

(Sunday, August 18th)

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The Newtown Market Square is bare, deserted on a Sunday morning. A cold wind whipped across it. At 9.30 the first stragglers began arriving - a few African workers; a few ~~XXXXXX~~ newspaper reporters and photographers; two car-loads of plain-clothes detectives; a few car-loads of senior police officers. By ten o'clock, when the meeting was scheduled to start, a group of about thirty people stood in the centre of the square - workers and a few European and Indian Communists. The reporters and the detectives chatted in cars on the edge of the square. At the corner of Bree Street, a group of twenty miners, wrapped in coloured blankets, stood and waited, afraid to come closer in so forlorn a spot, with memories of police brutality fresh in their minds.

Some of the leaders, prepared to speak at the meeting, still had the courage to come; James Philips, released from gaol the day before; Josie Palmer, who had inspired all the work in the Western Areas, and had driven and cajoled everywhere throughout the week; David Bopape, Secretary of the Anti-Pass Committee, in from Benoni. But the ranks of the leaders were as thin on that morning as the ranks of the followers.

No meeting was held. Everyone present was told to go home, to spend the rest of the day preparing the people for the great stay-at-home on Monday. By 11 a.m. the square was as empty and as bleak as it always is, on a bleak August Sunday, with the wind whipping ~~XXXXXX~~ across it.

The confidence and spark of fire reached its lowest point that morning. Despite the glowing and confident reports coming in all day from the Townships, all those who had been at the meeting felt heavy, spent. For all practical purposes, the General Strike was over. The people had been cowed into submission; the strike committee could not be called together to decide what to do; the air was heavy with defeat. There was nothing more to do than to wait and see - wait for Monday to bring what it would.

From the "Sunday Express", August 18th:

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Editorial: "The Strike was a Warning".

"Last week's strike...was a salutary reminder of the kind of trouble which South Africa may expect, if the present policy of drift in the matter of non-European labour continues....there is, of course, an inevitable legacy of bad blood.....

To the great majority of native workers, a strike just means an opportunity to go out and stone the nearest policeman. The native is at the mercy of agitators, who do nothing to educate him in the proper conduct of the strike weapon.....

Yet there is very little sign that anyone proposes to undertake the immense task of teaching the native worker the ~~minimum~~ elements of trade union principles.

....As things stand at the moment, our police, if it can be called a policy - is to treat him rough and tell him nothing. This attitude will not prevent strikes; it will merely ensure that every strike that occurs is automatically a riot. Native industrial workers must eventually be trade unionists, whether Europeans like this prospect or not.....

Headline: "Lawrence Praises Police".

"The South African Police Force was complimented by the Minister of Justice, Mr. H.G. Lawrence, yesterday, for the way it acted during the strike of mine natives last week.

Mr. Lawrence said.... 'Not only have they succeeded in maintaining law and order with commendable discipline and restraint, but they are responsible for saving from potential danger thousands of citizens along the Reef Towns.

.....In preventing what might have developed into ugly situations, force was inevitable, and both natives and police were injured. But the fact that not a single native lost his life at the hands of the police, is the best possible commentary on the admirable restraint displayed.....

"Only 12 rounds of ammunition were fired by the police during the native strike disturbances on the Witwatersrand last week. Eight natives were wounded, but no deaths from the firing have been

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reported.

It is unofficially estimated however, that about 900 natives were injured, few of them seriously, in baton charges and other clashes.

So far five deaths have been reported. Four strikers were trampled to death by their companions at Sub Nigel during a stampede, and one native ~~brekax~~ who jumped from a mine dump at Robinson Deep broke his neck and died.

....Reports that the police used excessive force in handling the strike were denied by Mr. J.M. Brink, Director of Native Labour.. yesterday.

"It is regrettable that force had to be used, but after repeated attempts by Department of Labour inspectors to persuade the natives to return to work had failed, it became inevitable", he said. ..."Many of the natives are still bewildered about the outcome of the strike, and feel that they were led up the garden path by agitators, in their claim for 10/- a day."

Stock Exchange Report: Headline: "Prices Rally with End of Native Strike."

"....Price movements closely followed the strike news, with quotations rallying smartly in the latter part of the week....."

Illogically enough, non-producing Orange Free State issues were most affected by the strike news, although there is not a native miner within miles of their properties....."

From the "Sunday Times: August 18th:

Editorial: "A Timely Warning".

"The strike of native mineworkers has been broken - and also a few heads. Rand people...will join in the congratulations to the police on their firm action without losing sympathy for the victims of their efficiency. The natives who were struck down were technically violating the law, but they were the dupes of agitators who persuaded them to make impossible demands on the mines, and to strike and make threatening demonstrations when their pay was not increased to 10/- a day. Many of the natives would not have joined

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joined the strikers if their more determined compatriots had not intimidated them.

