

COURT RESUMES ON THE 17TH JUNE, 1960.

HELEN BEATRICE MAY JOSEPH, under former oath;

CROSS-EXAMINED BY MR. LILBENBERG :

On what date in March, 1955, did you arrive back in the Union? --- It was either the 13th or the 14th. I think I left France on the 13th and arrived on the 14th. I know it was a Monday

And on your return did you enquire as to the truth or otherwise of the reports that you had received when you were overseas? --- My Lord, I am not quite clear as to which reports.

The methods of struggle that you saw the people were going to use? --- You mean the ones that I mentioned in my speech?

Yes? --- My Lords, almost immediately after I made that speech I received some newspapers in Geneva which gave then a full report of what had taken place on the day of removal, so I was already aware that there had not been these methods that I had anticipated.

Did you discuss the removal scheme with any of the people on your return? --- My Lords, I don't recall specific discussions or attending any specific meetings for that purpose. it was still a matter of general discussions I can't really take it any further than that.

Did you say - was there a body set up to organise resistance to this scheme in the Western Areas? --- My Lords, the only body that I know of was the Resist Apartheid Committee which was generally undertaking a campaign against apartheid measures, of which the Western Areas was one. I don't recall a specific body.

There was a call for fifty thousand
Volunteers? --- That is so, My Lord.

And these Volunteers had to perform duty in
the Western Areas? --- Yes, My Lords, as well as for the
Congress of the People. 5

But at the time that the call went out for
the fifty thousand volunteers, the Western Areas Scheme
was of primary importance? --- My Lords, I would not say
that insofar as the volunteers are concerned that it was
of more importance than the Congress of the People. It 10
was more of a localised issue.

Was it not the most urgent issue? --- My
Lords, it was regarded as the most urgent issue in the
Anti-Apartheid Campaign, but I would not like to express
an opinion on whether it was considered more urgent than 15
the preparations for the Congress of the People.

Now these fifty thousand volunteers, were
they to be enrolled in the Western Areas? --- My Lords,
some of them would be. They were enrolled all over the
country. 20

Do you know how many volunteers there were
approximately in July, 1954? --- My Lords, sofar as I can
recall, the call for the volunteers was made in July, 1954.

It was made earlier than that, Mrs.
Joseph? --- Not as far as I am aware, My Lords, but I 25
can't claim knowledge of the actual date, but I under-
stood that the call went out in July, 1954. It might
have been a few weeks earlier, but it certainly was
round about that time.

Vundhla in his speech at the Resist 30
Apartheid Conference on the 27th of June made mention
of the fact that a call had been made by Chief Luthuli? ----

--- My Lord, then in that case it is correct that it was made in June and not in July.

Was there not a body set up in the Western Areas which had to supervise or control the volunteers? --- My Lords, does the prosecutor mean the volunteers in the Western Areas? 5

Yes? --- My Lords, I really do not know of any such body. The volunteers in the Western Areas, as far as I am aware, would fall under the African National Congress. 10

Under the Chief Volunteer of the African National Congress? --- For the whole Union or for any specific area?

Mr. Resha? --- Mr. Resha was the Chief Volunteer for the Transvaal. 15

And would he supervise the Volunteers in the Western Areas? --- My Lord, it might well be so, I really cannot claim knowledge of the duties of Mr. Resha. It might well be so.

Was it part of the duty of the Volunteers 20 to conduct a house to house campaign to acquaint the people with the objects of the resistance campaign? --- My Lords, I do recall that that was one of their duties, but I must emphasise again that I do not have first hand knowledge of the duties or the performance of those duties of Volunteers 25 in any particular area. That really was a matter for the African National Congress.

It was part of the plan that every inhabitant in the Western Areas should be mobilised for this campaign, in other words to resist the removal? --- My Lords, I would imagine that that would be the objective of the campaign. 30

Do you remember that Chief Luthuli came to the Transvaal in July, 1954? --- Yes, My Lords.

It was on the 11th of July? --- It was some time in July, yes.

And on his arrival he was served with a banning notice? --- That is so, My Lords. 5

And do you recall that the people were so incensed because of this banning, that they wanted a defiance of the ban there and then? --- My Lords, that may well have been so, I don't think that I was directly aware of it, but I think that it has been reported in fact. 10

And how do you suggest the people had to defy the banning order? --- My Lords, am I being asked how the people had to defy the banning order?

How did you understand the plans? --- I have already said, My Lords, that I had no direct knowledge, and I cannot see how a mass of people can be called upon to defy a banning order which is served on an individual. 15

But I suggest it shows the state of mind of the inhabitants in the Western Areas? 20

BY MR. JUSTICE RUMFF :

Isn't that argument?

BY MR. LIEBENBERG :

As Your Lordship pleases. Mrs. Joseph, do you recall that various dates for the removal had been set by the government? --- Not specifically, My Lords. 25

Would you deny if the Secretariat on the Western Areas held that view? --- No, My Lords, I would not deny it, I am merely saying that I don't recall specific dates. 30

And that the dates of removal had to be

postponed because of the people's preparedness to resist removal? --- My Lord, I have seen that set out in a report on the Western Areas.

Do you agree with that report? --- With the whole report? 5

Yes? --- I think My Lords, in general terms I do.

Does your organisation also hold that view? Does your organisation - is it also the view of your organisation that you are expressing, that you agree with the report of the Secretariat of the Western Areas? --- My Lords, that report is a report of the African National Congress. I don't recall our organisation having specifically discussed it on a point of agreement or disagreement, but I say that I have read it, I find that I agree with it in general and I would expect that my organisation would also hold that view towards it. 10 15

Just a general question, Mrs. Joseph, When you express a view, I take it that you are at the same time expressing the view of the organisation? 20

BY MR. JUSTICE RUMPF :

Surely that depends on the type of question that you ask? If you ask her whether she agrees with a certain report, and she says generally yes, then it can't possibly mean that the organisation through the witness has agreed to the report? Either you must know the contents of the report and consider it and then agree with it or you don't. 25

BY MR. LIEBENBERG :

With respect, My Lord, as she understands her organisation's policy, she would be in a position to say from a reading of this report whether that accords 30

with the policy?

BY MR. JUSTICE RUMPF :

That is quite a different question. Then you must put to her specifically what you want.

