

South African Police?---That is correct my lord.

Attached to the Security Branch, stationed in Johannesburg?---Pretoria, my lord.

And were you also a secret agent with the number Q.O.18 assigned you?--Yes my lord.

And did you become a member of the Communist Party, the South African Communist Party?--Yes my lord.

In what year,?---In May 1963.

Prior to that, had you been..prior to your becoming a member of the Party, did you..were you associated/10 with members of the Communist Party in any way?---Yes my lord. I moved in social circles which were frequented by Communists and people with Leftist political belief.

You say in May 1963 you were accepted as a member?--Yes I was asked to join the Party in May 1963.

Who asked you?--Miss Jean Middleton.

Now actually when did you join the Police as a Secret Agent?--It was November 1960 as far as I recollect.

And did you attend numerous meetings in all that time?--Yes my lord. I attended meetings of a large /20 number of organisations which I suspected were somehow tied up with the Communist Party, including the Congress of Democrats - in fact, the entire Congress Alliance.

And did you, on all those occasions, submit reports to the Police authorities?--Yes, I regularly submitted reports, my lord. I submitted these reports shortly after the meeting I was reporting on, had taken place, as soon thereafter as I could get to a typewriter, I would type out the report. The reports were made on odd scraps of paper as I thought they would be used for Intelligence /30



purposes only, and never be used as Exhibits in a court case.

Were the facts of the occurrences, of the meetings, fresh in your memory when you prepared these reports?--Yes my lord.

Now would you like to refresh your memory from these reports?---Yes I would like to.

Now I would like to refer first to A.64, a meeting of the Communist Party on the 22nd May 1963 in the flat of Jean Strachan at 305 Santa Barbara Court. I see /10 you described that meeting as a District Committee meeting? ---Yes.

Is that correct?---No that is not correct. When I was asked to join the Party, Miss Middleton presented me with a large number of facts concerning the Party administration, and she spoke very rapidly, and from the way she spoke I got the misapprehension from her that we were termed a district committee, where in fact we were just a cell, or a group, which is more correct technical reference there. /20

Now who attended that meeting on the 22nd May 1963. (Mr. Liebenson asks Mr. Kentridge whether he can lead the witness - reply inaudible). Was Jean Middleton at that meeting?--Yes.

And yourself?---Yes I attended as well.

And was the accused there?---Yes the accused was there as well.

And Florence Duncan?---That is correct.

And what was discussed at that meeting?--We discussed a number of points, my lord. /30



Yes?----We first of all .. we were told by Miss Middleton that we should put up as many slogans..this is political slogans like anti-apartheid slogans and pro-Communist slogans, we had a special cell in operation for this, and Miss Middleton, who was the leader of this particular cell, and also the contact with the area committee which operated above the cell, had been told that we should set up a slogan-painting campaign. We then decided to re-organise the groups which were doing the slogan-painting, and we re-shuffled the membership of these groups slightly. /10

I think you have got a note there towards the end of your report about something that the accused did at the meeting?--Yes, paragraph 9 my lord. There I mention that the accused welcomed me to the party and had a short chat with me. He warned me about police infiltration within the Communist Party and Front organisations with special references to the Mr. X who had given evidence against Jack Tarshish in Cape Town and against the Indian saboteurs Naidoo and Nanabhai and Vandyer. We were also told that the accused would lecture us on Marxist /20 economics at the next meeting.

Bolt 12

And then was the next meeting on the 30th May 1963?--That is correct.

And does your report A.65 refer to that meeting?---That is correct.

Now did that meeting take place at the same address, 305 Santa Barbara Court?--No my lord, it was planned to take place there, but I arrived late, and I then picked up somebody else, and we went to the house in Orange Grove where I saw all the people who should have /30



attended the cell meeting. The meeting was over by the time I arrived, so I was not present at the details of the meeting.

Did the accused attend?---The accused was present.

And then the next meeting on the 4th June 1963, your report A.66.--Yes, that was the next Communist Party meeting.

And was the accused present at that meeting?

---Yes my lord, the accused was present at that meeting. /10

Did that take place at Santa Barbara Court?

---That took place at 305 Santa Barbara Court.

Who was the chairman?---The accused my lord.

And what part did he take in the discussions at that meeting?---At this meeting he participated considerably more in the activities of the meeting. He made a short speech outlining future tactics by the Party and we agreed with the complaint which a member of the cell had given, that the Central Committee should give a clear directive how we should operate in future. And how the movement /20 should tackle the problem of class revolution in South Africa. He dwelt on the subject of Front organisations and told us that we should consider the possibility of operating twin Front organisations - in other words, one which operated completely underground, and <sup>one</sup> which was exposed to the Police, and the members of this organisation which was exposed to the police should be prepared to spend a considerable time in gaol if they were ever caught. He also used the term concentration camps.

Yes?---The cell then also discussed the possi- /30



bility of recruiting people who had shown promise as Marxists straight into the Communist Party, instead of first letting them circulate in Front organisations. He agreed, the accused agreed with the complaints that we were not given enough direction from the Central Committee on this question, and he told our contact with the area committee, Miss Middleton, to take a message to the area committee demanding that the central committee supply us with further details, with more information. Shall I continue?

/10

Yes.---Another thing which the cell discussed at this particular meeting was, there had been a lot of confusion since the banning of the Congress of Democrats and the African National Congress. Two of the cell members including myself also served on the committee which had been established as a contact between the banned African National Congress and the banned Congress of Democrats. Before the banning of the African National Congress and the Congress of Democrats there had been a Transvaal body, inter-Congress Transvaal Body which was called the Transvaal Consultative Committee, the T.C.C. to which members of the African National Congress, the Congress of Democrats, the Transvaal Indian Congress and the Coloured People's Congress as well as the South African Congress of Trade Unions sent delegates. We complained that we were not quite sure whether we were now the only inter-congress consultative committee, or whether the T.C.C. WAS STILL operating above us.

/20

Will it be difficult for you to confine yourself to those parts that the accused played in these, .?---  
No my lord.

/10



WITNESS: To an extent I think it will be difficult. The accused naturally took part in discussions of all the points which were raised. I don't know if the State wants me to go through all these points, but he did not raise any other new points at the meeting, but he naturally partook in all the discussions.

Was the question of recruiting a person by the name of Zena Temkin (?) discussed?--- Yes that was discussed. There were feelings in the group that she was not mature enough to enter the Marxist study group yet and the accused/10 instructed that two members of the cell should quietly take her under their own wings and occasionally give her copies of Communist literature such as Marxist Review, and generally try to get this person interested in Communism.

And on the question of correspondence? --- Yes. Each cell my lord has a cover address, or a post office box rented under a false name, and correspondence of the cell is sent to this particular box from overseas and from other Communist Party organisations within the country. The cell leader Miss Middleton reported that there was /20 nothing in the box this week besides one single copy of Marxist Review. Then a motion was put that we should all be put on mailing lists for Communist Party literature, and the accused supported this strongly.

And on the question of buying a duplicating machine?---Yes. Another member of the cell Paul had bought a duplicating machine for the Front organisations which were running at the time, and I put forward a suggestion that we should put out, instead of the usual Congress-type violent language leaflets, a mild leaflet which tried to /50



put forward the opinion of a mild ... (belt skips one groove  
repeatedly, unable to catch portion of sentence: Transcriber)  
... African, but nevertheless fitting in with the aims and objects  
of the Communist Party. The accused was intrigued with the  
idea, and he urged us to go ahead with it.