....there are many factors that are not so reassuring. The first is that a few agitators were able to influence such a large number of native workers. In this country, where any attempt to incite the native is not only a crime but a most unpopular offence, it is astonishing that secret agitation could have such a widespread result. The authorities are now conducting a searching investigation into this agitation and the culpability of certain alleged agitators. They will also investigate the ramifications of the Communists, who were active before and during the strike.

....We have seen the serious consequences of immature and mischievous trade unionism. It should be a timely warning. The country may not yet be ready to adopt the liberal solution of full trade unionism for the native worker, but it is equally true that....we cannot afford to leave him to be exploited and misled. "

Stock Exchange Report: From London:

"...The mining market has been dominated by the strike position. ...London observers are inclined to regard the trouble as having been driven underground, but with a likelihood that it will raise its head again before long.....An impression therefore remains that the past week's troubles are merely a harbinger of the persistent trend towards higher wage demands by native workers.

By The Mining Editor:

....."The native strike has been quelled but it would strain the limits of optimism to suggest that any satisfactory final settlement has been achieved...."

From "Die Weekblad", Sunday August 18th(Translated from Afrikaans)

Editorial: AGITATORS:

.....There is not the slightest doubt that the case for striking was spread by agitators, and the natives were..... seriously misled....These people possibly realised the danger that threatens white South Africa when they learned of the

thousands of natives who were on the road to Johannesburg, and whose attack upon the city was only foiled by the timely intervention of the police.

R → "Die Weekblad" publishes a cartoon titled "Victims of Communist Agitation". It shows a score of African miners, some armed with ~~sickles~~ sickles, some with hammers, in a hand to hand fight with the police. Two Europeans labelled 'Communist', one with long flowing hair like an artist, and the other with beard, side-whiskers and moustache, stand aside from the fight, shouting 'Attack!' (Storm!)

Sunday was heavy with the foreboding of the end.

Sunday nights on the City Hall steps are a Johannesburg institution. The Communist Party, week in and week out through the years, has kept up its meetings there in the dark. Week after week the crowd gathers there in the dim street lights around eight o'clock, three or four hundred in the bitter days of midwinter, one to two thousand in summer when an event of some importance has taken place. This is the place where the people of Johannesburg come after any big event at home or abroad, to hear what the Communists have to say.

There were there about two thousand strong on that Sunday night, waiting to hear the Communists' version of the great strike. Hilda Watts opened the meeting, and called on Michael Harmel to speak. As Harmel spoke about ~~the~~ the miners and the conditions of their life, about the strike and the brutal assaults of the police, about the tobacco workers and about the general strike, a silence descended on the crowd. The gossiping died away, and only the boom of the loudspeaker went on in the silence. Harmel spoke of the dead, and called for the audience to stand in two minutes silence in their memory. Only the whispers and giggles of the policemen standing in groups around the crowd broke the dead silence.

Then he appealed for funds for the strikers, for the families of the victims of the police terror, for the workers victimised by the Chamber of Mines. Girls with hats went in and out amongst

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the crowd, and the silver and the notes poured in.

Hilda Watts closed the meeting. In a fiery and rousing speech, she castigated 'the great fat policeman over there, bursting out of his uniform, who stood and grinned on his great fat face, whenever mention was made of the brutal assaults made by the police on defenceless strikers...' and'....the group of policemen and their officers behind me here, who are so depraved and devoid of any human decency, that they giggle like schoolgirls while decent people are standing in silence to the memory of those done to death at their hands, and the hands of their colleagues...."

When the collection was counted, there was over £75 in the hats. The usual collection on a Sunday evening is about £2. Johannesburg had not entirely lost its sense of decency, and its sympathy for the workers, despite the ravings of the press.

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MONDAY, August 19th:

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At 3 a.m. in the townships, little groups began to gather at bus stops, tram stops, and railway stations. It was cold in the dark unlighted streets. Lorry loads of police stood around in huddles.

The remaining enthusiasts, making a last attempt to call the general strike and keep the people in their homes, felt something of the dis-spiritiveness which had affected everyone at the Market Square twenty hours before. As the little trickle of people on their way to work started, half hearted attempts were made to persuade them to turn around and go home, few responded. The lack of enthusiasm amongst the people organising the strike effected those on the way to work. Their lack of interest effected the organisers themselves. Gradually the heart trickled out of the movement. At 6 a.m. three women were arrested for distributing leaflets at the Alexandra bus queue. By 7 o'clock, the organisers had gone home knowing the strike to be over before it really began.

The miners were back at work. The General Strike which had been called in sympathy with them had died out. Johannesburg and the Reef were back to normal on the surface at least.

At 10 a.m. plain clothes detectives, armed with a warrant, came to the offices of the Communist Party in Progress Buildings, and arrested the Secretary, Danie du Plessis. He was taken to Marshall Square and locked up.