BY MR. LIEBENBERG :

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I would like to put to you a passage in this report. The Exhibit is A. 162, and it appears on page 797 of the Record. It starts there with the removal scheme, this appears on the record on page 799, My Lord : "Various dates for the proposed removals were announced, but in 10 the face of the people's preparedness they were subsequently postponed", and it goes on to say that this had the effect of weakening the general preparedness of the people and resulted in a falling of activity among the people themselves. The majority of the Volunteers, however, continued 15 their activities". Is that how you understood the activities of the Volunteers? --- My Lords, I must state that - am I now being asked as an individual?

Yes? --- As an individual, I did not have so much direct and detailed knowledge of what was going 20 on in the Western Areas, but I would accept this statement from the African National Congress, who were the organisation that was directly concerned and was working specifically in the area. I would see no reason not to accept it.

What did you understand were the activities 25 that they had to conduct? --- My Lord, whatever activities - the house to house work, I think, has been mentioned. They had already been engaged in that.

Do you know when the first date for the removal was set? --- I heard it in this Court yesterday. 30 I am sorry, I might have misunderstood you, what I heard was the date set for the actual first removal in February.

I may have misunderstood the Crown.

You see, this report seems to suggest - it does suggest that the dates for the removal were postponed because of the state of preparedness? --- Yes.

And I put it to you that you must have known 5 about the efforts of the government to implement its scheme and of the resistance of the people? --- Certainly, I had some knowledge of it, but I don't have a very detailed knowledge.

Even on the date of removal? --- My Lord, 10 this says various dates for the proposed removals were announced. I don't know whether by that is intended a specific day of any month, or whether it refers to general announcements that may have been made from time to time that the removals will start at say the end of 1955, the 15 beginning of 1955. If it is intended to say that an actual date, say the 10th of November was suggested, that I wouldn't recall, but I think one of the Accused said yesterday the first announcement of a specific date was made on the 27th December that it would then be the 12th 20 of February. As far as I remember, My Lords, I don't think that any actual day was set, but there may well have been announcements indicating the end of this year or certain months, just, My Lords, as in the case of the issuing of passes - of making passes compulsory for women. From 25 time to time a statement is made that this will come into force say in 1960 and so on.

I want to come back to the role of the Volunteers as you understood it. Did they have to explain to the people that the object of the struggle was 30 not a mere defence of the property owners' rights? --- My Lords, that would I am sure, be part of the Volunteers'

approach to the people. I must however say again that I really don't have the specific knowledge in detail about which I am being questioned.

This report says that in October the Volunteers conducted a survey which revealed that the majority of the people did ~~not~~ want to move, because they appreciated the explanation given by the A.N.C. that the fight was not a mere defence of the property owners' rights? --- My Lords, it says the explanation given by the A.N.C. of the principles involved, and that the fight - I don't see an absolute limitation to the second part. The Crown omitted that the phrase - the phrase that the an explanation was being given of the principles involved.

The determination of the people not to move was due to the fact that they understood that the struggle was not to be confined to a defence of their property owners' rights? --- I am sure that would be a factor in their determination.

You see, Mrs. Joseph, I want to put it to you that these Volunteers were very active in the Western Areas? --- My Lords, I understand that to be so, certainly.

And that they did house to house work? --- Yes, My Lords.

And that it was suggested that their organisation should be improved? --- In the report?

Yes? That is on the last page? Under the heading "What is to be Done"? --- Yes, My Lords, that is so.

A suggestion that their organisation should be improved to ensure that the people have leadership at all times? --- Yes, My Lords.

Now was that not done? Was it not done in general in the organisation of the Volunteers? --- My Lords,

it has always been an objective of the Congresses that the people should have leadership at all times. I don't think that we have ever claimed that our volunteer organisation was perfect, and it says it must be improved to ensure that they have leadership at all times. It is a very important facet of a volunteer organisation and in the general struggle. 5

Let us confine ourselves to the volunteers that operated in the Western Areas. Now the report suggests that their organisation should be improved, that they cannot be easily isolated by police cordons? --- Yes. 10

What do you understand by this that the organisation of the volunteers must be improved in such a manner that the people will have leadership at all times, that is at the time of removal, so that they could not be isolated by police cordons? --- My Lords, I would understand that in - with this specific reference, to indicate that it was felt that the organisation of the volunteers did not reach the level that had been anticipated. I don't know for what reason. There is certainly a desire here to see in future an improvement of the organisation of the volunteers in this specific reference. That is quite clear. 15 20

Mrs. Joseph, the reference to the - being isolated by police cordons, suggests that this related to the day of removal when the police might be called in to help with effecting the removal? --- Yes. 25

And that these volunteers should be trained so that the people will have effective leadership and it goes on, "tactics and strategy must be explained to the volunteers to ensure that they are able to make correct decisions when cut off from leadership"? --- Yes. 30

Now, I suggest that that could mean only one thing, that the Volunteers were to be on duty on the day of removal? --- Yes, My Lords.

And that they had to be organised in such a way that they would not be cut off by the police? --- 5
Yes.

That they would be in possession of a knowledge of strategy and tactics so as to be able to make correct decisions? --- When, cut off from leadership, yes, My Lords. 10

Now what is the tactics and strategy that had to be explained to them? --- My Lords, I don't think this is very clear on that point. I would have read it rather generally, that volunteers must understand the importance of tactics and strategy in order to ensure that 15 they would be able to make correct decisions. In other words they must be fully informed of the situation. I can't see anything more than that.

If it was decided to go over to positive action on the day of removal, it would be necessary for the 20 volunteers to have a knowledge of strategy and tactics, in order to wage the struggle effectively? --- My Lord, may I ask what is intended by "positive action"?

If the Congress alliance wanted the people in the Western Areas to be mobilised effectively on 25 the day of removal, and that to make sure that not one of those people co-operated with the authorities, they would have to have the volunteers present, the volunteers would have to instruct the people as to what to do? - -- Yes. 30

Give them guidance? --- Yes.

And the volunteers would have to maintain

such a close contact with the leadership throughout the area that they wouldn't be cut off and isolated by the police cordons? --- My Lords, it says that they could not be easily isolated, I don't think - it might well not be in the volunteers' power to prevent isolation. This says 5 "not to be easily isolated".