Yes, and on the question of a demonstration  
at Marshall Square?--Yes at that stage a demonstration  
against 90 days detainees had taken place outside Marshall  
Square, and several pressmen were taking..who had taken  
photographs of this demonstration had been held, and there /10  
was talk of them being charged for taking..contravening the  
Prisons Act. The accused was jubilated at this, as he felt  
the South African Police had received unfavourable publicity,  
especially overseas, because of this. He told us that  
he had heard that television viewers in more than 49 coun-  
tries had been shown the incident. He then also asked me,  
my lord, what I felt, and what I had heard as a newspaperman  
about people who had fled the country - he was speaking  
of people with Leftist political views who had fled South  
Africa via the Protectorates. I mentioned that the things /20  
that I had heard from people was that they were running  
away, and they were not very complimentary things said  
about these people. He then said that the people who had  
left had been instructed to do so by the movement.

Then we proceed to A. 68, a meeting on the  
14th June 1963. Was that also held at the flat of Miss  
Middleton?---Yes my lord.

Was the accused present?---The accused was present.

What was his code name?---His code name was  
Jan my lord.



And yours?---Harry.

Did he take part in any discussions on that occasion?---Yes my lord. The first discussion which he took an extensive part in, my lord, was we felt, as members of the coll, that the students at the University of the Witwatersrand should be organised a bit more politically. The accused mentioned that some years ago, when people like Joe Slove was active at Wits. the Communist Party could look at it..refer to it as the Golden Days and urged us to do something to bring the Communist Front organisation /10 there back up to those standards.

This group to which you belonged, is that a propaganda body or what?--Yes we concerned ourselves mainly with youth organisations and propaganda mylord. At the meeting too a long directive from the Central Committee was read to us.

And do you know what it was called, that directive? Can you remember what it dealt with?---I can remember what it dealt with by refreshing my memory from the report, but I can't see any reference to the name of the /20 document. Should I go into the details?

Yes, what did it say?---The document mentioned among other things that the struggle against the Government was not being carried out properly by the lower committees within the Communist Party and the Front organisations. It stressed that white members of the movement should protest and do more work protesting against 90 day detention, that Indians should stoke up as much trouble as possible against the Group Areas Act, and that the bantu members of the movement against the Bantu Law Amendment Act. It also /30



told us to stick to our posts, in other words, not to be intimidated by police oppression. The document stressed that the solid stand by the leaders of the movement against house arrests and the 90 day law had shown the Government that there was strong resistance and determined resistance on the part of the movement, and they had thus ceased enforcing house arrests. The accused drew attention to this section of the document and told us to keep on our activities, even if it meant that we had to go to gaol, if we had to be locked up for solitary /10 confinement, or any other form of police intimidation. He was not too happy with two members of the movement, Mosy Moola and Wilfy Kodesh who had requested exit permits from the police only 5 days..only 5 weeks after they had been imprisoned under the 90 day clause. He said that Socialist leaders in overseas countries had spent up to 25 years in gaol without flinching.

Yes?---The Directive then also mentioned that a large recruiting campaign was going on for Umkonto, the /20 Spear of the Nation, my lord, for training here and overseas. The document said that the main attack against South Africa would take place from the outside, but it was essential that a local..

From outside South Africa?---That is correct, my lord. But it said that a local movement had to remain in the country which had to give the outside world the impression that there was large internal dissent in the country. The document then went on to say that the leaders of the movement, that is presumably the Communist Party and the Front organisations, were being set up to function /30



as an underground movement, in other words, so that they can operate without too much police interference. The circular then..

What happened to that document?--We usually read and destroyed documents straight after the meeting. I think it must have been done with this one too. The document then mentioned that those who had left the country, the Leftist people who had fled the country, had done so on the instructions of the leaders of the Movement. The document then also mentioned that the aims, all the aims /10 of the South African Communist Party and the African National Congress in the liberation of South Africa were the same, and that they identified themselves with each other.

Now.. ---Two members of the coll then demanded that a protest be sent to the Communist Government of Rumania and Russia because a South African wrestling team would be sent to Rumania soon, and because South African schoolboys would be playing chess in Russia during that time. They also demanded explanations from Red China why they bought South African maize. The accused explained 20 that China's Communist Party, the Red Chinese Communist Party had sent a directive saying that this was all a mistake and that they would never buy South African maize again.

Now did Miss Middleton say anything, or shall I say, was sabotage discussed at that meeting?---No, but at another meeting it was discussed, I think at several other meetings.

Yes but what was discussed about sabotage, if you can remember?---At the other meetings? /30



Oh I see. Did that conclude your report on A.68? Your A.68 report? Affecting the accused?---No I think there is still something here that he told us, to utilise the present indignation in the press against the incident at Marshall Square which I have previously mentioned. He told the group that he thought it would be a wise thing if we could try and organise something to create more trouble on similar lines.

Was the question of the ideological difference between Peking and Moscow raised there?---Yes. We were /10 told that a leaflet discussing the rift would reach us soon and it would be discussed.

And was the programme of the Communist Party mentioned?---Yes. We received a copy of Marxist Review, and a Programme of the South African Communist Party. The leader of our cell, Joan, mentioned that this particular Programme of the South African Communist Party, which was a little booklet which gave a detailed history as well as a programme of the South African Communist Party, she said that this had been commended by the C.P.S.U. the Communist /20 Party of the Soviet Union as excellent analysis of a typical Imperialist-capitalist situation.

That refers to Exhibit N?---That is the booklet, my lord.

Did the accused say anything about this programme? ---Not at this meeting, as far as I can recollect my lord.

Then we go to A.73, is that a meeting that was held on the 5th July 1963?---That is correct.

At the same flat of Miss Middleton?---That is correct.



correct.

Was the accused present?--Yes the accused was present and he was also Chairman of the meeting.

And did he take part in the discussions?---Yes my lord. He was very adamant that some more political work should be done concerning the 90 day detention clause, my lord. He said that we should think of ideas and try to do as much as possible about it. After a very extensive discussion the cell decided on the following, that we should hold demonstrations where children and relatives /10 of people detained should stand at public spots with placards, saying "I want my daddy" or "I want my mommy" or something along those lines. We should also write as many letters to the press as possible. We should pester the Chief Magistrate of Johannesburg, at the time Mr. Dekenah, as much as we could, and we should influence people towards the Progressive Party, the Black Sash, Liberals and politically active people at Universities who were not necessarily Communists, or sympathetic to the Communist cause, to do as much as possible, protest /20 as much as possible against this particular Act. We should also do our best to influence overseas opinion. The accused also stressed that universities should be organised. He was not happy about the way political organisation was going on at the university.

Yes?--After several other points were discussed, the accused gave a short lecture on Marxist economics. He drifted off into the China-Soviet dispute and he felt that this was a very serious matter. He did not take sides in the dispute but mentioned that he gets a /30



large amount of propaganda material from Red China regularly. Our group was united in its pro-Chruschev outlook while I forget who it was, but someone mentioned that the Durban wing of the Communist Party was very pro-Peking and its outlook.

Now is A.71 a report of a meeting on the 28th June 1963 - is that also a meeting at Miss Middleton's flat?---No my lord.

