

for some reason unable to pay his rent, he was in the same position as you think you would have been if you had been unable to pay your rent? --- Yes.

And the position in Meadowlands is not the same, is it? --- No.

If a man for some reason or other is unable to pay his rent by the 8th of the month, then it is a criminal offence? --- Yes.

And in addition the authority, I believe, has the right, assuming a man gets sentenced to a month's imprisonment and can't pay the fine, the authority has the right to sell up his furniture for the purpose of recovering the rent? --- It is a civil action, I take it.

Yes, but do you know about that? Has the authority ever taken any such steps against individuals? --- I don't know of any.

Well, I am instructed that this has happened on quite a number of occasions. You won't deny that? While a man is in gaol for having failed to pay one month's rent, his furniture and all his belongings are sold up to at least pay portion of his rent? --- I would be very surprised to hear that.

But you won't deny it. What happens to a woman whose husband has died? --- If she has a family she stays on.

And if she hasn't got a family? --- She will probably have to go to a smaller house.

Not ejected? --- Well, if she works in the area, to my knowledge, no.

Before a man can get permission to go to Meadowlands, I believe you put him through some sort of examination? --- He must have resided in the area on the 9th February, 1955.

In Sophiatown? --- Yes.

And in order to test that today, I believe that you

put him through a series of questions to find out what he knows about Sophiatown? --- A complete census of the area was taken, because there is a tremendous influx. People are very keen to go to Meadowlands.

Do you put them through any sort of test? --- I do not put them through any test.

I am not asking whether you personally as Secretary of the Board do so? --- The Board has an Influx Control Officer.

Does the Influx Control Officer have to decide whether a person is a bona fide resident of Sophiatown? --- If he is not on the census, yes.

And in order to decide, you must have heard about this, he questions him? A certain set of questions? --- Yes.

Like who owns the shop on the corner, who is Mr. Ah Jong or something, that sort of question? --- I don't know what questions are asked.

I wish I could remember some of those questions. But do you recall that there was a lot of publicity in the daily press connected with those questions? --- Yes, I advised the person at the time to let us have information so that we can refer them to the Influx Control.

And if a person can't tell if this is the sort of question, I take it that your Influx Control Officer when he asks the sort of question, how long has Mr. Ah Jong been in Sophiatown and a person can't answer, I take it that the Influx Control Officer has discretion to decide that he is not a bona fide resident of Sophiatown and therefore cannot get a permit to live in Meadowlands? --- The Influx Control Officer's decision is appealable.

But he decides in the first instance? --- Yes, he is the designator officer.

I take it that you, being Secretary of the Board, took some interest at the time the agitation as you called it

against the Act and the removal? --- Yes.

Do you recall that the Johannesburg City Council was very much opposed to this measure? --- I was present at that meeting, the one....

Yes, do you recall that? --- Certain Councillors...

The Council refused to co-operate with the authorities in the removal at the beginning, is that not so? --- Yes.

So why do you say certain members? That was the decision of the Council, the Johannesburg City Council? Is that not so? --- Yes.

And they felt it was an unjust measure, an unfair measure? --- They didn't give reasons.

Did you not read your papers at the time? Statements by the majority leaders in the City Council indicating how unfair they considered the whole scheme of removing sixty thousand souls without consulting them? --- The Council was prepared to co-operate with the removal scheme, provided certain conditions were complied with.

But the scheme as it eventually was established in the Act and administered by your Board met with the opposition, the overwhelming opposition of the Johannesburg City Council? Is that not so? --- The City Council of Johannesburg was prepared to co-operate provided certain conditions were complied with and my Board was not prepared to agree to those.

So in other words the City Council itself was not prepared to co-operate with the scheme as it was put into operation? --- No.

Do you recall other opposition which manifested itself in the growth of committees in a large number of European areas throughout Johannesburg, called Western Areas Protest Committees? --- I read about it.

Which embraced Church leaders, business men, do you recall that? --- Yes, I read about it.

And these committees consisting of Europeans in the European areas issued extensive propaganda material, exposing the injustice of this Act of the Government? Do you recall that? --- I read about the opposition.

I think I am correct in saying too that the English language newspapers in Johannesburg were very critical of this whole move? --- Yes, they gave a lot of publicity to it.

