

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 <sup>ten</sup>/~~nine~~ people should be sent to his office to see him. The <sup>ten</sup>/~~nine~~ people were Edwin Mafutsanyana, Brain Bunting, Yusuf Dadoo, Michael Harmel, Hilda Watts, <sup>Abram Fischer,</sup> 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, ~~Abraham~~ Fischer and ~~David~~ 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 ~~searching~~ searching for one person to turn Crown witness against the others. It was ~~stated~~ clearly <sup>put</sup> 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 <sup>the</sup> 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 phoned 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

~~wanted at Marshall Square~~



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~~. admit.

There has never been such a scene at Marshall Square, as there was that Saturday morning, August 24th. <sup>One</sup> ~~Two~~ Africans, ~~two~~ <sup>one</sup> Indian, 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 <sup>if</sup> 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 <sup>make out</sup> ~~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." ~~with money.~~

MONDAY, AUGUST 26th;

The scenes at the Magistrate's Court that day were historic. The number of accused, all to be charged <sup>together,</sup> now stood at 52. Moses Kotane and Brian Bunting who had been arrested and ~~was~~ bailed out in Cape Town, had arrived in Johannesburg the night before. Yusuf Dadoo ~~was~~ was brought up from the cells under guard. Ronnie Fleet 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 took 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 Molteno 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 in the Reserve to work on the mines. 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.



Mrs. Ballinger, Senator Basner and Advocate <sup>5</sup> Louis Pincus spoke, about the strike, about the arrests during the strike, about the raids and arrests after the strike.

It was decided to start ~~the~~<sup>a</sup> 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 ~~real~~ly 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 ~~the~~ silence, and the Magistrate, Mr. J. de Villiers Louw took the bench.

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

"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



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



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 day's 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, Brian Bunting, Bill Roberts, G. Naiker, Wilhelmina Skikona, 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 John Limebeer, the Secretary of the Transvaal Chamber of Mines. He handed in letters 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."

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"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? "

Ljamber: "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 ~~gent~~ 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

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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."

Q. "What is the Committee which directs your activities?"

A. "The Gold Producers Committee"

Q. "It is the controlling body of the gold mines?"

A. "It is"

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

A. "In what way?"

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

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

Q. "Do you know of any discussion with union representatives?"

A. "No."

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

A. "I do not know of any, but there have been some."

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

A. "We are not prepared to recognise the Union representatives."

Q. "But no reply was sent at all?"

A. "No. No reply was sent."

Q. "I want to put it to you that the Committee was fully aware ~~if~~ that there was a risk of danger."

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

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- Q. "That is why the report you put in has a paragraph referring to police assistance?"
- A. "We regarded the presence of the police as a prevention of what might have been serious trouble."
- Q. "But you were not willing to enter into negotiations in any way with the Trade Union to avoid bloodshed?"
- A. "We didn't regard them as sufficiently representative."
- Q. "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."
- A. "My committee would not negotiate with them at all."
- Q. "Why Not?"
- A. "Because the demands did not form a useful basis for discussion, and they decided not to negotiate with them."
- Q. "Did you know that an application was made by the defence in this case to obtain evidence on their behalf in the compounds?"
- A. "Yes. I saw the correspondence."
- Q. "Did you know that the application was refused?"
- A. "I saw the refusal."
- Q. "Do you know the reason for the refusal?"
- A. "That was discussed between the Native Labour officials, the Legal Advisers and certain members of the Gold Producers Committee."
- Q. "Can you tell us what the justification for the refusal was?"
- A. "The legal adviser gave a technical reason, but I cannot remember what it was...."
- Q. "A little while ago I understand that there was a general strike of European miners on the Witwatersrand."
- A. "Yes."
- Q. "Are you aware of any steps taken to prosecute anybody?"
- A. "We did not prosecute."
- Q. "I put it to you that nobody was prosecuted."
- A. "No. No steps were taken."
- Q. "I want to read to you from the report handed in by you in regard to the stoppage at Randfontein."

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"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."

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

"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.

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"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 Europeans/ 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.