Where was it held?--It was held..it was a discussion really, it was held at the accused's house. /10

Oh I see. Yes, what happened at that discussion?---The background..I think I have to slightly illuminate the background of the discussion - shortly before this event, I think it was 2 or 3 days before, a pirate broadcast had taken place of a radio station termed Freedom Radio . I had listened to this broadcast with several other people, and the following day I was then working as a reporter on the Star, I had informed the news editor about this, and another reporter and I put the facts together and a story was published. I was afterwards privately /20 warned by the Police, as well as the news editor, he was also warned, that this article was illegal as it contravened the Suppression of Communism Act, as it purported to quote a banned person. I naturally exploited this particular incident within the Communist Party, and mentioned it to the cell leader, and she told me to go straight away to the accused, and discuss the matter with him, so that he could give me a directive what to do in future, if something like that arose again. So I went to see him on the evening of the 28th June, after the cell meeting. I explained the /30



whole story to him, and he listened to it very carefully. I asked him whether I should not avoid this type of story in future, in other words, try and avoid trouble with the Police, but he stressed, no, we should not be intimidated by the Police, and he felt it was a very good thing that this story had been mentioned in the Press, as it would probably have gone unnoticed had it not been so. He also said that he thought it was a shame that I had not been locked up for 90 days under the 90 day clause because of that story. He said it would have given the movement /10 very good publicity. He had been disappointed about the fact that not more newspapers had been tipped off about the broadcast, and that they had not carried the story.

Yes?---He then wanted to know what we could do to give more publicity to 90 day detention. He said that Paul Trehwella, who is also a journalist, a person called Margaret Smith, who he considered was sympathetic to the Communist Party, should..and another reported called Hazel Fine and I should do as much as possible to get at least one story on the 90 day detention law into the /20 press each day.

I am not concerned about the names, I am concerned about the accused. I don't know whether I omitted a meeting- would you mind looking at A.68 again where you reported on the directive of the Central Committee.---Yes.

Can you remember a discussion about the selection of targets for sabotage?---I am trying to refresh my memory - I remember a discussion taking place at the cell meeting, but I did not see it in this report, my /30 lord.



Oh.---Sorry, I missed it, my lord. Miss Middleton, the leader of the cell, mentioned that the area was very busy. One group was just involved in looking for things for Umkonto to do while another spent their time just investigating various types of disguises for people who had gone underground to wear. She also mentioned that recruiting for Umkonto, the Spear of the Nation, had also taken place on a large scale. The thing which I was confusing with this, my lord, at a later meeting the leader of our group also mentioned that instruction had been /10 passed by the area committee that all cells should look for likely objects for the Spear of the Nation to blow up and report this to their various cell leaders.

BY THE COURT:

What meeting is that?

MR. LIEBENBERG:

That is the one of the 14th June my lord, A.68.

Oh I am sorry, are you not referring to A.68?

WITNESS: No, I was not. At another meeting, later on.

MR. LIEBENBERG (to the witness) /20

Could you give us thereference?--I will try and look for it, my lord. (witness looks through his reference papers).

Belt 13

Will it take you some time to find it?--It will take me some time to find it.

Perhaps I should come back to that point again later.--Yes my lord.

In the meantime, do you know this document, "Time for Reassessment?" Exhibit J?---Yes my lord.

How did you come to see it?--This document was /30



given to our cell, I can't remember the exact time, I think it was sometime towards the end of 1963.

Yes?--It was given to our cell to read through and discuss. We had arranged, at a Communist Party Meeting to discuss which was supposed to have been held in a restaurant. I think it was early 1964 actually, my lord. And the meeting at the restaurant was then postponed, because we did not want to take this document out and read it in a restaurant, a public place, and it was then arranged to hold a meeting on a Saturday afternoon at our cell leader's flat, where we would discuss the document, and it would then be destroyed immediately after we discussed it. I could not make it that particular Saturday afternoon, and I therefore arranged with our cell leader to come to her flat on an evening, and quickly read it through there. When I got there she had visitors, and she then slipped me the document in the doorway, telling me that this was very much against rules and regulations, but I should quietly go away and read it and bring it back to her immediately. I then contacted Sergeant Kleingeld, and handed the document to him a short while later while he made a photostatic copy. He then gave it back to me. I then read through it hurriedly, and returned it to the cell leader. 10 /20

And do you know the "African Communist"?---  
Yes my lord.

What publication is that?--That is the organ of the South African Communist Party. It is published in London. Our cell received copies regularly, through our post box. I think they come out three-monthly.

Was the accused present at that meeting where /30



the targets, for sabotage, were discussed?---No my lord.

Could you repeat it again, you say it was there mentioned to you that you had to look for suitable targets, or what?---Yes my lord.

And did you, your cell, concern itself with paining slogans?---Yes my lord.

What kind of slogans?--Of a political nature. We would put up slogans such as "Ninety 90 Days, Vorster is the Torturer." "90 Days Torture" "Hang Vorster" "Lift A.N.C. ban" - they were selected from day to day on current /10 political topics.

What was the general understanding of the part of Umkonto We Sizwe's activities?--It was agreed that we had to make publicity for the Umkonto we Sizwe..yes, at one stage also we developed a slogan, in 1964. We put it up extensively in the Reef area. It consisted of three letters A.N.C. with a spear, symbolising the Spear of the Nation next to it.

MR. LIEBENBERG: No further questions.

MR. KENTRIDGE (to the Court) /20

My Lord, with regard to this witness, I am instructed by the accused that a number of his statements are incorrect, but my lord these have no effect on the legal responsibility of the accused, and if your lordship bears in mind the previous evidence already given in this case your lordship will understand that from our point of view this witness' evidence seems to be of little importance and to take the case no further, and I don't propose to ask him any questions.

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MR. LIEBENBERG: I call Mary Lorna James - my learned friend Mr. Oosthuizen will lead her evidence.

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MR. OOSTHUIZEN: My lord, this witness did not testify at the preparatory examination but a copy of her statement was served on the defence.

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MARY LORNA JAMES, s.s.

EXAMINATION BY MR. OOSTHUIZEN:

Mrs. James, you are a housewife, and you reside at 18 Eastwood Road, Dunkeld, in Johannesburg?---  
I do. /10

On the 5th, the 6th and the 8th November 1965 you placed an advertisement in the "Star" which read as follows: "Dunkeld, a three-bedroomed house, pleasant secluded garden from the 15th December to the end of February. Rent R110 per month" and you also indicated your phone number - is that correct?---Quite correct.

Now on the morning of the 9th November 1965 you got a telephone call from a person who announced himself as a certain Mr. West?---Yes.

And you discussed the advertisement?--Yes. /20

Now did a Mr. West come to visit you at your phone..at your home?--Yes, he did, that same morning.

And you had a discussion with Mr. West?--Yes.

Now can you give the Court more or less the tenor of that discussion?---Well Mr. West was very keen on having my house.

Yes?--He said he would like to take it. He said he was expecting his invalid sister to be with him, and also his married daughter, and her husband, to come.



Yes, was that all..?---Well, more or less, except that he was very anxious to have the house.

Now the following morning you received another call from the same person?--Yes, asking me whether I had decided to give him the house.

And you told him that you had decided to give him the house?---Yes.

And you then made a suggestion to him that he should come to you on the 11th November 1965?--Yes, on the 12th, the Friday.

/10

On the 12th November?---Yes.

I see. This discussion with Mr. West, was that on the 11th?---That was on the day..yes. He came out first of all on the..when was that..on the 9th the first day. Then he rang me up on the 10th.

And did he ever come to your house?---No.

And that night did you read the paper?--Yes.

What paper did you read?--I saw "The Star".

And what did you see in the Star?---A photograph.

/20

Now can you look at the Star, it is part of Exhibit 169.---Yes.

Can you indicate to the Court what picture you are referring to Mrs. James?---I am referring to the man who came out and said he wanted to hire my house.

And that is the picture on the front page?---Yes.

Mrs. James, at the time, that is in November of 1965, the 11th November 1965, was the name of Abram Fischer known to you?--Oh it was known to me,yes.