Critical. I know they gave a lot of publicity to it. I said they were critical? --- Yes.

And you would agree with me, I am not now talking about all the people of Johannesburg, but a very substantial proportion of the people in Johannesburg, including Europeans, were for one reason or another opposed to the removal of people from the Western Areas to Meadowlands? --- Yes.

And the Church leaders that I referred to, Catholic, Presbyterian, Anglicans and every element? --- I know of the Anglican Church .

Yes. Presbyterian? --- I don't know.

You can't deny all that? --- No.

I understand, I don't know if you recall this, if I revert back to the examination people have to go through before they can establish their bona fides as residents of Sophiatown, that one of the questions which is asked is what is the oldest Chinese Fah-fee runner in Sophiatown? --- I don't know.

Did you read that in the Daily Mail that that was one of the questions that was being put by your Influx Officer? --- I read some questions, but I can't remember that.

And do you remember this question E Who is the most notorious shebeen queen in Sophiatown? --- If I may explain, thousands of Natives are streaming into the area and they claim now a right to go to Meadowlands. And they do not appear on the census which was taken to protect the position. They say they were there and they can't explain why we have no

record of them.

So in order to test whether they were there or not, they are put through a number of tests. Questions are asked of the sort that I have just read out? --- I don't know what the questions are.

But it is possible that these are some of the questions. You can't deny it. In what street is the Dutch Reformed Church, is another question? --- It is possible.

I understand that if a person pays his rent a day or two late, he is liable to pay a tax of five shillings for late payment, is that correct? --- I deny that.

My information may be wrong then. Did I understand your evidence correctly when you said that the notices for the removal were issued sometime in December so as to expire on the 12th February? --- Yes.

And the notices that were served, I take it, indicated on the face of them that people were to move by the 12th February? --- Yes.

And what is the position then if people didn't want to move? What powers did the Board have? --- The Board in terms of Section 26 of the Act, can apply for a Magistrate's Order.

For an ejection order? --- No, for a Magistrate's order.

Having what effect? --- To authorise and empower the Board to take them to Meadowlands.

To remove them from Sophiatown. That is all. And the Board then had the right to come with its lorries and break the house down and move the person's belongings? --- No.

If they had a Magistrate's order? --- If they had an order for the breaking down of the houses. No such order has ever been applied for.

But assuming that a person decided that he wasn't

going to move? --- He would get probably an order to be taken along to Meadowlands, but not to break down the house.

Taken along by force? --- Yes.

Or thrown out of his house in Sophiatown? --- No. The order is to take them along to Meadowlands.

And a man could, if he wanted to, wait for such an order and then only go at that stage? --- Yes, I have had two instances of that.

And you can't be prosecuted for failing to move when you don't get served a notice? It is not an offence? --- It is doubtful.

Nobody has ever been prosecuted? --- No.

Then I want to put it to you that it is not an offence? It is a matter of law really, but it is not an offence. So a person, after having received the notice, can decide that he is not going to move until somebody is going to fetch him? --- Yes.

And he can tell his friends and neighbours that they shouldn't move as a protest against this measure. He is not, as far as you know, committing an offence? --- It is a matter of opinion.

But as far as you know, nobody was ever prosecuted for telling anybody not to move? --- No.

And how many people are there in the Western Areas? This Area covered by the Act, approximately? How many were there before the move started? --- Some 45,000:

Is that in all three areas? Sophiatown and Martindale. And Newclare? --- Another fifteen thousand, I think.

So it is 60,000 Africans altogether were affected? --- Yes, approximately.

And how many Coloureds? --- I don't know. The Act is not applicable to Coloureds.

Indians? --- I don't know.

But you know of course that the whole area has now been declared a Group Area for Whites? --- Two portions of the area.

And I believe recently some Chinese were put out. There was quite a lot of protest in the papers about it. Did it have anything to do with your Board? --- My Board has not ejected any Chinese.

Now of the 60,000 Africans affected by this measure, are you aware whether any of the persons concerned living in the area were ever consulted? --- Yes.

In what way? --- Leaders of the Native people of Sophiatown and Martindale - a meeting was held in my office.