That is not the question, Mrs. Joseph. The question is, the volunteers were given specific duties in regard to this resistance scheme? ---- I am sure that is so, My Lords. 10

And the report recognises the need for training them in strategy and tactics? --- Yes.

And that, I put to you, would be necessary when a mass action was contemplated? --- Yes, it would be necessary. 15

BY MR. JUSTICE RUMPF :

What mass action? --- Any action involving a large number of people, it could be passive action or - I was really concentrating on...

I am afraid I don't follow this at all. 20
If the object of the Congress alliance had been to instruct and encourage the people not go - not to go voluntarily but to submit themselves to go under compulsion - that is how I understood your evidence to be? --- Yes, My Lords. X

What possible need could there be for mass 25
action in the sense that there had to be strategy explained to the volunteers and in the sense that methods should be adopted to prevent them from being isolated by police cordons, et cetera? I don't follow this at all. Unless something much more than mere submission to compulsion is envisaged. That is why I ask you what is mass action in the sense that you said yes to the question? --- I did 30

say yes to that question, I was really concentrating on tactics and strategy that would be necessary, and by mass action I meant action to be taken by a number of people, I think of it being in terms of Sophiatown being a large area. I wasn't thinking of any positive mass act, I was 5 thinking of action relating to a number of people, My Lord. Perhaps I was not listening sufficiently carefully to that part of the question.

Was action? --- The action My Lord, was their demonstration of their unwillingness to go to 10 Meadowlands. That was the mass action in this case. Perhaps "mass" is not a very happy word, it implies something on a much larger scale.

When Mr. Luthuli gave evidence I understood him to say that according to his view, what was expected 15 of the people on the day of the removal, was to remain quiet and when ordered to go into the lorries, they had to go? --- Yes, My Lord, to obey legal orders.

Their submission to the compulsion of the state? --- Yes, My Lords. 20

Now if that is so, then I have great difficulty in following both this document and also the document which I put to you yesterday, I don't know whether you want to think about it again, the report in which it was suggested that there had been a failure on the part 25 of the people to show a more militant action? --- Yes, My Lord, I did think about that document again, I wanted to come back to it again.

Now if I may ask you to do that, having regard to this evidence with which we are dealing now, 30 I think that document is C. 41. The passage that I put to you yesterday appears at page 1547 of the record, and

it says : "But in the final stages, at the time of the actual removal, the Congress message did not prove effective enough to draw into militant action those who were to be moved." First of all we have a reference to Congress message which did not prove effective enough. It assumes 5 that there had been a message put across to the people to do something, because it says that that message did not prove effective enough to draw into militant action those who were to be moved. Now, having regard to this passage and the one with which we are dealing now, at page 811(b) 10 of the record, what is the meaning of this? What was expected of the people to be moved? --- My Lord, it was expected that they would display their unwillingness to go and they would only go when legally compelled to go.

Then we come back to the question yesterday. 15 Were they not in fact on the day in question legally compelled to go by the presence of thousands of policemen armed with sten guns and rifles? --- My Lord, I am not very clear as to whether they were in fact legally compelled to go by the presence of the police. 20

What do you mean then by legally compelled to go? --- By legally compelled to go, would be My Lords, whether in fact they had had a legal order served upon them in which they must go on a certain date. They had been given a notice to go, but I am not very well informed 25 about whether there were any penalties attached to their not going on a particular date. They had been given notice to go, My Lords.

May I just clear it up then. Assume that they had not even proper notice in terms of the Act, what 30 did the Congress expect them to do on the day of removal? --- My Lords, I think the Congress definitely expected them

to remain if they had not been given a legal order to go.
I think that would be clear, My Lords.

In what way to remain? --- To remain in
their houses, My Lords, if the order was not legal.

And if they were then asked by the police
on that day to get into the lorry, what were they
supposed to do? --- My Lords, at that stage I think it
would then become an individual matter as to whether a
person would go or not.

Did the Congress expect him to resist the
order to get onto the lorry? --- My Lords, my understanding
was that the Congress would have expected the people to
resist an order that was not legal or compulsory, but My
Lord, I really was not here at the time, I did not partici-
pate in all the discussions which must have taken place
before. That is really by difficulty.

Did the Congress alliance then not decide
how it should conduct the campaign in this respect that
it would tell the people precisely what it should do? Did
it keep the order up its sleeve until the order became
imminent? --- My Lords, that is what I do not know. I can
only assume that discussions would have taken place.
But there had been an implication in one or two of the
documents before this Court, that insufficient information
was given to the people. I mean that has been stated
here, and I think it is even a self criticism contained
in the report of the Western Areas.

Now that is the case then of a possibility
of there being no legal order or no order served on the
people who were about to go. What would the position be
in the event of the requirements of the Act having been
complied with? --- My Lords, in the event of the requirement

of the Act having been complied with, it is my understanding that the Congress expected the resistance to take the form of demonstrating their reluctance to go, their unwillingness to go.

In the Western Areas, demonstrate their 5
unwillingness to go? --- Yes, My Lord. ①

In what manner? --- My Lords, by not being X
ready to go, by not being packed up with everything ready,
by not themselves actually perhaps voluntarily loading
their goods onto the lorries. My Lords, I am speaking 10
really in terms of what I have heard later about the
Western Areas, of the various forms which this demonstra-
tion of reluctance took, but My Lord, it is really not what
I saw myself.

No, I am talking about what the Congress 15
envisaged? --- My impression of what they had in mind. X

In other words, to remain completely passive?
--- Yes, My Lord.

Not to assist in the loading, and just to
stand there? --- Not to collaborate in any way, My Lords. X 20

But if after the legal requirements were
complied with the policeman would order a particular person
to get on the lorry, did the Congress expect him to obey
that order? --- My Lords, I would understand so, because
this was not conducted as a defiance campaign, in which 25
people were called upon to defy a legal order and take
the consequences. It never had that aspect, My Lord.

Now then if that is so, what is the meaning
of this passage which we are dealing with and which we
are - which we dealt with yesterday, that the Congress X 30
message did not prove effective enough to draw into
militant action those who were to be removed? --- My Lords...

