... any matter referred to it by the Local Authority or through the Local Authority by the Minister, any matters specially affecting the interests of Natives in the urban area upon which the Board or meeting may consider it useful

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