It had been a week which no one in or near the strike movement would ever forget. The press had grown ⁱⁿ hysteria throughout the week. The mine compounds, under armed guard from the start of the strike were cut off from each other, cut off from the Union office, cut off from the outside world ~~completely~~ by a blanket of silence. No one knew what was really happening. Monday had passed off almost without incident, save for a demonstration at the Benoni Police Station. The the Union Cabinet met. The following six days of police violence, such as the Rand had never seen, starting with an attempt by the press to explain the violence as necessary to protect life and property. The pretence could not be long maintained. Before the strike was over, it was publicly admitted that the object of the police was to drive the men back to work, whether it was legal or illegal to do so. The press

whipped up a panic amongst the European citizens of the Reef, calling a procession of 4,000 people spread over four miles - that is one person every ten feet - if they wals in single file - a march on Johannesburg. "Die Weekblad"m by Sunday, was already referring to the 'attack on Johannesburg which was narrowly averted by the timely intervention of the Police'. Mine after mine saw the same scenes. Strikers were sitting quietly in their compounds. Police were ordered to clear the rooms. The strikers werue driven out by baton ~~charges~~ rushes. When outside, they were given the alternative - either return to work, or be struck down. Those who refused to return to work were driven back by more baton charges to their rooms. The process was repeated the next day. And the next. By Friday, the mine strike was over.

No-one during this week challanged the right of the police to drive men to work. No-one suggested that an African miner has a right to stop work if he wishes, and to face trial in the courts for his breach of the Masters and Servants Act. No-one suggested that miners who grew tired of neing driven from compound to shafthead and from shafthead to compound by baton charges were entitled to walk to the office of the Witwatersrand Native Labour Association, or the Native Recruiting Corporation in Johannesburg, to ask ~~if~~ that the contracts which they had undertaken with the agents of these bodies should be torn up and the men allowed to return home. During the entire week, the press, which writes purely and solely for the European population, regarded the African miners as slaves of the gold-mining system, looked on their strike as unfair interference with the gambling and speculation on the Stock Exchange, which is the white South Africa's national pastime. Never before had the sharp division between the African people on the one hand, and the bulk of the European population on the other, been revealed in such sharp and glaring light.

From Monday, August 19th, the scene shifted. The workers had been driven back to work, but in the offices of the Mining Companies, in the offices of the Government and the Police, who had fought the mine-owners' battle through the week, there was fear. All

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their long-cherished illusions about the backwardness of the African worker, about the inability to understand trade union struggle, about the possibility of maintaining the workers for ever divided on tribal lines, so that the Chamber could rule undisputed, had crashed to the ground. In their fear, in their certain knowledge that the miners had been driven back but had not given up their demand for 10/- a day, they sought for means of smashing finally and forever the organisation and people who had helped the miners throughout the week, kept their spirits up and maintained the strike, feeling throughout the African workers on the Reef.

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THURSDAY, AUGUST 22nd:

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At 12 o'clock, Lt. Botha of the Johannesburg C.I.D. phoned Adv. Franz Boshoff, who was appearing for Danie du Plessis. He asked that nine people should be sent to his office to see him. The nine people were Edwin Mafutsanyana, Brian Bunting, Yusuf Dadoo, Michael Harmel, Hilda Watts, J.N. Singh, Rusty Bernatein, Bill Roberts, and Ronnie Fleet, all members of the Johannesburg District Committee of the Communist Party. No explanation was given for this request. In the afternoon, Abram Fischer and Rusty Bernstein went to Marshall Square. In the presence of their legal advisor, they were shown documents and letters seized from the Communist Party in Johannesburg and Cape Town, and asked their opinion of them. The police were obviously searching for one person to turn Crown witness against the others. It was put very clearly to them that they then had a chance to repudiate or disassociate themselves from the contents of these letters and documents... "before any legal action which might be pending...." Both of them associated themselves fully with all the minutes shown, but stated that one letter, in their opinion, did not correctly reflect the decision of their District Committee. The following day, the remaining people summoned also visited Marshall Square, the majority of them making short statements to the same effect. No one of them accepted the opportunity given them by very blunt implication by Lt. Botha, that they could escape all responsibility for anything that had been done, by disassociating themselves from resolutions and decisions that they had taken.

On Friday afternoon, Lt. Botha again phone Boshoff. All the people were wanted at Marshall Square the following morning. Again no reason was given.

The eight people, met that evening. Yusuf Dadoo was not present, still serving his sentence of three months hard labour for passive resistance to the Ghetto Act. Brian Bunting, who had been on the Cape Town staff of the "Guardian" since June, was also not present. All who were present understood quite clearly what would happen the following morning. All were aware that they were

~~visited at Marshall Square~~

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wanted at Marshall Square in order to be arrested. They decided to present themselves for arrest, knowing that they had nothing to conceal, and knowing that they had done nothing to which they were not prepared to submit.