If they were merely to remain completely passive, unco-operative, what does this mean? --- My Lords, my understanding of this is that it referred to the fact that some of the people who were moved, did not demonstrate their unwillingness to go. That is how I understand it. 5

Is that your explanation of the words "did not prove effective enough to draw into militant action"? --- My Lords, in the context of the campaign as I understood it, that would be my explanation. I think perhaps it is not a very happy use of the phrase, but I cannot see My Lords, in the context of the campaign, that it could have any other meaning. 10

Now if then also the people were expected to remain completely passive and unco-operative, what is the meaning of this passage which was put to you this morning, at page 811(b), the "organisation of volunteers should be improved to ensure that the people have leadership at all times, that they cannot be easily isolated by police cordons, etc." What is the object of that? --- My Lords, I would see the objects of this meaning that on the day of removal it appears to me that because of the large numbers of police, that the volunteers who were expected to be there to guide and advise the people, must have got cut off by the large numbers of police. 15 20

Why shouldn't they be cut off? If all the people - if the requirement in regard to all the people is that they should remain passive until they get the order to remove? Why was it necessary for this not to happen? --- My Lords, I would consider that even - I do not know of course how effective the Congress message was, but I would expect that it would be accepted that the volunteers should be there on the day of removal, in order 25 30

to guide and advise people, to stop them from being panicked.

To assist the police? --- No, My Lords, not to assist the police, but to advise the people and also...

Whether to assist the police, I take it, or to obstruct the police? --- My Lords, I don't think such a rigid alternative.

What else? --- To be there to advise the people...

To do what? --- To behave calmly, to be calm not to be panicked, and not to be provoked if there were provocation, My Lord.

In that case they would be assisting the police? --- My Lords, if the police were provoking and the Volunteers were calling upon the people not to be provoked that would not be assisting the police. I am dealing with it hypothetically, My Lord.

In what way do you understand the police provoking the people? --- By the display of arms, by their attitude towards the people, which we have seen in the past. Provocative actions have been taken up by the police. It was not beyond the bounds of possibility that the same attitude would be adopted on that day.

Would that be provocation on the part of the police if they came in large numbers, having regard to the particular state of affairs, and with arms? Would that be a provocation on their part? --- I saw it as a provocation on the part of the authorities, the individual behaviour of the police would determine the degree of provocation in the actual area.

Well now, assume the authorities had decided to send so many thousands of police, armed, and they came

there in order to remove the people. This report was prepared after the first day of the people. On the basis of what had happened. If I remember correctly, the police had ordered the people to get into the lorries, their stuff was loaded onto the lorries and they were carted 5 away. Having regard to those facts, would you then deal again with the duty of volunteers in terms of this passage. And my question to you that if they were there to exhort the people to remain calm, they would be in fact, having regard to what had happened, they would in fact be 10 assisting the police to carry out their duties? Or would they not? --- My Lords, I say they would be preventing difficulties which might arise through the provocative presence of the police.

In your opinion, were the police looking 15 for difficulties? --- My Lords, I can't express an opinion because I have no facts on which to base it, but it was anticipated that they would. ①

In your opinion the presence of the police on that occasion constituted an act of provocation? --- 20 Yes, My Lords, I have said so already, the presence of these large numbers of police with a display of arms.

Do you desire that provocation in your Congress or not? --- No, My Lords, we do not desire it. X

I am asking you that because immediately 25 before the passage to which I have referred you, there is this statement, "The aim should be to make it necessary for the authorities to employ ever more and more forces to effect the removal". Now, if you are correct that the presence of the number of police on this occa- 30 sion was an act of provocation, then in terms of this document, it was the aim to have more and more provocation

by the state? --- No, My Lords. Because the events of the day of removal had shown that the people were not provoked. They were not provoked. We therefore knew then that the people would respond provocation, and it was the aim of the Congresses that the removals should not be made easy, 5 and that the government should be placed in a position where there would not be a capitulation on this principle, because some of the people had gone. It was our aim that it should be made more and more difficult for future removals. By forces, My Lords, that does not necessarily 10 mean armed forces, the forces of the government, My Lord, there are many. The government employed many, many measures, such a permit raids, pass raids, to try and make life intolerable for the people of Sophiatown.

Just above that it says, "The immediate task 15 in the Western Areas is that of ensuring that resistance grows, that nobody collaborates with the authorities, and that those who are removed, are removed by force, and that the M-Plan is put into operation. The aim should be to make it necessary for the authorities to employ ever more 20 and more forces to effect the removals". Well, you have given your answer.

BY MR. LIEBENBERG :

Mrs. Joseph, your view is that the people had to be passive, they had to adopt a passive attitude? 25 --- Yes, My Lords, in Sophiatown.

Now what do you understand by the word "militant"? --- My Lords, meaning - militant can be applied to passive action. Passive resistance is a very militant form of resistance. 30

Militant in its ordinary sense, does it not mean positive action, aggressive action? --- My Lords,

militant means a very determined action. To take a militant stand means to take a very determined stand, a strong, determined, stand. It is not however, military.

I am reading now from page 811(b), and this report says, "Non-collaboration both from the mass and 5 from the individual designed ultimately to strain the resources of the authorities, and create a situation more favourable to the movement, and for more direct and positive action". Clearly two stages are envisaged. The first stage is one of non-collaboration, call it ~~passivity~~ 10 call it whatever you like, but that state of passivity, of inaction, would have to strain the resources of the authorities, and create a situation more favourable for more direct and more positive action? --- For the movement as a whole. 15

We are dealing with the Western Areas? --- My Lords, this first paragraph deals generally, the rest of it says "The immediate task in the Western Areas...". The first paragraph is dealing with the campaign of resistance to apartheid. 20

How had the people to strain the resources of the authorities? --- My Lords, non-collaboration must strain the resources. If people are unwilling and show their reluctance, it must strain the resources.

How? --- Of almost any kind. 25

The facilities for the removal were provided for them, were they not? The lorries were supplied, the transport? All they had to do was to get onto the lorries? --- Yes. If they so wished.

Now how would they have to strain the 30 resources of the authorities? --- My Lords, it is difficult really to be specific by this, this is a general statement.

But, it is quite clear that if the people had accepted completely, willingly and have welcomed the move to Meadowlands, the task of the government would have been very much more simple. The fact that they didn't, compelled the government to strain its resources, and this was 5 what was put forward in this report. That is how I understand it, My Lord.

