

CORNELIUS VAN DER NEUT, s.s

EXAMINATION BY MR. OOSTHUIZEN:

Mr. van der Neut, you are the Manager of the Netherlands Bank, of the Rose Bank Branch?--That is right.

In your capacity as Branch Manager, are you in a position to express the policy and views of your Bank in regard to the opening of accounts in assumed names, fictitious names?---Yes your lordship.

What is the policy of your Bank in that connection?---We would not open an account in an assumed /10 or fictitious name.

Is there any reason for saying that Mr. v.d. Neut?--It would appear, your lordship, that it would be an illegal act.

To what extent? Can you say why you deem it to be illegal?---That I cannot determine.

Mr. van der Neut, on the 9th November 1965 it is common cause that an account was opened at your branch in the name of one Peter West and that Mr. Kelikins the previous witness attended to Mr. West. Now on that /20 date was the name of one Abram Fischer or Bram Fischer, known to you personally?---From Court proceedings.

And what did you at that stage know about the man Abram Fischer?--That he was a fugitive from law.

If you had known at that date that the person Peter West was in fact Abram Fischer, would you have allowed an account to be opened in his name, in the name of Peter West?--No sir.

Why not?--Because in my opinion the opening of an account in a fictitious name, or the opening of an /30 account in the name of Mr. Fischer, who was by then a

fugitive from law, would have been illegal.

Can you elaborate on that?--I am afraid I cannot.

MR. OOSTHUIZEN: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr. van der Neut, if someone whose name is Tom Jones, trades under the name William Smith, and comes to open an account in the name of William Smith, what is the objection?--No, there is no objection.

Bolt 16

Mr. van der Neut, really isn't all you are saying that if you had known that Peter West was Mr. Fischer /10 you would have reported to the Police?--That is right.

But I mean, once you had reported to the Police you would not have any objection to opening an account for Mr. Fischer?---The account was opened in the name of Mr. Peter West.

But as far as Mr. Fischer is concerned, you would not have an objection to opening an account for him? --I think I would not have opened his account.

Now would you have an objection to opening an account for Mr. Fischer?---Yes. /20

You would? You know he has had an account and still has at Barclays Bank for many years - is your Bank more fastidious?--This is a new procedure.

A new procedure? What does that mean? --I mean while Barclays Bank had the account, we would be approached to open an account.

But now supposing in spite of what you have said here, Mr. Fischer, who has some money, would like to open account with your bank. Is your bank harmed if you open an account?--I would refuse. /30

I am asking - look I am not interested in your particular prejudices, Mr. van der Neut, I am asking you if your Bank would be harmed?--I think the Bank would be prejudiced in opening this account, yes.

If the money was paid in?--Yes.

And if it was properly run?---Even then.

Well then let us hear what the prejudice is, Mr. van der Neut?--I cannot say it offhand.

Well you have got to, I am afraid. You are under cross-examination and you are under oath. This is /10 not gossip, Mr. van der Neut - what is the prejudice?--- The prejudice perhaps would be, to a certain extent, adverse publicity. There will be various other factors which I cannot think of at the moment.

Who would give publicity to opening the account? You?--No, if the matter would have come out, like for instance in the present instance.

Yes, but what is the adverse publicity to the Bank now that it has come out? I would like you to tell his Lordship how the Bank's business has been adversely /20 affected Mr. van der Neut?--No not really perhaps.

Well isn't it just nonsense Mr. van der Neut?  
---Yes.

Your answer was yes? Alright, I sit down on that note.

RE-EXAMINATION BY MR. OOSTHUIZEN:

Would your Bank ever open an account which could be used to further the aims or objects of a banned organisation?

MR. KENTRIDGE: That does not arise out of cross-examination, /30 my Lord. I don't object to the question, I just point out

that it is not something I have dealt with.

MR. OOSTHUIZEN: (to the Court)

My lord, in the context of the question put by my learned friend, that an assumed name, for instance the name of Jones would have no effect on the Bank. I submit, with respect, that there is a distinction when that name is used, or could be used, to further the objects of a banned organisation. I submit that I can put this question.

BY THE COURT: (to Mr. Oosthuizen)

I don't think you can lead him on it. I will /10  
give you permission to lead further evidence, and give Mr. Kontridge the right to cross-examine.

MR. OOSTHUIZEN: I will leave it at that, your Lordship.

(witness excused)

AT THIS STAGE THE COURT ADJOURNS FOR THE  
LUNCH INTERVAL.

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ON RESUMING AT 2.15. p.m.