/30



In what connection?---Well, having seen about it in the papers, and that sort of thing, that he had been arrested, and that he had jumped bail, and that he was in hiding, and all that sort of thing.

If you had known at the time, that was on the occasion that you were visited by Mr. West, that he was in fact Bram Fischer, what would have been your attitude?--- My attitude would have been that I certainly would not have let him my house.

Yes, anything further?--Well I don't..I probably /10 would have reported it to the police, I should think.

Now can you elaborate on the question that you would not have let him have your house - why would you have taken that attitude?---Well I certainly would not have wanted anybody connected with the Communist Party to have anything to do with my house, at all.

I see. Do you have any connection whatsoever with the Communist Party?--I certainly donot.

Do you support that Party in any way?---No, I do not.

/20

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mrs. James, please pass me those notes you have been consulting.--(witness does so).

Mrs. James, I take it you wanted to let your house at a certain rental?--I did.

If your tenant was quiet and well-behaved, and pays the rental, you would have been quite content with him? Correct? --Yes.

Of course you say if you had known that the man /30



who came was Mr. Fischer, you would have reported to the Police?---Yes.

And that would presumably have been the end of it?--I should think so.

Yes. But you have no objection, leaving aside the fact that you would have had to report to the police, and this would have been the end of it, you would have no personal objection to Mr. Fischer as a tenant if he were well-behaved?---Not if I had known that he was Mr. Fischer, I would not..

/10

But the point I am making is, leaving aside this question of reporting to the police, you had objection to him personally as a tenant? It is just that he was a fugitive at the time?---Well, sir, I have no experience of him as a tenant, but I certainly would have no objection, I suppose.

No. Thankyou.

RE-EXAMINATION BY MR. OOSTHUIZEN.

No questions.

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- AT THIS STAGE THE COURT ADJOURNS FOR THE  
TEA INTERVAL -

/20

ON RESUMING AT 11.30 a.m.

BRUCE HENRY DUCKLES, s.s. ( page 45)

examination by Mr. OOSTHUIZEN:

Now Mr. Dickles, you are the accountant of the Fox Street Branch of the Allied Building Society?---  
That is correct.



And as such you have access to all the records of the Building Society?--That is correct.

Of that particular Branch?---That is correct.

Now you consultdd your records in regard to an account opened in the name of one Charles Thompson on the 14th June 1965?--That is correct.

Now would you look at certain Exhibits before the Court, Exhibit 72, A.F. 72. Now what is A.F. 72 Mr. Duckles?---A.F. 72 is a Savings Deposit Pass Book, and it is issued to all Savings depositors. /10

(My lord, unfortunately we only have the originals of these exhibits available).

Now what was the initial deposit?---The initial deposit was a cash deposit of R400.

And was there a specimen signature, Mr. Duckles?  
---Yes.

More than one?--Yes, several.

Now can you tell us what is Exhibit 73?---73 is the application to open a Savings Account.

Yes?--Which is completed by the client. /20

And A.F. 74?---A.F. 74 is the original Deposit Slip.

And Mr. Duckles, there were certain withdrawals from the account is that correct?---That is correct.

Now can you look at Exhibit 75?---Exhibit 75 was a cash withdrawal of R200 made on the 24th June 1965.

Exhibit 76 ?---76 is a similar cash withdrawal made on the 29th June.

Exhibit 77?---77 is a similar withdrawal of R120 made on the 6th July. /30



Now Mr. Duckles, is the Building Society under any obligation to render information to the Receiver of Revenue as regards individual accounts?---Yes, we are, at any time, the Receiver can..

In what connection?---In connection with any particular case.

And more in particular as regards interest earned on any accounts?---The Society is obliged to make a return of all interest earned by investors and depositors.

And on this account, what interest was earned? /10  
---I believe there was a small amount, I will just have to refer..it has not yet been entered in the Passbook, but it would have been a very small amount, I don't think more than R1.00.

Would you have rendered that information to the Receiver of Revenue?---No, we are not obliged to render that information.

Now what is the attitude of the Building Society towards the opening of accounts in fictitious names?

---Well an account opened in a fictitious name, well I mean 20 is it was known to us, we would not open such an account.

Now why would you adopt such an attitude? --  
Well the position is that a person opening an account in a fictitious name is doing it for a certain purpose, and we feel that we would rather not..that we would not do so.

Apart from that, is there anything else that would have affected..?---Well it could involve the Society in fraud, or something of that nature.

To what extent?---Well that would remain to be seen.



Now is or was there a possibility that interest would eventually accrue to this account?--- It would do yes. In this particular case the money was with us for such a short period that the amount of interest earned would be negligible.

At the time, Mr. Duckles, was the name of one Bram Fischer, or Mr. Abram Fischer, known to you?--Yes, he was.

In what context? In what connection?--- Well in connection with this particular case. /10

No but I am talking at the time of the opening of the account?---Oh sorry, no. It was opened under the name of Charles Thompson, and he was not known to myself or my staff.

The name of Fischer?---No.

Say for instance, at a later stage, or at any stage, it would have become known to you that the account of Thompson, or that the name of Thompson was in fact a fictitious one, what would you have done?---We would have naturally tried to contact the person and..to verify that /20 it was so.

At what stage did the existence of Mr. Bram Fischer come to your knowledge?--When we were approached by the C.I.D.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr. Duckles, is that account still open?--- The account is still open in our books.

The Alliance Building Society now knows exactly who the depositor is, and has not closed the account?---That /30 is correct.



Mr. Duckles, what is the minimum amount of annual interest which you are required to notify to the Receiver?--We as a building society, the amount, the minimum amount that we disclose is R10.00.

R10.00 per year?--Per annum yes, on a particular amount.

And what is your rate of interest on deposits? ---Savings deposits, the present rate is 4%.

I take it the rate in 1965 was similar, was it?---I wouldn't..

/10

BY THE COURT:

The 4% was that introduced this year?--Yes. It was last year, but I am not quite certain..there has been such a change in rates that I am not..

It was less than 4 then?--Less than 4 yes.

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED)

Now Mr. Duckles, do you know what your Society's attitude is to people using assumed names? Do you have any rules about it, or are you just speculating?---No, I would not be speculating in all cases. We naturally don't know. In certain cases we ask for identification. /20

Mr. Duckles, you say certain cases. In this case no identification was asked for?--No identification was asked for because it was a cash deposit and the withdrawals were in cash,

Correct. Isn't the attitude of the Society really this, that someone makes a cash deposit in the books, you enter it in the book. It can only be withdrawn with the book. Is that not correct?-- That is correct.

So as far as the Society is concerned, if a cash deposit is made, and the Society is not defrauded of /30



the money, the Society is perfectly alright?--That is correct.

Mr. Duckles, supposing I wanted to go into business, and wanted to trade under the name of John Jones. Is there any reason why I could not open an account under the name of John Jones? Isn't it done all the time?--It has been done in certain circumstances, but then we have been approached, and asked if the account may be opened in such a name.

Yes, and you don't object to it?--Not if we /10  
been given a legitimate reason for it.

Well what you consider a legitimate reason?---  
Yes, what we consider a legitimate reason.

As far as the account is concerned, it makes no difference whether it is in the name of John Jones or Tom Smith, as long as it is properly run?---That is correct.

I didn't quite understand what you meant when you said this could involve the Society in fraud. Provided the person concerned ran the account properly and honestly it would not involve the Society in anything? --No that is.. /20  
it could, I say, it could involve the Society..

How could it, Mr. Duckles?---Well a person using a fictitious name, in my opinion, could be using it for other than honest purposes.

You mean in order to defraud the Society?--Well not the Society..