I suggest to you it means only one thing, Mrs. Joseph, that by non-collaboration a strained situation would arise, which would result in more direct and positive 10 action on the part of the people? --- Designed ultimately to strain the resources and create a situation more favourable movement and for more direct and positive action. That might well be the supporting action of such action as is envisaged in our methods, non-violent 15 methods, possibly strikes, boycotts, these perhaps would be - they could be more direct and positive action. It is a very general statement, My Lord. I am really unable to interpret it in specific terms.

You wanted the authorities to use force 20 to effect the removal? --- We wanted, My Lords, the people to resist to a stage when they had to be compelled to go, that is correct. We did not want them to go willingly. We wanted them to hold out to the stage of compulsion.

It is clearly stated here that those who are 25 removed to Meadowlands are removed by force? This document says that those who are to be removed to Meadowlands, are to be removed by force? --- My Lords, I have already said that by that I understand to be removed under compulsion. 30

BY MR. JUSTICE RUMFF :

Is the compulsion there also a question of

degree? Because if notice is given to remove, would that not be compulsion? --- The notice to go, I wouldn't regard that as actual compulsion. I mean if I give notice to my tenant, I don't compel her to go, but if she doesn't go, eventually I evict her. 5

Well, do you want somebody to take the person by the scruff of the neck and pull him out of the house? Is that compulsion really? --- That would be an extreme form of physical compulsion.

Well, what did you want? Physical or other 10 compulsion? --- My Lord, we certainly didn't want physical compulsion, My Lords. We wanted the people to remain in their homes to the last possible moment. We did not want them to expose themselves to violence. Some might consider that they would so do. That would be an individual 15 decision, My Lord.

To resist even the physical arm of the law? --- Some might, My Lords. They may have, I don't really know.

Did you worry about that? --- My Lords, I 20 don't think that the organisations specifically called upon people, as far as I can recall, to resist to the point where they had to be virtually carried out of their homes. They were called upon to resist the removal order. I suppose, My Lords, it was not possible before the day 25 of removal to envisage exactly what would take place.

BY MR. LIEBENBERG :

Mrs. Joseph, did your Congress movement not contemplate that any—that if any force was used by the authorities to effect the Western Areas removal 30 scheme, that would lead to violence and bloodshed? --- My Lords, does the prosecutor mean physical force?

Force as it is used in your document, Counter Attack, C. 162, My Lords - I am sorry, that is the wrong document. The document we are dealing with says that - we are dealing with A. 162 - "those who are to be removed to Meadowlands are to be removed by force", 5 and in that sense I am putting it to you that your organisation, the whole Congress alliance, had in mind that if force was used by the authorities, that would result in violence and bloodshed? --- Force in the sense of compulsion, no, My Lords. 10

That force, whatever its meaning, if force was used by the authorities, that would result in bloodshed and violence in the Western Areas? --- My Lords, it certainly would not be correct to state that the Congress movement thought that if force in any meaning whatsoever 15 was used by the government it would result in violence and bloodshed.

A deputation of nine organisations went to see the Mayor of Johannesburg. Do you remember about that? That was on the 10th of February, 1955? --- My Lords, I 20 was then in Geneva, I really know nothing about that.

I am concerned now with whether you agree with this or not? That this deputation consisted of the African National Congress, the Transvaal Indian Congress, the Congress of Democrats, and other organisations, - I am 25 not quoting from G. 1123, New Age, - the New Age, 10th February, 1955, record 3920, My Lord, and that this deputation saw the Mayor to warn him that ny force on the part of the authorities in the Western Areas removal scheme, would lead to violence and bloodshed? --- My Lord..30

Is that the type of force that was referred to in A. 162? --- My Lords, I don't know the exact words

of what the deputation said to the Mayor. It indicates to me that they were apprehensive that violence would be used, that is how I would understand this, My Lord, but as I say, I haven't any real knowledge of it at all.

Would you like to see the passage? --- Yes. 5
I have read the passage.

I put it to you again that the force that is referred to there was the type of force referred to in this document A. 162? --- Not necessarily, My Lords, because here it makes it clear that the Reverend Trevor Huddleston 10 urged the Mayor to exert his influence with the authorities to prevent the use of force and violence. My Lords, when force and violence come together, it has then a very clear meaning. It is quite obvious that what was the apprehension of this deputation, was the use of force and vio- 15
lence by the authorities.

BY MR. JUSTICE RUMPF :

What would that force and violence be? Dragging a man out of his house and putting him onto a lorry? --- My Lords, that is very speculative. It might be... 20

What other violence could it be, if the government decided to remove them by compulsion and with troops? What other force could it be? --- My Lords, it could be the use of batons, it could be literally physical force, My Lords, but it seems to me to be obvious from 25
that that a number of people were perturbed and urged that even at that late stage negotiations should be opened.

BY MR. JUSTICE KENNEDY :

Mrs. Joseph, do you know if it was the policy of the alliance to resist removal regardless of 30
the consequences? I ask you that because I am reading from

page 3908 of the record, it quotes a New Age of the 13th of January, 1955, the report is that against this wicked scheme, the African National Congress has decided to mobilise the country to ceaseless and uncompromising struggle, regardless of the consequences. Would you agree with that, that that was the attitude of the Congress towards the removal scheme? --- My Lord, of course this is during a period when I wasn't here, so I don't know what the mood or the attitude of the Congress was specifically, My Lord, but I would say that regardless of the consequences would mean the consequences that we always have to expect in struggle against the government. The government has powers which it can use against the struggle of the people, in the forms of bans, banishment, detention, - there are many consequences, My Lord, that can flow, and I would see it in that sense.

Mrs. Joseph, did you take part in any discussion concerning the tactics or the strategy of the removals before you departed for overseas? --- I can't remember doing so, My Lord. I did serve on a provincial anti-apartheid committee for the Transvaal, but my latest recollection of that before I left was the report of - there had been a survey conducted by the African National Congress to test the feelings of the people, and I remember that. I don't remember much beyond that, My Lords. I think it really all boiled up in the first two months of the year, My Lord. During December is the big Conference month when the African National Congress has its National Conference, and there wasn't a great deal of local activity at that time, and I imagine that from December onwards the matter became more acute.

When you left, was the Congress attitude that

there would be a resistance to this scheme without discussion of the details of the resistance? --- I think that really was my understanding of this, that people were being called upon to resist. I don't recall specific details of the form, but it had always been accepted 5
of course it would be within the framework of Congress policy. That to my mind was implicit.