There has never been such a scene at Marshall Square, as there was that Saturday morning, August 24th. Two Africans, two Indians, six Europeans reported to Lt. Botha's office, and were formally arrested and fingerprinted. The attitude of the accused themselves was reflected in the attitude of the plain clothes detectives who shepherded them around. Men who customarily referred to Africans as "boys" and pushed them around in a way common to the S.A. police force, were dealing with all the accused with unusual courtesy, drawing no distinction on grounds of colour.

From Marshall Square they were taken in private cars to the Magistrate's Court.

"L" Court is a poky place. The first three or four accused ushered into the dock, filled it completely. The remainder stood around on the floor of the Court. Sight-seers, press reporters, legal representatives, and plain-clothes detectives pushed in after them, until it was impossible to decide which were accused and which were not. The Magistrate allowed bail of £100 each, and remanded the case to Monday 26th. Bail money had been arranged, and while it was being paid, two young Indians came forward with £2,000, "just in case there wasn't enough bail money".

MONDAY, AUGUST 26th;

The scenes at the Magistrate's Court that day were historic. The number of accused, all to be charged, now stood at 52. Moses Kotane and Brian Bunting who had been arrested and ~~with~~ bailed out in Cape Town, had arrived in Johannesburg the night before. Yusuf Dadoo ~~was~~ was brought up from the cells under guard. Ronnie Flett had been summoned back urgently from Bloemfontein, where he had been on an organising tour of his trade union. There were now four Indians, 3 coloured men, African men, African women, one European woman and eight European men. The accused were placed in the public gallery, which was not big

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enough to hold them, Benches were brought in and placed on the floor of the court for the remainder. Fifteen advocates tool their seats. Prespiring policemen struggled to call the roll. The accused were shifted from seat to seat to try and get them in the correct numerical order. It took almost two hours before the court was ready for the Magistrate to come in, and hear the case. The Defence immediately asked for an adjournment of one week, which was granted. Some of the accused who had not yet been bailed out were granted bail. Yusuf Dadoo, who was offered bail of £100 refused, preferring to serve the sentence he had voluntarily chosen to accept in defiance of the Ghetto Act.

At Langa Location, where the African workers of Cape Town live huddled together, Advocate Donald Moitenso addressed a packed meeting on the night of August 26th. To the Africans of Cape Town, a part of the people who elected him to guard their interests in Parliament, this descendant of one of South Africa's oldest liberal families, said: "It is the duty of every African who knows what has happened on the Rand to warn the African workers in the rural areas of what has happened...before they go anywhere near the offices of the Native Recruiting Corporation. Throughout the rural areas the word must go forth....If the Chamber of Mines loses thousands of workers, it will be the fault of themselves and the Government. The Government and the Chamber of Mines will live to regret their actions. There is nothing to force the Africans to work in the Reserve to work on the mines, t The Government cannot send their police to the Reserve to force the Africans to work on the mines.

"The Chamber of Mines must learn that if they want Africans to work, they must pay them a living wage.

MONDAY, SEPTEMBER 2nd:

In the Darragh Hall, under the St. Mary's Cathedral in Johannesburg, over two hundred people from all walks of life and all races gathered, to bring into being the 'People's Defence Fund.' A circular had gone out signed by twenty prominent people, headed by Mrs. Margaret Ballinger. Reverend D.S. Thompson took the chair.

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Mrs. Ballinger, Senator Basner and Advocate Pouis Pincus spoke, about the strike, about the arrests during the strike, about the raids and arrests after the strike.

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It was decided to start the Fund to pay legal expenses for all those involved in cases, to assist dependants of the strikers who had been killed and wounded, and to publicise the facts of the strike and of the trials. A Committee was elected, with Rev. Thompson as Chairman, and Adv. Pincus as vic-Chairman. The money had to be found. The committee got down to the wearying and exacting job of raising it. An office was lent; a full-time Secretary was found; the money began to come in.

TRIAL

It was September 2nd. when the trial really opened. The court had been moved to the largest civil court in the building. There was no dock. The accused filled the public gallery, and overflowed onto a bench at the rear of the court. Fifteen counsel and a battery of press-men filled the floor of the court.

In the corridors outside, four-hundred people milled about - Europeans, Indians, Coloureds, Africans - men and women trying to get in past the police stationed at every door. There was a sort of gala atmosphere about the place, which puzzled and bewildered the police.

It took till 10.30 to get the accused seated in the right order, checked and rechecked by the orderly, numbered with figures cut off an old calendar and pinned in their lapels.

The court was called to order and silence, and the Magistrate, Mr. J. de Villiers took the bench.

The prosecutor, Mr. Grobbelaar, outlined the case the Crown would attempt to prove.