Someone else?---Yes. To defraud either the Society, or involve the Society in..

But that can be done by people who use their own names, too?--Oh it can be, yes. /30



Well I want to know why the Society would be involved in any fraud? After all, the Society is not involved in anything now, is it?---No in this particular..

Except that you have been called to give evidence.---That is correct.

But I think that we must blame on the prosecution, and not on the accused, Mr.Duckles. Do you agree?-- I do agree there.

MR. KENTRIDGE: No further questions.

RE-EXAMINATION BY MR. OOSTHUIZEN:

/10

Mr.Duckles, referring to the assumed name of Jones, if it was known to you that that certain Jones was in fact a fugitive from justice, would that have affected you?--It certainly would.

Belt 14

And to what extent?---Well, had we known that or did we know that he was a fugitive, I am sorry, I am just getting a bit tied up there. Had we known, then we naturally would have reported the matter to the police.

And if there was a possibility that that account could be operated to further the objects of a banned organisation, would that have affected you Mr. Duckles?--It would.

/20

To what extent?---Well, we know that it is against the law of the country to be involved in any such thing.

If you had known at this stage that this account, that this man Thompson was in fact a fugitive from justice, what would you have done? personally, or in your capacity as Accountant of your Society?---Reported the matter to the police.

/30

MR. OOSTHUIZEN: No further questions.



KENNETH STANLEY POINTER, s.s.

EXAMINATION BY MR. OOSTHUIZEN:

Mr. Pointer, are you the assistant Manager of the Johannesburg Branch of the Johannesburg Building Society?--I am.

You were shown the savings account in the name of one Douglas Black of 57 Knox Street, Waverley, Johannesburg?---Yes.

Now Mr. Pointer, can you explain to the Court, what is your personal attitude, and the attitude of your Society, as regards the opening of an account in a fictitious or assumed name?---Well I don't know how we would know it was a fictitious or assumed name? /10

Say for instance it would appear...let me put it to you this way, say for instance Your Society..

MR. KENTRIDGE: My lord, my learned friend should surely lay a foundation to show that this witness is in the position of knowing the policy of the company?

MR. OOSTHUIZEN: Well perhaps we can then put the question.

As an assistant manager of your Society, are you in a position to express the policy of your Society with regard to certain matters?---No. /20

In your personal capacity?--I can express my personal opinion.

As regards this specific branch of the Johannesburg Building Society, would you open, or would you authorise, the opening of an account in a fictitious name, or an assumed name?---No I don't think so.

Can you explain to the Court why not?---Well, we might be assisting somebody to do something they should not. It might be a criminal, or something like that. /30



Getting away with money. You would not know anything about it, then rather not open an account in that name.

Would you open an account for a person that is known as a fugitive from justice?---I suppose we could open it, but we would certainly get in touch with the Police and say that he is a fugitive from justice.

Would your Society open an account which could be used for the furthering of the objects of a banned organisation?--I don't know that we would know of such a thing.

Yes, but if you knew, Mr. Pointer. If you /10 know, in your personal..I am not talking of the policy in general, but your personal attitude as regards an Assistant Manager of the Johannesburg Building Society - would you allow that, if it is known to you?---I frankly don't know. I have never given it a thought. I should not think it would be a wise thing to do.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Has this ever happened to your Society?--No.

And I take it your Society's account is, when /20 you have a savings account, and it is run on a cash basis, as long as what is paid in is paid in properly and as long as the drawings are only against the book, the Society as such is satisfied?---That is right.

The duty of reporting someone to the police, of course, is something quite separate?---That is right.

You would not have any objection to having an account for Mr.Fischer now, or in the past?--I can't see any reason why we shouldn't no, frankly.

MR. KENTRIDGE: No further questions.

NO RE-EXAMINATION.



COLIN LESLEY HARRIS, s.s.

EXAMINATION BY MR. COSTHUIZEN:

Mr. Harris, are you the manager of the Johannesburg Branch of the Natal Building Society?---Yes.

In your position as a Manager, can you express any view as regards the policies of your Society? ---Yes, in certain respects.

As regards the opening of accounts, Mr.Harris, have you got any objection in opening accounts in fictitious or assumed names?---Well generally we don't know whether /10 the client is using a fictitious or assumed name.

Yes but if it is known to you that it is in fact not the correct or real name of the person would you open an account?--No.

Can you explain to the Court why you adopt this attitude, Mr. Harris?---Well the only reason would be that we feel if a person is using an assumed name, there is probably some ulterior motive.

It is known to you, Mr. Harris, that an account was opened in the name of one Douglas Black at your Building Society?--That is so, yes. /20

If it was known to you at the time of the opening of that account that Douglas Black was in fact the assumed name of one Mr. Abram or Bram Fischer, would you have opened that account?---Assuming at the time that Abram Fischer was wanted, I probably would have opened the account.

Pardon?---I say I would have opened the account.

At the time ?---Yes.

For what purposes?--And then reported to the /30 authorities.



I see. Now why would you have reported that matter to the authorities, Mr. Harris?--Well knowing at the time that he was being sought.

What is the policy of your building society as regards the opening of accounts that could be used in the furthering of the objects of any banned organisation? --- I don't know that we would necessarily know at the time of the opening of the account what the purpose of it was.

But if you had known...---No.

If it had come to your notice--We would not /10  
open the account.

Is there any reason for your attitude in this connection Mr. Harris?--Well it would be assisting a banned organisation.

Now what is the position as regards the rendering of information to the receiver of Revenue? in connection with individual accounts?--We have to render an annual return in respect of interest earned.

Is that in respect of every individual account, or not, what is the position?---No we don't render a return /20  
in respect of any interest under RLO.

Can you tell from your own knowledge whether any interest would have accrued to this particular account that was opened in the name of Douglas Black?--It would have.

Does the Building Society pay interest on every account that it opens?--On every savings account.

Every savings account?---Yes.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

/30

Mr. Harris, did you hear the evidence of Mr.



Pointer?---No.

Mr. Harris, you say generally you don't know whether the customer is using an assumed name?---That is so, yes.

And as I understand it, you don't make enquiries? ---Only if the account is opened with a not negotiable cheque.

You are really then making enquiries about the cheque?--We require the client to identify himself.

But provided that someone opens an account with cash, you don't make enquiries?--No. /10

And the reason that you don't know if clients are using assumed names ordinarily is that it makes no difference to you, you don't have to find out?--- That is so yes.

With regard to this question of opening an account for a banned organisation, I take it that the reason you would not do that is that you would not knowingly help anyone to break the law?--That is so.

You would be making yourself a party to it if you know?--That is so. /20

However, let us assume in a case like this that some one who is a fugitive from the police opens an account with a cash deposit, and draws no more than he is entitled to, whatever the effect of his general activities may be with relation to the police, it does no harm to your society financially?---No.

By the way, do you have the amount of interest earned on this particular account of Douglas Black, approximately?---No, if I saw the ledger card I could tell you the amount. /30



Well perhaps my learned friend would produce the Exhibit?---The book won't give the full amount of interest earned.

What was the deposit?---We only capitalise at a certain date.

Well Mr. Harris..---There is no interest shown in the book at all.

Well Mr. Harris, I am sure we will be able to work it out roughly ourselves - it is a current savings account book is it?---Yes. /10

And it still appears to be open?---Yes.

It has not been closed by your Society?---No.

MR. KENTRIDGE: No further questions.

RE-EXAMINATION BY MR. OOSTHUIZEN:

WITNESS: In this case interest had not yet been calculated, according to these records.

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LIONEL ELLIS DIACK, s.s.