I should like to put another paragraph to you which puzzles me somewhat, perhaps you can help me. I am reading now from page 3909 of the record, which is 10
dealing with the issue of the New Age of January 20th, 1955. There is an article undering the heading "A.N.C. prepared for action against forced removals". "It was announced that the opposition will be in three stages. The first stage will be to resist the removal by legal 15
action. The second and third stages are still to be announced." Have you any knowledge of what the second and third stages could be? --- No, My Lords, I haven't really. The first was to resist by legal action.

The last sentence, "the second and third 20
stages are still to be announced", assuming that is a correct report of what happened, suggests that illegal action would be taken? --- I didn't understand that, My Lord. By legal action I really at first hearing thought it might be taking legal advice as to how far the orders would be 25
legal. To resist, by taking legal action - I may be quite wrong, My Lords, but just listening to it, I might think differently if I read it.

BY MR. JUSTICE BLKKER :

You mentioned, Mrs. Joseph, that you had 30
knowledge of a survey made by the A.N.C. Was that the October survey by Volunteers? --- Yes, it would be about

time, My Lord. Towards the end of the year a survey was made - it wasn't a scientific survey, the volunteers went round to as many houses as possible and brought back reports, I remember that.

Would that refer to this document, in 5
October the volunteers conducted a survey, is that the knowledge that you had of what was going on before you went overseas? --- Yes, My Lords, I say that is the last thing that I really remember clearly, and then there must have been a photographic exhibition through the Western 10
Areas Protest Committee - My Lords, I was really more concerned myself than with working on the Western Areas Protest Committee, and I seem to remember that we had a photographic exhibition which was taken to show the state of some of the houses in Sophiatown, and that I think was 15
also, if I am not mistaken, towards the end of the year.

What were the conditions like? --- The aim was to show that...

What did the photographs reveal? --- The photographs revealed, My Lord, that there were properties 20
in Sophiatown that certainly appeared in very good condition, and that they were homes in which people were living, and then the purpose was to show, through pictures how the people would live in Meadowlands, through pictures, as far as I can recall, of houses that were already erected. 25

When did the government start building houses in Meadowlands, do you know? --- My Lords, I really don't know exactly when, but it was during the course of the campaign against the Western Areas removal.

Prior to your departure overseas? --- Yes, My Lords.

Do you know whether some of these houses had

been completed by then? --- I think they must have been. Some of them I think - I think the impression was that there - some was to be site and service and some - there were some houses built - My Lord, I am not sure if they were completed, they might have been in the course of erection. 5

Did you ever go and look at them before you went overseas? --- My Lords, I went to that area from time to time. I may have done. I don't recall whether I went specifically to see them before I went overseas or not. 10

BY MR. LIEBENBERG :

You wrote an article in Fighting Talk about the removal scheme? Did you not? --- My Lords, may I ask to see it? I wrote an article on Site and Service generally. It is a long time since I have read it, I don't know whether it was specifically related to the Western Areas Removal. I would like to be able to see it. 15

When did you write it? --- I can't remember now.

Whatever the date, when you wrote that article, I take it you hadn't made a visit to the Meadowlands resettlement? --- My Lords, I really do want to see the article, because as I recall I think the article was not about Meadowlands, it was about the Site and Service Scheme, but it is a long time ago. 20 25

Was it not your view that the people would have site and service only at this place, Meadowlands? --- My Lord, it would depend upon when I wrote the article. If I wrote it before the government had built any houses, I would have expressed that view. If I wrote it afterwards, then it would be, as I seem to recall it, I was dealing with the site and service scheme quite apart from 30

Sophiatown. Really My Lords, my memory is very vague on this article.

This article appears in Fighting Talk of August, 1955, My Lord, G. 1132, and it does make mention of the Western Areas Removal Scheme, and also relates to 5
Moroko and Orlando Shelters. The point that I want to put is that when you wrote that article in August 1955, had you made a visit to Meadowlands? This appears at page 3026 of the record, My Lord? --- My Lords, from a rapid glance at this article it has nothing whatever to 10
do with Meadowlands at all. The only reference is...

That was not my question. My question was when you wrote that article had you made a visit to Meadowlands? --- Yes, by the time I had written this article, I think that I had been to Meadowlands, as far 15
as I can recall.

Had you investigated the position at Meadowlands, to find out whether satisfactory alternative accommodation was provided for the people, as far as housing is concerned? --- My Lords, I certainly couldn't 20
give a categorical answer about that. I have already said that for the - that for some of the people who were living in any overcrowded conditions, the physical state of the houses at Meadowlands might be an improvement, but for many people who were occupying their own homes in Meadow- 25
lands, there is no question about it that the conditions were very much worse, and even some of the people who didn't own their own homes, but were living in homes, not necessarily self owned, the conditions for houses were very much smaller, and were built on a mass plan. 30

Did your organisation investigate the question of the merits of this removal scheme with the

authorities? --- My Lords, our organisation participated very fully in the deputations which went to the City Council in May, 1953, for the very purpose of discussing the merits or demerits of this scheme.

Only in May, 1953? --- Yes. 5

Were you there? --- Yes, I was there, My Lord.

And what was the object of the discussion? --- To make clear to the City Council our objection to the removal scheme, and to call upon it not to co-operate with the government in the implementation of this scheme. 10

BY MR. JUSTICE RUMPF :

What was the point of view of the municipal authorities? --- My Lords, as I remember they were very sympathetically inclined towards our point of view, and in fact My Lords, for a long time the City Council did not co-operate with the government in the implementation. It held out for a very long time. 15

BY MR. LIEBENBERG :

I want to put one more question to you arising from this Exhibit A. 162. Did you know that it was contemplated to take I.A. action at some stage of this removal? --- Yes, My Lords. 20

What was this I.A. action that was discussed? --- My Lords, industrial action I think it is clear means to call upon people in support of the resistance of the people in the Western Areas, to conduct a stay at home. That is as I understood it. My Lords, I must however make clear that I think I have already said, that I read about this from overseas. I don't recall very specific discussions about it before I went overseas, but it was undoubtedly contemplated, that is not in dispute. 25 30

Was it contemplated to be applied throughout the country? --- My Lords, I don't really recall of my own knowledge, I would have to consult the reports to see if it was - I think it was envisaged on a wide scale, and it was hoped that it would be conducted on a wide scale 5 throughout the country, but I really cannot make a specific comment on that. That was my understanding.