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"Firstly, I refer to the Riotous Assemblies Act...to Section 15 (2) a, which makes a conspiracy an offence. 15 (2) b, which makes incitement an offence. Then I have also referred to War Measure 145 of 1942, which makes an illegal strike an offence. I have coupled these three ~~XXXXX~~ for this reason. Firstly, some of the accused the Crown will say, and will attempt to prove, has

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have been guilty of a conspiracy. These we will say have been directly responsible for the incitement, and then we also have the matter of the strike which culminated. We put this up as a general scheme, as one plot ~~of~~ for the purpose of this case....."

The first witness was called, Detective Head Constable J.H. Marais, who gave evidence that he searched the offices of the Communist Party Central Executive Committee in Cape Town, on a search warrant. He had taken possession of a typewriter, and files of documents.

He proceeded to hand the documents in. Each document was explained by the Prosecutor; they ranged from European Miners strikes in March, to statistical reports on African Trade Unions on the Witwatersrand; from Trades and Labour Council ballots to food raids; from demonstrations about Franco Spain to Passive Resistance movements in Port Elizabeth; from Anti-Pass Campaign meetings in Port Elizabeth to the attempts to prevent Ossewa Brandwag meetings in Mayfair; Trades and Labour Council Conference reports to treatises on the colour bar in industry; from hints on how to prepare leaflets to pamphlets on the Black Market.

The flood of papers and files piled up on the tables. The atmosphere grew sleepier and sleepier. Advocate Shacksnovis objected from time to time to the relevancy of some of the exhibits. When the resolutions of the Communist National Conference held in 1940 were produced, he objected again. "What can be the possible relevance of a Conference in 1940, to a crime in terms of a War Measure only passed in 1942?" he asked.

The prosecutor: "The point is that the Crown wants to show the interest in the Union.... The main thing is the African mine workers. The trouble was a matter of 10/- a day. By going through the correspondence, we see that 10/- is first mentioned in 1940. In other words, the miners have been educated to believe that they want 10/- a day to live on."

Laughter amongst the accused. The flood of documents went on. In all 38 files were produced.

Shacksnovis: The papers you took in Cape Town... do these put in

[Handwritten initials]

before the Court constitute all the files?

Marais: There are 72 files altogether.

The court adjourned for one week. On September 9th, it again adjourned for one week, without hearing any further evidence.

SEPTEMBER 16th:

One of the accused who had been absent from the first days hearing, was now in court. All the evidence had to be read over to him. The accused grew sleepy, as the long list of documents went on and on.

When it was all over, the prosecutor announced that he was withdrawing all charges against six of the accused: Moses Kotane, Braicn Bunting, Bill Roberts, G, Naiker, Wilhelmina Skikowna, and John Hertslet. They were all discharged.

The prosecutor asked for an adjournment for fifteen minutes. The defence asked that the court be cleared, so that they could consult the accused. It was the strangest sight that has ever taken place at the Magistrates Court. A meeting was held. Berrange announced that he had been told that the Crown was prepared to drop all charges of conspiracy and incitement, if the accused would plead guilty to a charge of aiding the strikers.

There was a short discussion. All the speakers made the same point - that they had done nothing during the strike week of which they were not proud, and to which they were not prepared to admit. Some stated that they had done nothing - that they had been arrested for being in possession of a strike leaflet which had been handed to them in the street. But even they were ready to plead guilty, rather than give the court the impression that they were not prepared to help the strikers. A vote was taken. It was unanimously agreed to plead guilty.

Then, while waiting for the court to resume, a resolution was moved by Michael Harmel, expressing the solidarity of the accused with the five London Communists charged with conspiracy as a result of the London squatters movement. The accused voted unanimously, from the court, that a message be sent.

The court resumed. The prosecutor applied for the preparatory examination to be converted to a summary trial. The defence

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agreed. The magistrate consented.

The prosecutor read the charge: Contravening Regulation 5 (1) of the Annexure to War Measure No 145 of 1942, by participating in the continuation of a strike, on and after the 12th August, 1946. Advocate Shacksnovis stated that the accused were prepared to plead guilty to this charge. But they disclaimed any plea of guilty to any charge of initiating, inciting or conspiring to strike, or any offence under the Riotous Assemblies Act.

The evidence was read over to the accused, for the second time. The atmosphere grew sleepy again.

The first witness was called, Lieutenant D. Botha of the South African Police, who testified that he searched the Johannesburg Office of the Communist Party; that there he removed documents and other matter; that he approached the members of the District Committee of the Communist Party who were amongst the accused, showed them a letter and minutes seized in Communist Party Offices, and asked for statements; all the accused stated that they stood by the minutes, but that they thought that the letter was not a correct interpretation of decisions.

The Crown then called Alfred Wahn Limebeer, the Secretary of the Transvaal Chamber of Mines. He handed in letter received by the Chamber of Mines from the African Mine workers Union. They were dated 6th May, 26th May, 24th June, 7th August, and reports received from various mines about events during the strike.