EXAMINATION BY MR. OOSTHUIZEN:

You are the proprietor of the Rosebank Estates?

--That is right. /20

Situated at 106 G Corlett Drive?--Correct.

And at one time you had a house to let at 57 Knox Street, Waverley?---Correct.

The house belonged to a certain Mrs. Gordon?

---That is correct.

Now you placed an advertisement in "The Star" of the 5th January 1965.---Yes.

The document is before the Court as Exhibit 84. That is not in dispute. And did you have any response to



your advertisement, Mr. Diack?--Yes, I had about I should imagine 7 or 8 responses.

Eventually a certain Miss Ann Gedcliffie approached you, is that right?--Gedcliffie.

And she saw you on the 7th or was it the 8th of January?---7th or 8th, I could not be quite certain.

And what did she tell you, Mr. Diack?--She told me that she was desirous of hiring the house.

Yes?---And when I asked her for references she could not furnish any, she said she had only just arrived /10 from England.

I see.---I told her then that she would have to obtain cash - she wanted to hire the house for six months, and I agreed to a rental of R110 per month. She paid me cash amounting to R660..

She paid in cash the amount of R506.---R660.

And you signed an agreement?---Well I prepared one for her signature.

And that is the lease Exhibit A.F. 86. Is that correct, could you have a look at this?---Yes. /20

And the next Exhibit, could you look at Exhibit A.F. 87, that is a receipt for the amount of R.660?--Yes.

Now did you see Miss Gedcliffie while she was in occupation of this house?--I saw her on two occasions.

In what connection?---On the first occasion she came to deliver an assessment notice from the Council, which she asked me to send to the owner.

Yes?--For payment, and then I saw her again early in May I think it was, but I am not at all certain of /30 that date.



Yes?--When she told me that she was going to England, that she had received news that her mother was very ill, and she was flying the following day.

And did you have any occasion to visit the house?--Not at all.

At a later stage did you visit the house, in the company of a certain Mr. Mason?--That is correct.

He had the house, at that stage, for sale?---That is right.

Now when you went to the house, who did you /10 find in occupation of the house?---A Mr. Black.

And did he explain to you how it happened that he was in occupation of the house?--No, I don't think we asked him for an explanation.

MR. OOSTHUIZEN (to the Court)

My lord, it is not in dispute that Mr. Black referred to is in fact or was in fact the accused now before the Court.

(to the witness) Now did you have any further dealings with Mr. Black?--I had no further dealings with him. /20

Now I want you to look at a certain Exhibit, Exhibit 85, and tell us whether you can identify that Exhibit?---Yes.

What is that?---Shall I read it?

Yes please.--It is addressed to RoseBank Estates, 106 Corlett Drive. "Dear Mr. Diack, I confirm our telephone conversation this morning in which I gave you notice on behalf of Miss Godcliffe, to terminate her lease of the above premises as at the 31st July 1965. You informed me this notice would be sufficient, as you act /30



on behalf of Mrs. Gordon, the lessor. Yours faithfully,  
D. Black."

When you found Mr. Black in occupation, you were satisfied that he could remain in occupation of the premises, is that correct?---Yes well that was just shortly before the property was sold that we discovered him there.

Now do you know when Mr. Black vacated the house, Mr. Diack? --It must have been in the middle of July.

At the time when you visited the house, was the name of one Abram or Bram Fischer known to you? ---No. No, barring of course what I had read in the papers. I had never met Mr. Fischer.

If you had known at the time when you visited Mr. Black, that that Mr. Black was in fact Abram Fischer, would it have affected you in any way Mr. Diack?---Well I would have been very surprised indeed!

And what would you have done as a result of your surprise?--I would have had to report it.

Why do you say that Mr. Diack?--Well, it would /20 have been my duty to do so, because I knew that the Security Branch was looking for him.

At that stage you knew that the Security Branch was looking for him?---Oh yes.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr. Diack, if you had learnt that Mr. Black was Mr. Fischer, you would have had to report to the police? ---To the police, yes.

But if the police had had no objection to his /30 going on living in the house, you would not have had any



objection either?---Oh no, no.

MR. KENTRIDGE: No further questions.

RE-EXAMINATION BY MR. OOSTHUIZEN:

No questions.

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WILLIAM MASON, s.s.

EXAMINATION BY MR. OOSTHUIZEN:

Mr. Mason, are you the proprietor of Mason and Collis, estate agents, situated at 106g Corlett Drive?--I am.

And are you sharing offices with Mr. Diack, /10  
the previous witness?---Yes I am.

Did you receive any instructions from a certain Mr. Gordon in June of 1965 to sell his property at 57 Knox Street, Waverley?--I did.

And did you accompany the previous witness to 57 Knox Street a few days later?--I did.

And did you find on the premises a certain Mr. Black?--I did.

Now it is not disputed that Mr. Black is in fact the accused now before the Court. Did you speak to /20  
Mr. Black on your arrival?---I did.

And what did you say to him?--- I cannot recall the exact conversation. From memory it was that we advised him that we had been instructed to sell, and that the lease in any case was up at the end of July, by which date, of course, he had to vacate. We also asked him at least Mr. Diack, from memory I think asked him what had happened to Miss Ann Gedcliffe.

Yes?---And he advised that Miss Ann Gedcliffe



was his niece and she had had to go overseas suddenly because of her mother's ill-health.

And did you have any further dealings with Mr. Black?--I did.

What dealings did you have?---I had to speak to him on various occasions, sometimes by telephone, sometimes personally, regarding the viewing of the property for prospective purchasers.

Yes. Apart from that?---Later on, when the house was actually sold, Mr. Black approached me, and said he was going down to Cape Town. /10

Yes?---And asked me to fix up the light and water account and the telephone account on behalf of his niece, Miss Ann Gedcliffe.

And did he pay you any amount?---He paid me an amount of R20.00

And what did you do with that amount?--That amount I paid off the balance of the telephone account. There was nothing to pay on the light and water account; it was a credit balance. A cheque came to our office in favour of ..do you want me to disclose the name? /20

Yes, go on.---The name was A. Symon, a name unknown to me at all.

Yes?---And from memory, unknown to Mr. Black.

I see.---I kept this cheque, and was hoping that I would be contacted by Mr. Black from Cape Town, as

had promised to give me a forwarding address.

Yes?---But two or three months went past, and I still had this credit balance of over R13 which I did not know what to do with, and this cheque going stale. /30



Yes?---Then Mr. Black unearthed a telephone number.

Yes?---I tried this telephone number a few times, there was no reply. Eventually I got through, about the beginning of November. A young female voice answered the phone, had no knowledge at all of Miss Ann Gedcliff, or Mr. Black.

Yes?---I think I actually advised her that I had money on hand for Mr. Black.

She?---She then suggested that I contact the caretaker, which of course indicated that she was in a block of flats. I asked her what block of flats it was.

Yes?---It turned out to be Lysander Court, in Rosebank. I did not have the opportunity, immediately, to contact the caretaker.

Yes?---But three days later I had a call from Mr. Black, stating that he was back in town, and could he come and see me, and was there any balance owing to him. I advised that there was.

Yes?---He arranged to come and see me the next morning.

Yes?---That was Wednesday the 10th of November.

Yes?---8.30, when he came in, and I then gave him the amount back in cash, R18.00 odd, and he signed a receipt in the name of D. Black.

What happened to the cheque?---The cheque I actually handed over to him as well, together with all correspondence I had had with the telephone department regarding the account.

And did you find an alternative place for him /30



to stay Mr. Mason?--He had asked me earlier to look for something. We don't do much letting ourselves.