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 got 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~~ 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 and fled down~~ 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. Festentstein 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~~ to the Union?"

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Steyn: "I did not know that."

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

A. "One died subsequently."

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

A. "They were told to go back to work and they went."

Q. "The police were there?"

A. "Yes."

Q. "Armed?"

A. "Yes."

Advocate Zwarenstein got to his feet.

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

Steyn: Yes.

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

A. "Yes."

Q. "Did the police then go down?"

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

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

A. "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 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?"

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Q. "I was present, and it was not so."

Q. "Were you questioned by any member of the Mail?"

A. "No."

Q. 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."

*Bervange:*

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

*STEYN:*  
A. Yes.

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

A. "Yes."

Q. "There was no trouble or disturbance?"

A. "No."

Q. "Then they were driven out of their rooms?"

A. "They were called out by means of a broadcast."

Q. "When they were outside they were still quiet?"

A. "Yes."

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

A. "Yes and they voiced their disagreement."

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

A. "Yes."

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

A. "Yes."

Q. "On what charges were you going to arrest them?"

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

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

A. "They are all on contract."

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

A. "All of them are registered and are all on contract."

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

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Q. whether you had any basis for arrest?"

A. "The compound manager was present at the time, and he verified that they were all on contract."

Q. "Did you ask to see their contracts?"

A. "No, I did not."

Q. "May I put it to you that you arrested these five men merely to intimidate the rest?"

A. "It might have been."

Q. "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?"

A. "Yes; yet it is difficult to say."

Q. "The decision to arrest the five men was not something that came from the Police?"

A. "No."

Q. "That was something that came from the Chamber of Mines and the Compound Manager?"

A. "The General Manager."

Q. "And he gave instructions to give orders to the police?"

A. "Yes that is correct."

Q. "So much so, that even more police were sent for when the situation became difficult?"

A. "Yes. When the situation became difficult."

Q. "At the time when the situation became difficult, was there any ~~evid~~ endeavour made on the part of the Africans to threaten?"

A. "They did not threaten anybody."

Q. "They did not destroy any property?"

A. "No."

Q. "So more police arrived?"

A. "Yes. ... They arrived while the Native Commissioner was addressing these natives."

Q. "And they started shouting him down, and became hostile?"

A. "Yes. ...It was decided to disperse them to their rooms."

Q. "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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- A. "I did not hear that said."
- B. "What actually happened was that the police dispersed them?"
- C. "Yes....There was no violence used to disperse them. They were told to go back to their rooms with the police at their backs."
- D. "Did you have any weapons?"
- E. "Some had revolvers, some had batons, some had nothing."
- F. "Rifles?"
- G. "No, not at that time."

Berrange:

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 ~~sticks~~ sticks, soem talking and some dancing ? "

Steyn:

- A. "Some of them were inviting us to fight."
- B. "Did you walk up to them?"
- C. "No."
- D. "And did they invite you to fight?"
- E. "I cannot understand their language."
- F. "All you say then 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?"
- G. "That is correct."
- H. "And you say they defied ~~xxxx~~ you?"
- I. "Yes, that is what I said."
- J. "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?"
- K. "No. They did definitely take up a threatening attitude."
- L. "Answer my question. They did not in fact defy you before you started to encircle them?"
- M. "From the attitude they took up, they were defying us."
- N. "Mr. Steyn, Do you know the meaning of the word defying? We may be mistaken. Either you or I do not understand."
- O. "I mean they were hostile. They indicated an attitude of hostility and fighting."
- P. "Some were sitting down. Some were standing. And you understand

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~~E~~ the attitude of hostility?"

~~E~~ "They certainly were armed for <sup>a</sup> ~~the~~ purpose."

~~E~~ "And you think that was in order to beat up the police?"

~~E~~ "Yes."

~~E~~ "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~~ <sup>been</sup> 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 proved 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 they~~ "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?"



A declaration was not announced  
"No. It was one of these modern wars in which war is declared  
without any announcement by the police. 76.

"Correct."

And when this advance started it was nothin more not less than  
a declaration <sup>of war?</sup> by the police. Then they threw sticks as advances  
were being made? "

"Yes."