Prosecutor: Is the African Mine workers Union recognised by the Chamber of Mines?

Limebeer: No.

Prosecutor: Can I ask you what is the reason for not replying to those demands?

Limebeer: I can give you the instructions given to me by my committee....Simply I was told not to reply to them.

You do not know the reason?

I know their views that the African Mine Workers Union was not representative of the majority of the employees of most of the mines, and that these employees are not advanced enough to

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understand the basis of organisation.

The workers on the mines, that is African workers, are mostly .. from the reserves?

About 96% of them are... Some of them are contracted, but large numbers come voluntarily in search of employment.

But they work on contract whether they come from a recognised Labour Agency or not?

Some of them work from month to month. There is no document, and they put in their time when they do not want to work any more. But I have very little to do with Native Labour Administration.

Advocate Festenstein cross-examined the witness:

Festenstein: There were, as one can see from the correspondence, a number of requests from the African Mine Workers Union asking the Chamber of Mines to negotiate in the dispute which was taking place at the time?

Limbeer: Yes.

But none of these requests got any reply?

As you see there was one formal acknowledgement.

It must have been perfectly apparent to the Chamber that trouble was brewing at the time?..?

As a matter of fact the Chamber had the matter under consideration for months before.

It was apparent to the Chamber that trouble was brewing?

It was apparent to them that there was serious resentment.

Were any steps taken to avert this trouble?

I should prefer another witness to answer this ~~part~~ question. I am not concerned with Native Administration.

If you do not want to answer that question, are you aware of any steps taken by the Chamber to avert this trouble which was brewing?

I understand the matter was under discussion between members of the Head Office staff and various compound managers.

Were any steps taken to get into contact with the workers or their representatives?

If this was done, it was not done through me.

Though this was the position for months if not for years, and you

(Handwritten initials)

yourself are Secretary of the Chamber of Mines, yet you are not aware of such steps being taken?

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No.

Was it the policy of the Chamber to allow this trouble to develop?

I have no knowledge of that.

Can you however deny or dispute it?

I have no knowledge of that.

Advocate F. Zwarenstein cross examined:

Zwarenstein: "Your complaint, I understand, and one of the complaints of your Committee was that this trade union was not sufficiently representative?"

Limebeer: I understand that to be the position.

Z. What is the Committee which directs your activities?

L. The Gold Producers Committee

Z. It is the controlling body of the gold mines?

L. It is

Z. I want to put it to you that in the history of this trade union your body has been hostile towards it.

L. In what way?

Z. As far as I know you never recognise it. Did you ever take steps to see that it became more representative?

L. There have been many discussions but I have not taken part in them.

Z. Do you know of any discussion with union representatives?

L. No.

Z. Do you know of any discussion with the South African Trades and Labour Council?

L. I do not know of any, but there ^{MAY} have been some.

Z. This ~~xxxx~~ letter you handed in to court....no reply was sent?

L. We are not prepared to recognise the Union representatives.

Z. But no reply was sent at all?

L. No. No reply was sent.

Z. I want to put it to you that the Committee was fully aware of that there was a risk of danger.

L. They were fully aware that there were definite and serious signs of dissatisfaction.

Z. That is why the report you put in has a paragraph referring to police assistance? 7A

L. We regarded the presence of the police as a prevention of what might have been serious trouble.

Z. But you were not willing to enter into negotiations in any way with the Trade Union to avoid bloodshed?

L. We didn't regard them as sufficiently representative.

Z. Suppose you had written to the Secretary and explained to him that you did not consider the Union to be representative enough, and said to him that when you are sufficiently representative, we will negotiate with you.

L. My committee would not negotiate with them at all.

Z. Why Not?

L. Because the demands did not form a useful basis for discussion, and they decided not to negotiate with them.

Z. Did you know that an application was made by the defence in this case to obtain evidence on their behalf in the compounds?

L. Yes. I saw the correspondence.

Z. Did you know that the application was refused?

L. I saw the refusal.

Z. Do you know the reason for the refusal?

L. That was discussed between the Native Labour officials, the Legal Advisers and certain members of the Gold Producers Committee.

Z. Can you tell us what the justification for the refusal was?

L. The legal adviser gave a technical reason, but I cannot remember what it was....

Z. A little while ago I understand that there was a general strike of European miners on the Witwatersrand.

L. Yes.

Z. Are you aware of any steps taken to prosecute anybody?

L. We did not prosecute.

Z. I put it to you that nobody was prosecuted.

L. No. No steps were taken.

Z. I want to read to you from the report handed in by you in regard to the stoppage at Randfontein.

K. "At 6 a.m. police arrived. The natives refused to obey orders and did not move. The police went from room to room and turned out the strikers, and then went away without further trouble. The police ~~arrived~~ had averted the trouble and the strikers turned out of work on Monday, 12th August." 75

Are you aware of any such measures taken in respect of Europeans?