Yes?--We are selling agents, and I said I would look round for something, but he advised me, about the beginning of July, that he had actually decided to go to Cape Town and did not want accommodation.

And you had no further dealings with Mr. Black in that connection?--No.

Would you look at Exhibit 106 please Mr. Mason? What can you tell us about Exhibit 106?---This is /10 the cheque that I had retained for 2 or 3 months.

And is that the cheque you referred to in your evidence?---This is the cheque.

And you returned that cheque to Mr. Black?---I did.

Can you look at Exhibit 31 please? ---)) Yes, this is the receipt that Mr. Black signed in my office on the 10th November.

I see. Mr. Mason, if it was known to you that ..let me put it to you first - at the time were you aware /20 of the existence of one Bram Fischer?---I was.

If you had known at the time when you had any discussions with this Mr. Black that he was in fact Bram Fischer, what would you in fact have done?--I would have reported to the authorities immediately.

Why do you say that? --Because he was a fugitive from justice.

Personally, in your capacity, or as representative of your company, would you have had any dealings whatsoever with Mr. Fischer?--Not while he was..it was /30



widely known throughout South Africa that he was wanted.

Yes.--I would not have had any dealings with him.

When you handed the cheque, Exhibit 106 to Mr. Black, was it endorsed, or can't you say, on the back of it? ---The cheque?

Yes.---No, the cheque was made out in the name of A. Symon, which as I mentioned...

And it bore no endorsement whatsoever?---No.

MR. OOSTHUIZEN: No further questions.

/10

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CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr. Mason, you say that if you had known that this was Mr. Fischer you was a fugitive from the Police, you would not have had any dealings with him?--I certainly would not have..I would have reported to the police.

Yes, of course, but you would still have taken his cheque for what he owed, or his payment for what he owed?--I think the way the question was put originally was, don't forget I was dealing with Mr. Black over quite a considerable period..

/20

Yes, but the point is, when you say you would not have had dealings with him, you mean that you would have reported him to the police forthwith, and without delay?--I would

But you don't mean you would not have taken payment from him of what was owing to your client?---He asked me actually to do him a favour. There was no charge for that particular service.

That is right, but you took a cheque from him.  
--I did not, I took cash.

/30

I am sorry, you took cash. ---Yes.



Well that cash was to cover money owing to your client?--I don't think you are correct there. It was merely that we had no obligation to Mr. Black or Miss Ann Gedcliffe..

Look I know that you had no obligation, and you were doing everyone a favour, and it is very public-spirited, Mr. Mason - my question is a simple one! What the accused gave you was money to cover amounts owing?--- Correct.

And you took it?---Correct, I did.

/10

He left more than enough to cover any amount owing so as to protect your client?--He did.

Is that not right? Is there any reason as to why you should not have taken that in order to protect your client; if he had given it to you if he was going off in a police van, there is still no reason why you should not have taken it?--Yes I agree.

MR. KENTRIDGE: No further questions.

RE-EXAMINATION BY MR. OOSTHUIZEN: No questions.

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(witnesses Black and Duckle excused)

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FRANK LESLIE BULL, s.s.

EXAMINATION BY MR. OOSTHUIZEN:

Mr. Bull, are you the Assistant Branch Manager of the Norwich Union Fire Insurance Society Ltd., situated at 91 Commissioner Street, Johannesburg?--- That is correct.

And the Scottish Union Insurance Company is a subsidiary company of the main company?---Yes.

In your capacity as Branch Manager, or assis-



tant Branch Manager, you have access to all the records of the Scottish Union Insurance Company?---Yes.

Now I want you to look at certain exhibits before the Court Mr. Duckle - in the first place, Exhibit A.F. 100 - can you tell the Court what it purports to be? ---It is a receipt issued by my company for a third party insurance premium.

Yes, and now can we go to Exhibit A.F. 101? ---This is an application form for third party insurance.

And signed by whom?---It is signed by N. Gedcliff. /10

That is Exhibit..?---A.F. 101.

Is there anything attached to the signature? ---It is qualified by saying "For niece, not available."

Now I want you also to look at Exhibit 102. ---It is a further application for third party insurance.

Signed by whom?---It appears to be something Barr.

And dated?---15th January 1965.

And Exhibit A.F. 103?---This is a Declaration /20 of Insurance, third party cover.

Dated the 6th May 1965?---Yes.

And in favour of whom?---Miss A. Gedcliff.

And then can we go over to Exhibit A.F.104 - what is that?---It is a further declaration of insurance, third party cover.

Now the Exhibit A.F. 101, can we go back to that please? That is dated the 26th April 1965, and that is the one signed by one N. Gedcliff?---That is correct.

Was it signed in your presence, or was it not /30



signed in your presence?--It was not signed in my presence.

If it would have come to your knotice, Mr. Bull that the signature affixed to that document, that is Exhibit 101, N. Gedcliff, was in fact the assumed name of a man by the name of Abram Fischer, would that have affected you in any way?---Yes, we would not normally accept a thirdparty application where the signature was known to be incorrect.

Could a fictitious name, or an assumed name, have any effect on any possible claim against your company? /10  
--It would have an affect.

To what extent would you say?--First of all, it would be a complete..completely wrong for anybody to take out third party insurance in a false name.

Yes?--And not give the insurance company the full true facts.

Yes, but financially, would you have been affected financially, say for instance there was a claim against your company, and it would later appear that the person who signed signed in fact in a fictitious name and /20 that his name was not in fact N.Gedcliff - would that have affected your company financially, or can't you express an opinion?--I can't really express an opinion, it would depedd on the circumstances, in the event of an accident.

At the time that is on the 26th April 1965, was the name of Abram or Bram Fischer known to you? At that stage?--Only by hearsay, from the press and so forth.

And from hearsay what did you know?---Nothing really except what I read in the press.

And what did you read in the press?--That he "/30 was wanted by the authorities.



And if you had known at the time...or did this document ever come to your notice?---No, not at all.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr. Bull, you are of course aware of the provisions of the Motor Vehicle Insurance Act of 1942?---Yes.

You are compelled in the ordinary way to issue a declaration of insurance in respect of a motorcar when the owner applies for it?---Yes.

And provided that the person who made the application was the owner of the car, the insurance is valid?---That is correct, subject to certain qualifications.

Yes, you can come to qualifications, but let us assume you had someone called Miss Ann Gedcliffe, and she was the owner of the motorcar - it would be a valid insurance not so?---Yes.

And if her true name was in fact not Ann Gedcliffe, but Ann Jones, and she was an address, and she chose to call herself Ann Gedcliffe, do you agree it would still be a valid insurance?---Yes.

So that third parties would be covered, and as far as your company is concerned, it would be paid the premium?---Yes.

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(Witnesses Diack and Mason excused and also witness Bull)

EARL ELLSWORTH WABBE, s.s.

EXAMINATION BY MR. OOSTHUIZEN.

Mr. Wabbe, you are the sub-accountant of the Standard Bank at the Rosebank Branch?---That is correct.



A person by the name of D. Black opened an account at your bank on the 18th June 1965?--That is right.

And you dealt with that person yourself on that occasion?--I did.

Was it only on that occasion?--Only on the one occasion, yes.

Now I want you to look at certain exhibits, Mr. Wabbe. In the first place, Exhibit A.F. 118 and can you tell the Court that exhibit, what is it about?--That is a cheque book that has been sold at the standard Bank, Rose- /10 bank.

And issued to whom? It is not indicated?--- It is not indicated, no.

Then Exhibit 119 please?--Yes, that is a statement issued by the Standard Bank, a statement of account.

Statement of what account?--Of the account of Douglas Black.

Exhibit 119?--That was 119, the statement.