If that was your understanding, it would be in agreement with the object of the resist-apartheid campaign which was to provide solidarity throughout the 10 country. That is at the bottom of page 1.

COURT ADJOURNS.

COURT RESUMES.

HELEN BEATRICE MAY JOSEPH, under former oath;

CROSS-EXAMINATION BY MR. LILBENBERG CONTINUED : 15

On the last page of A. 162, Mrs. Joseph, I think it is the very last paragraph, this appears on page 811(b), "the mistake should not be made, however, of presenting I.A. to the people as a decisive action, which can solve all their problems, but rather as a tactic of 20 obstruction and resistance which can lift the struggle to a higher level." Do you agree with this statement that the industrial action contemplated was not to be regarded as the decisive action, but rather as a tactic of obstruction? --- Yes, My Lords, it says so in this para- 25 graph that it can lift the struggle to a higher level.

On your understanding of the use of industrial action, is it a means of raising the struggle to a higher level? --- Yes, My Lords, I do see it in that form.

Is this the type of higher level, that you 30

see strike action representing direct clash between working class and ruling class, for mastery, can and often does lead to rebellion, revolution and armed clashes, since ruling class will resort to violence if it thinks its rule threatened? --- No, My Lords, I would find it difficult to accept the whole of that statement. 5

Well, now, what is the higher level that you think will follow from the employment of industrial action? --- My Lord, how I see it is that when the people are trained and ready to undertake industrial action, first on a small scale, later on on a wider scale, it must undoubtedly lift the struggle as a whole to a higher level, it must do so.

What is the higher level? --- The higher level is the greater unity of the people, and also - it is more than that, the higher level, is the economic impact which industrial action can have on the country as a whole. It is that economic pressure which I have spoken of before, which we see will eventually have a profound influence upon the White electorate.

Does it not mean that the use of industrial action will bring into operation other forms of struggle? --- No, My Lords, I don't see it in that way, thinking of lifting the whole struggle to a higher level. I don't know what other forms of struggle the Crown has in mind.

Have you ever heard a war of national liberation described as a struggle on a higher level? --- I may have done so, I don't know by whom or in what circumstances.

I am trying to find out what you understand by a struggle that will lead to a higher level? --- My Lords, the phrase is regarded as a tactic of obstruction

and resistance which can lift the struggle to a higher level, and I have endeavoured to give my explanation of that phrase. I think I am a little lost now in the questions.

In regard to the Bantu Education Act... 5

BY MR. JUSTICE BEKKER :

Mr. Liebenberg, before you step off that, there is something I would like to put to you, Mrs. Joseph. Yesterday we debated this question of violence? --- Yes, My Lord. 10

The impression I have is that - of your evidence is that because you were confident that the policy of the Congress alliance was non-violent, no violence would result on the part of the people? --- Yes, My Lords, no violence would be initiated on the part of the people. Let me put it that way. 15

Because they would honour the policy of the Congress alliance? --- Congress members undoubtedly would do so, and others would be influenced by them.

Now if they did honour that policy of non-violence, could you inform me how violence on the part of the authorities could come into being? --- Yes, My Lords, because there have been examples where a non-violent people, following a non-violent policy, has nevertheless been exposed to violence. 25

That may be, but I am confining my discussion to the Western Areas. If the people were to move upon an order to move, and they were not going to be violent, where would the room be for violence? --- My Lords, the room for violence would be not only I think in relation to the actual people who were then called upon to move, but to the population of Sophiatown, with a 30

situation of great tension, which could arise, from which violence might flow.

If they honour the policy of non-violence?

--- My Lords, I did say that I felt that in Sophiatown the A.N.C. had great influence, I did say that, but I don't think My Lords that I say - or I didn't mean to imply that the A.N.C. could control the whole of Sophiatown. There is - they had then a very great influence in Sophiatown. But My Lords, I think it is not possible for any organisation, non-violent organisation, to guarantee that some isolated act of violence may not lead to further acts.

You see, it is on this that I would like to revert to the speech that you made in Geneva. You said, "As we can anticipate that the removal will be attempted, with the police and their sten guns in attendance, this mass deportation of people from their homes may well be the spark which may set off a conflagration, which may take a terrible toll of human life and suffering", and now I want to emphasise what follows, "Despite the courageous determination of the African people to conduct a non-violent campaign." If, if despite the courageous determination of the people to conduct a non-violent campaign, if despite that something may happen which may take a terrible toll of human life and suffering, what is it that would give rise to it? What did you have in mind when you uttered these words, as that which despite the non-violent campaign, may result in a terrible toll of human life and suffering? --- My Lord, it is difficult now for me to be specific, but let me try and tell Your Lordships how I think I would have viewed the situation then. In - My Lords, there might be

an instance such as has happened, where a crowd has been called upon to disperse, perhaps people would form a crowd, they will be called upon to disperse, and would be fired upon.

I am sorry to interrupt you. I would like 5
this with reference to Western Areas. I would like you
to confine your remarks to what you had in mind or may
have had in mind with reference to Western Areas, not to
other places? --- My Lords, I was trying to do so, as to
what I may have had in mind. The possibility of crowds 10
of people gathering together, that was always a possibility
that was in my mind, My Lords, because of examples that I
knew of then, not only in South Africa, but always a
danger, My Lord, that a peaceful crowd may not be given
an opportunity to disperse in time before they are fired 15
upon, that is always a danger, My Lord. That is one.

Any other thing you may have had in mind?
--- I think what I really had in mind was the - what I
understood to be from what I was reading overseas, the
mounting resentment of people at being compelled to go, 20
and the fact that despite the non-violent nature of the
campaign, it might not be possible for the A.N.C. non-
violence policy perhaps to prevail over the whole of
Sophiatown.

Why not? --- If there was extreme provoca- 25
tion, if violence were inflicted upon the people, My
Lords, can one ever guarantee that no individual is going
to retaliate?

Obviously not. If violence is inflicted,
I quite agree with you. But what was it that would 30
cause violence to be inflicted in the first stage, if
the idea was to move only under compulsion, that is under

AN ORDER TO MOVE? then you move? --- My Lords, I think that there I was thinking of a situation as a whole in Sophiatown itself, not necessarily only of the - I think I thought then it was four hundred and fifty families, because I think I used that figure, not only of the 5 four hundred and fifty families. I was thinking of the situation in Sophiatown itself, of the sixty thousand people in Sophiatown, their anger. And then the forcible removal.