"Others fled?"

"Some <sup>m</sup> threw stones, others charged the police with sticks."

"And the police countercharged?"

"The police were only advancing, not charging."

"Then they fired? ~~on them?~~"

"Yes."

"How many shots?"

"That is difficult to say."

"Approximately how many?"

"15 to 16."

"Who was in charge there?"

"Major du Toit."

"From Springs?"

"Yes."

"He was the officer in charge of the Springs shootings?"

"Yes, he was the officer in charge of the Springs shootings."

"That was last year? Quite a few Africans were shot?"

The prosecutor objected.

Q. "Who gave the order to fire?"

A. "I do not know whether any order was given to fire."

Q. "Can I suggest that no order was given?"

A. "I cannot say that."

Q. "The shooting figure was given at 15 to 16 shots, and there  
were 12 wounded?"

Q. "Can you tell us whether the injuries sustained by the five were  
bullet wounds?"

A. "I have no information."

Advocate Franz Boshoff: "As far as I know, all these Afridan mine  
workers have some identification band on the arm?"

Steyn: "Yes."

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~~E.B.~~ "I take it it would have been easy for you to take their numbers from their bands, and prosecute them in the ordinary way for refusing to work?"

A. "That is so. But we had authority to arrest."

~~P.B.~~ "Were you armed?"

A. "I had my revolver."

~~P.B.~~ "Did you expect that you might have trouble when you decided to arrest?"

3 "I warned the compound manager that it was not the proper thing to do. I told him that if we arrest these men, the others will demand their release."

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"Why did not you, as a police officer, give an order and not obey the compound manager?"

"I did not do so because I was under instructions to obey the compound manager."

"....Now what did the Compound Manager or the General Manager say when you warned him that it was dangerous?"

"He said he did not think it was."

"The manager wanted to start a fight?"

"It is difficult to say."

Mr. Steyn retired from the witness box considerably ~~more~~ less satisfied with himself and considerably less confident than he stepped in.

The prosecutor called Detective Sergeant Henry George Boy.

Detective Sergeant Boy <sup>/also</sup> gave evidence in the police manner. On the 19th of May he had attended a meeting at Newtown Market Square and estimated that the meeting grew from 300 people at 11 a.m. to about 500 at 2 p.m. The majority of the people appeared to be African Mine Workers, and J.B. Marks, Accused No. 1, was chairman of the meeting. He had taken notes of the speeches, which he read, ~~and handed in to~~ <sup>the</sup> court.

.....

The court adjourned for the day.



There was again a crowd of several hundred in the passage outside the court the next morning. Relations with the police were becoming rather strained. The magistrate had stated several times that the public was not to be kept out until the court was full. The police at every door, did their best to refuse everyone access unless <sup>he</sup> could indentify himself as accused, counsel for the defence or press.

Arguments at the door got more and more frequent. People who had come to listen pushed past the protesting policemen at the doors. The court-room filled up. Every seat was taken. Still the crowds pushed in. People sat on the floor, packed in haddles.

For the first time, the careful separation of colours which has been maintained in the courts, broke down. The accused, all races and colours, sat in the indiscriminate order in which they had been ~~numbered~~, flowing across from the European side of the barrier in the public gallery, to the Non-European side. The spectators sat where they could, Africans, Europeans, Indians seizing the first vacant space they could find, without careful scrutiny of the colour of their neighbours' skins. There was something happening in this court-room which rattled the police, heartened the accused, confused the press.

Detective Sergeant Boy resumed his stand, and started handing in documents. Copies of leaflets to the miners seized from the Union offices; letter from the Union to the Chamber of Mines of the 26th August; from the Union to the Minister of Public Health, 10th August; statements, letters, documents.

Mr. Festenstein rose to cross-examine. His questions started on the Union meeting held at the Newtown Market Square on May 19th.

"This was an open meeting?"

"It was."

"The police were there?"

"Yes."

"The Native Commissioner was there?"

"He was at one of the meetings; I am not too certain which."

"The Director of Native Labour?"

"Yes, Mr. Brink."



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