Yes and then the next Exhibit, 120?---Three /20 cheques drawn by Douglas Black.

And the next exhibit, 121?---Copy of a deposit to the account of D. Black.

And was it signed by whom?--Signed by D. Black.

And a deposit slip for the amount of R6.23 ---R6.23 yes.

And it is dated the 10th November?--1965, yes.

Then Exhibit 121A, what is that?--An envelope used by the Bank, in sending out statements to customers. /30

122A? --- 122A..no just 122 I have here.



122 yes?---That is the opening deposit, when I opened the account.

On the 18th June 1965 for the amount of R300?  
---R300 yes.

In favour of?---Douglas Black.

Signed by whom?---D. Black.

And then 123?---That is another deposit to the account of D. Black, 10th November 1965 for R6.25.

Signed by whom?---D. Black.

And then Exhibit 124? ---That is a copy of /10  
the original statement of account issued to D. Black.

My lord, I understand that the position is that it is not in dispute that the person referred to in these documents as Black is in fact the accused.

Mr. Wabbe, at the time when the account was opened, was the name of a person Abram Fischer, or Bram Fischer, known to you?--Yes it was.

How did it come to your knowledge that such a person existed?---Through the medium of the papers.

If you had known, on the occasion when you /20  
opened the account in favour of Black, that he was in fact Bram Fischer, what would you have done?---Well, had I known, I would have informed the authorities.

For what reason?---Well he was a fugitive from justice, and it was my duty to do it.

That is as regards your duty towards the authorities. As regards your Bank, would you still have opened the account, if you had known that Black was in fact the assumed name of Fischer?---No I would not.

Can you explain to the Court why you would /30  
not have opened the account?--- Well, he is a fugitive from



justice, and it is an assumed name, and we only open accounts - if we know that they are assumed names, then.. and we are told about it, then we would open the account.

As servant of your Bank, are you allowed to open accounts in the name of fictitious persons, or in an assumed name?---No, only if it is a theatrical name, for things like that, that is the only time we do it.

Could your bank in any case have been financially involved in any loss as regards the fictitious name? --I really could not say.

/10

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE (CONTINUED):

Mr.Wabbe, in cases where people open accounts under stage names, or business names, and they tell you about it, and you open the account in that name, you have no objection to it?--No.

So the real question is not the question of the assumed name, it is simply the question of the person concerned?--As I see it, yes.

Now as far as Mr.Fischer is concerned, I understand he has had bank accounts in Johannesburg for over 30 years, and still has them. Now Mr.Wabbe if Mr.Fischer now wanted to open an account in your bank, is there any reason why he shouldN't?---Not that I can see, sir.

Mr.Wabbe isn't really what you are saying this, that you would not have opened the account for him without reporting to the police?--That is probably right, yes.

In fact, you might even have opened it first, and then reported to the police?---That could have happened./30

MR. OOSTHUIZEN: No pro-examination.

)))))) )))))))))))



JAN REX KELFKINS s.s.

EXAMINATION BY MR. COSTHUIZEN:

Mr. Kelfkins, are you the accountant at the Netherlands Bank at the Rosebank Branch thereof?--I am.

Now I want you to look at certain Exhibits, Exhibit 113 - can you tell the Court what is Exhibit A.F. 113? --- This is the Netherlands Bank deposit slip for a current account.

In favour of whom?---A. Gedcliff.

And signed by whom?--It appears to be signed by A. Gedcliff. /10

Exhibit 114?---Also a Deposit Slip.

Yes, in favour of whom?---A. Gedcliff.

For the amount of?---R44 in cash, banknotes.

And dated?---The 12th of February 1965.

Exhibit 115?---This is an opening account application form.

Signed by whom?--It is not signed.

In favour of whom?---It is a request to open an account by Ann Gedcliff, a major spinster, with our Bank. /20

And then Exhibit 116?---This is a copy of a ledger card, a current account ledger card.

In respect of whom?---Miss A. Gedcliff.

And can you tell us whether that account was closed at any stage, or not? Or can't you say from that? ---From this document I can say that it was closed.

And is the date indicated on it or not?--- The final closing entry was the 11th March 1965.

Mr. Kelfkins can you look at Exhibit..before /30 I proceed to Exhibit A.F. 126, did you open the account in



favour of Ann Godcliff or not?--I did.

Now will you look at Exhibit A.F. 126. ---  
Yes.

What does that relate to?--Also an opening  
account form.

And in favour of?--It says request by Peter  
West to open an account in his own name.

And was an account opened?--It was.

Look at Exhibit 126..127. What is Exhibit  
127?--This is the opening deposit slip for a current account/10

In the name of whom?---P. West.

And the amount indicated?---Bank notes were  
deposited for R100.

And it was signed by whom?--P. West.

Apart from that initial deposit, was any  
further deposit made?--Not to my knowledge.

Will you have a look at Exhibit 128. What is  
that?--This is a copy of a bank statement for P. West.

Were any withdrawals made in respect of that  
account?---No withdrawals, there is only one debit posted, /20  
and that is in respect of a cheque book, the cost of a  
cheque book applied for.

At the time of the opening of the latter  
account, that is Exhibit 126, on the 9th November 1965,  
was the name of one Abram Fischer known to you?--Connected  
with this account?

No, not in connection with this account, but in  
general, was the name of Abram Fischer known to you?--It was.

In what connection did you hear about it?---  
Well, from newspapers.

And from your knowledge, what did you know /30



about the man Abram Fischer?--Well that he was..  
Or from rumours, what did you know about him?--Well he was  
on bail, and he ostreated his bail, and he was wanted by  
the Security Branch.

If you had known on the 9th November that ..  
when the latter account was opened, that the man Peter West  
was in fact Bram Fischer, would it have affected you in  
any way?--Well in this that I would have referred to my  
general management before I dealt with this person.

/10

And apart from your Bank, would it have  
affected you in any other way?---Well I do believe that I  
have a duty to the State.

And what do you regard that duty to be?---Well  
to have reported this person to..well I suppose, the Police.

Would you have reported the person, or the  
fact that you had seen Abram Fischer to the Police? ---  
Well I have never thought of that, I have never had that  
cross my mind.

But now if you had known at that stage - I  
know it was not in your mind, but if you had known at that /20  
stage, what would you have done?---Well if I had known, it  
was my duty to do so and I should have done so.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr. Kelkins, the account is still open is it?  
---There is a credit balance.

You have not closed the account?--It is stopped.

Yes but you have not closed the account?---No.

Or paid the money back?---No.

Mr. Kelkins, as far as your Bank is concerned/30



I take it, as long as the account is properly handled, from the Bank's point of view, there is no harm done whatever the name of the person who opens it? ---As long as we are satisfied that we are dealing with the person who is going to conduct the account properly.

And what you are really saying is that if you had known the person who came to see you was a person who was wanted by the police, you might have felt, or you might have felt a duty to report to the police, but that does not affect the running of the account, does it? --- /10  
Well I presume the account is conducted..it is a purely mechanical business.

In fact, to take it further, if Mr.Fischer now, in his present position, wanted to open an account with you say by paying cash into the bank, there would be no reason why you would not open it?--I would not be in a position to answer that, because I would refer to my general management, who would get proper advice.

And as far as you are concerned, as long as the account is properly opened and properly run, you are satisfied?--That is correct. /20

There is no suggestion that your Bank has lost a farthing out of this, is there?---Not that I am aware of, I mean, from my point of view.

MR. KENTRIDGE:

No further questions.

RE-EXAMINATION BY MR. OOSTHUIZEN:

No questions.

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(witness excused).



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