L.No.

Mr. Limbeer was perspiring freely, and mopping his face when he was finally allowed to stand down. Remaining counsel deferred their cross-examination.

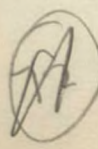
The prosecutor called Detective Sergeant G.P. Steyn, explaining that "he is one of the men who had something to do with settling the strike on one of the mines."

Steyn was complacent, and quite at ease. He gave a long statement in the monotone to which policemen become accustomed in court.

"A report was received from the general manager of Sub Nigel at 8 a.m. on the 12th August. We went there. We found that about half of the employees, that is 1,500 natives, were on strike and all inside their rooms in the compound. They were called to the gate by means of broadcast, and the manager addressed them and told them to go back to work, and that if they did not they would be breaking their contracts and might be arrested. They took no notice of the Compound Manager, and it was then decided that a few would be arrested individually.

Some of them went back to work. Other refused. We then arrested five of them, but when the others realised this, they demanded the release of these five men, and we had no alternative but to release them, as there were only five European police and three native police.

Mr. Pretorius, the Native Commissioner started addressing them at about 3 p.m. They gave him a hearing, but when he mentioned that they were breaking their service contracts, they started shouting him down, and some more police arrived, and they became hostile. It was then decided to disperse them to their rooms, which we did. At



about sunset the police were withdrawn.

The next morning, it was about 4 a.m. a report was received that a crowd of natives had camped outside the compound on the railway embankment. (76)

At that time we had to go to Marievale, as the natives there were also on strike. We could do nothing there except arrest 199 natives. There were all taken to the police station.

At about 8.30 a.m., the Nigel police, including some recruits from the depot, proceeded to the Sub Nigel compound. When I go there, I noticed that there was a large crowd of natives on the railway embankment. They were all armed with various sorts of arms. I also saw some more natives come from the plantation carrying sticks. They defied us and then invited us to fight. As we were only a few men, we communicated with the District Commandant.

At about 9.15 a.m. our district commandant arrived with 120 men. It was then decided to get the men back to the compound. Men on lorries were sent round to encircle them.

Immediately the men got up to the natives, they turned on the police, As the men sent in were only recruits and unarmed men, the natives started throwing sticks and going for the police. The recruits and other unarmed men took to their heels and fled, but when they got to the men who were armed, the natives were fired upon by the police. ~~They turned back~~ They turned back and fled down to the compound.

General pandemonium started in the compound. At the gate they were very crowded. Afterwards four natives were found who had apparently been trampled on. Some few minutes later a number of natives, I cannot exactly remember the number, but I think it was from ten to twelve were found suffering from Bullet wounds.

After they got back to the compound again they were instructed by the compound manager to go back to work. They went back to work voluntarily, and that was the end of the trouble there.

Mr. Festenstein was the first to cross examine:

Festenstein: Do you know that the non-carrying of arms was amongst the most specific instructions of the Chairman of the Union?

(77)

Steyn: I did not know that.

F. Do you happen to know whether the 10 to 12 natives died subsequently?

S. One did subsequently.

F. I take it you are using the work 'voluntarily' in the context of 'returning to work voluntarily' in inverted commas?

S. They were told to go back to work and they went.

F. The police were there?

S. Yes.

F. Armed?

S. Yes.

Advocate Zwarenstein got to his feet.

Zwarenstein: Were you also concerned in the strike at Nigel?

Steyn: Yes.

Z. Is it correct that the natives at the mine went underground and refused to work there?

S. Yes.

Z. Did the police then go down?

S. They did not go down to force them to work. They went down to get hold of the inciters.

Z. The natives then ran from stope to stope with the police running after them?

S. No. They were assembled at the top and once more addressed. That was afterwards. The police did not go down the tunnels or up the stopes. The natives came back on their own.

Mr. V.C. Berrange: Taking this further. Is it not correct to say that they were driven from stop to stope by the police?

S. That is not correct. They merely went down, and the natives ran up. Any suggestion that the police drove them up is quite false.

Berrange: According to the Rand Daily Mail, the natives were ~~driven~~ driven up "stope by stope" and level by level."

He then read the report from the Daily Mail, quoted elsewhere in this booklet.

Berrange: Do you have any idea where the Rand Daily Mail got this idea, erroneous as it is, from?

7A

S. I was present, and it was not so.

B. Were you questioned by any member of the Mail?

S. No.

B. Hm. So the Mail, which had the Africans marching on Johannesburg, mentions this. Mr. Grobbelaar, the prosecutor, jumped to object to the relevancy of newspaper quotations, and is overruled by the magistrate.

B. When you got to Sub- Nigel at 8 a.m. on August 12th you found everything perfectly quiet?

S. Yes.

B. There was no trouble? There were 1,500 Africans sitting inside their rooms because they wanted to withhold their labour?