On that point do you suggest that all 10 sixty thousand people were in the condition where they were resentful and angered? --- Perhaps I was wrong to say all sixty thousand. I was trying to imply the impression of the size of Sophiatown, that it is a large and overcrowded place, it is not a small village. I can't 15 obviously speak for the sixty thousand, but there was - there were reports, My Lord, of general resentment against this forcible removal, not only amongst the people who were to be removed. As I have understood it always, there was a general and widespread feeling of resentment. 20

Even before Congress took up the campaign? --- I have always thought so, My Lord I have never thought that Congress alone initiated the resentment. I believe - I think I have seen mentioned other bodies, other organisations which were in Sophiatown. 25

In your opinion what was the effect of - that the Congress campaign had on the inhabitants of Sophiatown, from the point of view of their determination to leave or not to leave. Did it strengthen them in their determination? --- My Lords, I would say that it 30 strengthened them in their determination that they should not go.

And their resentment against the evils?

--- Yes, My Lords. I don't know whether it would strengthen their resentment. It might clarify their resentment and - there was a general resentment, as I understood it. I think it would be true to say it would strengthen the 5
resentment.

Now there is something else I would like to debate with you, and it is this, To what extent the facts you presented to the meeting represented a fair reflection of the situation in Sophiatown? What is your 10
view at the moment, what you told the audience there, was it a fair reflection of the situation or not? --- I believe so, My Lords. I don't recall any specific thing now.

I have got two pictures here, the one is a picture of your speech, and the other is a picture 15
revealed by exhibit A. 162, the post mortem if I may call it that, on the Sophiatown position. In your speech you stated, "This town is fifty years old, and now because it has become encircled by White residential development it is condemned as a black spot and must be removed". Is 20
that the real reason or only a reason? --- My Lords, I have always understood that to be the reason. It flowed from the original Mentz (M) Report, My Lord, I think on the black spots.

The fact that it was a slum area, did that 25
have anything to do with it? --- My Lords, I didn't think so. As I have said, I didn't recognise Sophiatown as a slum that could not be remedied where it stood.

Now if you had the report in October, the survey of the volunteers, I suppose you would have 30
noticed that they reported inter alia, at page 800 of the record, - you would have noticed that the volunteers

reported, line 5, apart from the first reason, "There were a substantial number of people who made it very clear that despite these explanations they felt the antagonism between the landlords and themselves to be more important, and who placed their need for more adequate and comfortable 5 accommodation above any other consideration". Did you have that knowledge before you made your speech? --- My Lord, I don't deny the report to have been made. I can't really say now whether I actually had that particular aspect of it or not, I really could not say. 10

Could you place Volume 5 before the witness too please, Mr. Lieberberg? Page 810. This is the post mortem report on the Western Areas, dealing with "Failures and Weaknesses", line 18. "It is clear that we failed to assess adequately the intolerable conditions 15 under which some of the people in Sophiatown exist, and failed therefore to attempt to improve those conditions or to find alternative accommodation". What do you say about that? Does that coincide with the facts as you knew them before you made your speech or not? --- My 20 Lord, I think it does, because it implies that we failed to assess adequately, in other words I might have had information that might not have been correct.

I want to emphasise the intolerable conditions under which some of the people in Sophiatown 25 exist, Were some of the people in S phiatown existing under intolerable conditions? --- I have said so, My Lords. I said so earlier.

That you knew before you made your speech?
--- Yes, My Lord. 30

Now there is another thing also - I am not quite sure whether I am correct in my reading of this

at page 809, line 22 : "Even though much has yet to be done between tenants and landlords, yet even here we have gone a long way towards bridging the gulf which has existed for years. It is not correct that the landlords are collaborating with the government. Out of two 5 thousand properties, only a little over a hundred have been sold." That would suggest about two per cent owing properties in Sophiatown. It may be that I am wrong in that reading? --- I would understand it that only a little over a hundred of the landlords have sold their properties. 10

Apart from that, I think evidence has been placed before the Court that two to three per cent. of the people in Sophiatown owned freehold title? --- Yes, My Lords, but I understood that to refer to the people who had actually taken up their freehold title, but I 15 would suggest there were many more who were paying off on bonds and had not yet acquired ownership. That was my understanding, My Lord, I don't know how correct that is.

If you pay off a bond, then you are already an owner, subject to a bond? --- Sometimes, My Lords, are 20 there not Deeds of Sale which postpone the taking over?

Now continuing on that, the report proceeds: "The struggle is only beginning. The removal is still going to take a long time. The greatest principle involved in the removal of the Western Areas is the depravation 25 of land ownership." Now I want to emphasise the following words : "The people who are directly effected have not yet been touched." Now in the light of these things, I want to come back to your speech and to consider to what extent it presented a fair picture of the situation. 30 There were slum areas, people were living under intolerable conditions - if this report is correct - the prime

objection was private ownership, but nobody had as yet been effected according to the report. You stated the following : "This town is fifty years old and now because it has become encircled by White residential development it is condemned as a black spot and must be removed. 5
This is the Western Areas Removal. Without consultation of the people they are to be forcibly removed from their homes. Their freehold right, so rarely granted to non-White people, will be taken away." Is that correct? ---
My Lord, it is correct in this sense - I think I have 10
expressed it before - that the people living in Sophiatown, even if they had not taken up a freehold right, had a potential freehold right...

You didn't say that? --- I may not have made that specific in this speech, My Lord, that is so, 15
but I don't think it is because - what I was saying, the freehold right - My Lord, a right is a right, whether you take it up or whether you don't, it is still a right.

You see, Mrs. Joseph, I want to put this to you. Reading this, it may be, - perhaps I am wrong - 20
it may be that a person gets the impression that in the Western Areas, all the people living there have their homes, have their freehold rights, and they will be taken away. Would that be an incorrect assessment? --- My Lord, I don't really remember what followed on the speech. 25
It may be so. But I still maintain, My Lord, that what we were attacking was the principle, and therefore I feel that what I said did not convey an incorrect impression. The people in Sophiatown, anybody who lived in Sophiatown had a potential freehold right, and 30
that right was being taken away.

"In the new area the people will be fourteen

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