Who were they? --- I can remember Dr. Xuma, Ratebe and certain others of the leaders.

When was this meeting? --- I think on the 2nd March, 1955.

After the Act was law? --- Yes.

Now, I am not talking - I am talking about the time before the Act was passed? --- I have no knowledge.

You haven't heard anything about any consultations?  
--- No.

And this other consultation that you talk about, was for what purpose? --- To inform the people and to consult with them.

To inform the people what? --- Of the removal scheme.

Was it to inform the people that the Board would be prepared to consider the question whether they should be removed at all? --- No.

Then what was it to consult with them about? What

Board would adopt.

Just to tell them that we are going to remove you in such and such a way? --- The procedure, yes.

But as far as the removal is concerned, that we are going to uproot you from the area in which you have lived for half a century, there we don't consult you. Is that the position? --- There was an Act of Parliament.

Yes, we know that. You are presently still Secretary of the Board? --- I am Secretary.

How many houses have been built in Meadowlands altogether? --- I would say all the 8,250 houses in Meadowlands have been started with, or just about started with. Some 6,500 have been completed. Others are in various stages of completion.

9 How long in your estimation will it take to resettle the whole - all the inhabitants of the Western Areas? --- The Board started in about 1954 and we are about half-way.

Have there been any removals recently? --- Yes, there are practically daily removals.

On what basis is a person who is the owner of a property in a place like Sophiatown, on what basis is he compensated? --- My Board is negotiating for the acquisition of properties.

And assuming the person does not want to sell, what is the procedure? --- There is provision for expropriation, but my Board has not expropriated any up to now.

But it can expropriate? --- Yes.

And it then decides what compensation it is going to pay when it expropriates? --- Obviously the Board does not decide the amount of compensation.

I believe, we all know, that there is a big housing shortage in a place like Johannesburg? As far as the Natives



are concerned? --- I think so.

How many houses has the Board destroyed completely in Sophiatown? --- Some two hundred.

And how many houses are there altogether in Sophiatown? --- In Sophiatown and Martindale jointly I think there are just on two thousand stands.

Are there more than one house on one stand? --- It depends. On some there are two lots of rooms.

Can you tell us approximately how many houses there are in Sophiatown and Martindale? --- It is difficult, I shall have to guess. Two and a half to three thousand.

And all those houses are going to be smashed up? --- Not necessarily all of them.

So far as the Africans have moved out the streets are being cleared? The houses are being destroyed? --- The better houses are not destroyed.

And tell me, the original scheme which was put forward in regard to Meadowlands, was I believe a site and service scheme. Are you aware of that? --- No, that is not so.

You deny that? --- I emphatically deny that.

You know nothing about that? --- That is not so. I know all about it. That is not so.

I am not now talking about the duties that you performed as Secretary of the Resettlement Board, I am talking about the early stages when the Act was still being presented to Parliament? --- I have stated that I was in the head office in the Urban Areas Section at the time. There has been no such talk.

Would you explain to His Worship what a site and service scheme is? ---I<sup>1</sup> short it is a serviced site where the essential services are available, water and sanitation and so on, and a person is given an opportunity then to erect a hut

temporarily in a corner - just like they have - or he may have nothing at all. He is authorised to erect a temporary building in one corner while he erects a better class of building.

Would it be correct to say that site and service amounts to this : A man gets a fifty by fifty plot or ten by twenty - I don't know, what is the size of the plots at Meadowlands? --- The smallest is forty- by seventy and they go up as far as ..... by a hundred and ten.

He gets a plot with a latrine on it and then the rest he has to build himself? --- My Board has no such...

I am not talking about your Board, but a general site and service schemes which are in operation in other parts of Johannesburg? --- Yes, the essential services, sanitation and water.

Another difference between Meadowlands and Sophiatown is that in Meadowlands, if you want to hold a meeting you have to get the permission of the Superintendent? --- Yes.

In Sophiatown there is freedom of assembly, relatively speaking? --- Yes.

6 Would you say that the removal from Sophiatown, from what you know about it, to Meadowlands, was in the nature of a scheme for 'apartheid'? Is that behind it?

BY THE P.P. :

I object to that.

THE COURT AND THE P.P. DISCUSS.