S. Yes.

B. There was no trouble or disturbance?

S. No.

B. Then they were driven out of their rooms?

S. They were called out by means of a broadcast.

B. When they were outside they were still quiet?

S. Yes.

B. On being addressed they indicated that they did not agree with the type of thing that was being said to them?

S. Yes and they voiced their disagreement.

B. They just turned back to their rooms in a quiet orderly manner?

S. Yes.

B. It was then decided to move into action, and you decided to arrest five of them?

S. Yes.

B. On what charges were you going to arrest them?

S. On refusing to obey a lawful order and go back to work.

B. Did you make any investigation whether they were on contract?

S. They are all on contract.

B. Our last witness (Mr. Limebeer) has informed us that they are not all on contract.

B. All of them are registered and are all on contract.

B. Did you or any of the police endeavour to make any investigation

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- B. whether you had any basis for arrest?
- S. The compound manager was present at the time, and he verified that they were all on contract.
- B. Did you ask to see their contracts?
- S. No, I did not.
- B. May I put it to you that you arrested these five men merely to intimidate the rest?
- S. It might have been.
- B. That is a very honest answer. And it is as a result of this endeavour to intimidate them that the position got out of hand.You will agree that this action was rather tactless?
- S. Yes, yet it is difficult to say.
- B. The decision to arrest the five men was not something that came from the Police?
- S. No.
- B. That was something that came from the Chamber of Mines and the Compound Manager?
- S. The General Manager.
- B. And he gave instructions to give orders to the police?
- S. Yes that is correct.
- B. So much so, that even more police were sent for when the situation became difficult?
- S. Yes. When the situation became difficult.
- B. At the time when the situation became difficult, was there any ~~evie~~ endeavour made on the part of the Africans to threaten?
- S. They did not threaten anybody.
- B. They did not destroy any property?
- S. No.
- B. So more police arrived?
- S. Yes. ... They arrived while the Native Commissioner was addressing these natives.
- B. And they started shouting him down, and became hostile?
- S. Yes. ...It was decided to disperse them to their rooms.
- B. There was no one there who said to them 'If you don't want to listen to the speaker, go back to your rooms peacefully and quietly?'

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MS

S. I did not hear that.

B. What actually happened was that the police dispersed them?

S. Yes....There was no violence used to disperse them. They were told to go back to their rooms with the police at their backs.

B. Did you have any weapons?

S. Some had revolvers, some had batons, some had nothing.

B. Rifles?

S. No, not at that time.

B. The next morning, the Nigel police and some recruits arrived at Sub-Nigel....and found a crowd on the embankment. There were about 1,500 of them, some of whom were standing, some sitting, some waving ~~waving~~ sticks, seem talking and some dancing -

S. Some of them were inviting us to fight.

B. Did you walk up to them?

S. No.

B. And did they invite you to fight?

S. I cannot understand their language.

B. All you say than is that some of them were standing, some sitting, some waving sticks, some dancing and some talking, and from that you gathered that they were inviting you to go and fight. Correct?

S. That is correct.

B. And you say they defied ~~you~~ you?

S. Yes, that is what I said.

B. I know that is what you said, They invited you to fight by sitting, standing, waving sticks, dancing and talking. Do you not admit that it might have been an error on your part that they definitely took up a defying attitude?

S. No. They did definitely take up a threatening attitude.

B. Answer my question. They did not in fact defy you before you started to encircle them?

S. From the attitude they took up, they were defying us.

B. Mr. Steyn, So you know the meaning of the word defying? We may be mistaken. Either you or I do not understand.

S. I mean they were hostile. They indicated an attitude of hostility and fighting.

B. Some were sitting down. Some were standing. And you understand

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B. the attitude of hostility?

S. They certainly were armed for the purpose.

B. And you think that was in order to beat up the police?

S. Yes.

B. Without any evidence you were satisfied?

Yes.

And you decided to encircle them, to get behind them?

Yes.

Before this encircling move took place, was any attempt made to address them?

No. Not since I came.

You know of no endeavour being made?

No.

When you found they were hostile a body of police advanced on these men?

That is correct.

They fled back to the compound?

Correct.

Had they been inside the compound the means previously used ~~by~~ ^{been} would have/used? But they were outside?

I was satisfied that they wanted to fight.

You were satisfied without any evidence. There was a rush on the embankment?

Yes. We were satisfied.

You have already told us you were satisfied. You have not proven whether you were really justified....All that was done was to encircle them and rush them?

Yes. What was done was a precautionary measure.

I do not care whether it was a precautionary measure or not.

So you rushed them?

~~Yes~~ Yes. They were advanced on

And the first advance came from the police? No endeavour was made to negotiate with them or use peaceful means to get them back?

They were not addressed.

The first advance came on the part of the police?

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AS