P.P. WITHDRAWS OBJECTION.

BY MR. SLOVO :

Let us have the answer? --- In my view it was a slum clearance.

And had nothing to do with apartheid? --- The removal of the Natives from Sophiatown had been discussed for the last

twenty years. Long before the word apartheid was ever framed.

Has it anything to do with separation? --- To my knowledge, no.

Nothing at all to do with apartheid and separation? Are you suggesting that the Native Affairs Department of which you have been a member for twenty-two years was quite happy to leave the African people in the Western Areas, to live there, apart from the question of slums? --- Conditions there are very appalling.

Apart from the condition of slums. Is it the considered opinion of the Native Affairs Department that the African people in the Western Areas could continue to live there without any harm being done in some way to our national way of life?

THE COURT AND MR. SLOVO DISCUSS :

BY MR. SLOVO :

Let me put it this way. Have you any information that this removal has anything to do with the principles which everyone knows as apartheid? --- I have none.

You say as far as you know it was purely a slum clearance scheme? --- Yes.

You are, I suppose, aware of the conditions under which the African people live in the other townships in Johannesburg? --- Yes, I think so.

Have you been to Moroko? --- Yes.

Have you been to Jabavu? --- Yes.

Have you been to Pimville? --- No.

Do you know anything about Pimville? --- No, I have never been there.

Apart from being there, do you know that Pimville was established as a temporary camp in 1905 and is still there? Do you know that? --- Yes, I have no information on that.

Do you know that people in places like Moroko and

Jabavu are living and have been living there for some time now in conditions of extreme poverty and acute slum condition? --- Yes.

And do you know of any scheme by the Native Affairs Department to immediately clear those slums? --- The City Council of Johannesburg has already....

Do you know of any scheme by the Native Affairs Department to immediately clear those slums? --- Not by the Native Affairs Department.

And can you give an explanation as to why there was such particular concern over slum conditions in the Western Areas and not in any of the other areas? If you haven't got an explanation you needn't give it? --- I haven't.

No explanation. Now one last bit of information, if you can help us. How much - what is the total that your Board has paid in compensation to owners whose houses have so far been either expropriated or bought? --- My Board has not expropriated any premises in the Western Areas. My Board had acquired several hundred properties by previous negotiation in the Western Areas and I haven't got the figure before me, but I should say between five and six hundred thousand pounds my Board has already invested, in the Western Areas as far as the purchase of property is concerned.

You haven't got the figures before you? --- No.

Lastly, you spoke about the removal on the 9th of February, 1955. How many people were removed on that day? --- One hundred and fifty families were given notice to move and some hundred and thirty odd were actually removed.

And I understand that on that day there were two thousand police and army personnel on the scene? --- There were some police, I don't know how many police. The army's only function was to provide transport, the lorries. As far as I know they had nothing else to do.

But you can't deny that there was as many, this was the report in the press, I presume their information was given by the police, there was as many as two thousand army and police personnel on the scene that day? --- No, I have great doubts whether that can be so.

Why have you got doubts? --- Because I don't think there were as many.

How many do you think there were? --- Very much less.

What do you call very much less? --- May have been a few hundred on the spot.

Were you there? --- Yes.

On that day? --- Yes.

Did you make a point of counting the number? --- I did not count them

And if I show you a statement made by the police to the effect that there <sup>were</sup> two thousand army and police personnel there, would you be prepared to deny it? --- I would be surprised to hear that.

And that these police and army personnel, you say the army only drove the lorries, that the police were armed with rifles? Did you see that? --- Yes, I saw it.

And with other weapons? --- I don't know what they had.

And this force of police, even on your own showing, you say a few hundred, well, I say two thousand, whatever the figure is, this mighty force of armed personnel had to come there for the purpose of taking these happy, willing people to Meadowlands? --- No, it is not so. The police were requested to be present to provide protection for those Natives who wanted to leave. I had moved in Sophiatown very freely before the first removal and from my discussion with the Natives there, they were very willing to go to Meadowlands.

**Collection: 1956 Treason Trial**  
**Collection number: AD1812**

***PUBLISHER:***

*Publisher:- Historical Papers, The Library, University of the Witwatersrand*

*Location:- Johannesburg*

©2011

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.