CLIFFORD ALEXANDER MacBRIDE, s.s.

EXAMINATION BY MR. OOSTHUIZEN:

Mr. MacBride, are you attached to the Head /20  
Office of the Barclays Bank?---Yes.

And what is your position in the Bank?--I  
am the Chief Accountant's Assistant in South Africa.

In your capacity, are you in a position to  
express the views and attitude of your Bank in connection  
with the opening of accounts in assumed or fictitious names?  
---Yes.

What is the policy of your Bank Mr. McBride,  
in that regard?---We would not open an account in a fictitious

name if we knew the name to be fictitious.

Is there any reason for adopting that attitude Mr. McBride?--Yes, there are two reasons.

Yes?--First that it is illegal for a man to masquerade under a fictitious name, and secondly from a banking point of view obviously it would be undesirable to do so.

Now from a banking point of view, why would you say it should not be done?--Because it is essential that there should be good faith between banker and customer. /10

Apart from that, is there anything further that you would like to add?---No.

Now Mr. McBride, what would be the attitude of your bank in handling monies that could be used in the furthering of the aims and objects of the Communist Party? --I don't quite know what you mean by 'moneys that could be used'? Do you mean if we knew that they were intended to be used?

Or if they could be used for that specific purpose?---Well, if..I am afraid I can't answer that, without../20 I must ask you to..clarify it.

Well let me put it to you this way: what is the attitude of your Bank in regard to banned organisations? Are you prepared to have any dealings with those type of organisations?---No.

Is there any reason why not?--Because they are banned, and it would be illegal to do so.

There was an account opened at your Stock Exchange branch in Johannesburg -did it come to your notice? --It came to my notice when the branch was subpoenaed to /30 give evidence in connection therewith.

I don't think it necessary to elaborate on that. NO further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Do you know the accused Mr. McBride?---No.

You don't know that he has had an account with Barclays Bank for many, many years?---No I don't.

Well you have obviously never had any complaints about the way that account is conducted. You say you would not like to open an account in a fictitious name, because it would be illegal. If there was no intention to /10 cheat the Bank, or harm the bank in any way, why do you say it would be illegal? Is that just your view of the law, or do you have anything in mind?--I said it would be..it is illegal for a person to use a fictitious name.

Oh yes I see- you are talking about the general law?---That is so.

You are not suggesting that it harms the Bank particularly? ---I said too that there must be, must necessarily be, the utmost good faith between Banker and customer. /20

Yes. And of course if a man opened an account which was run in a perfectly straightforward and honest way, the fact that he might tell you that his name is one thing when it is another may upset you, but it won't necessarily harm the bank will it?--It won't necessarily harm the Bank.

On this particular account you have been asked about, there is no suggestion that the Bank has been harmed? ---Well by harmed..?

I mean, there is no suggestion that the Bank has lost money?---No. The bank has not spent any money. /30

I know that you are spending your time here

instead of in your office Mr. McBride, but we are not referring to that - with regard to the purpose for which money could be used, I suppose money in the Bank could be used for any purpose at all?--Yes.

It is no concern of the Bank?--No it is no concern of the Bank.

I think all you are saying is that as a Bank you obviously would not knowingly lend yourself to unlawful activity?--That is correct.

MR. KENTRIDGE: No further questions.

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NO RE-EXAMINATION.

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PEOCY ARTHUR IVAN DRAKE, s.s.

EXAMINATION BY MR. LIEBENBERG:

You are the receiver of revenue in Johannesburg,  
--Yes my lord.

Now does the Income Tax Act contain provisions in regard to the duties of company..companies, which take money under savings accounts?---Yes. Sections 69 and 70 of the Income Tax Act require companies and other persons who accept money on investment, on deposit, to make a return to the Department of any interest which they pay or which accrues to the person making the deposit.

/20

And is there any provision which relates to the use of..or omission to furnish correct information to the Receiver of Revenue?---Yes, Section 75 of the Income Tax Act provides for penalties where persons don't put in proper returns or they understate their income and other matters affecting the carrying out of their income tax obligations.

Now I just want to put a few hypothetical questions to you: if a person opens two or three savings /30

accounts in different names, let's say under names A, B, C and D and he earns interest on each of those accounts and he then submits three different returns to the Receiver of Revenue, will there be any risk of loss to the Department in the form of Revenue if he submits three separate accounts instead of one composite..separate returns instead of one composite return reflecting the sum total of his earnings? in the form of interest?---Yes. There would probably be a loss of revenue to the State, because if all the income was put together, the rate of tax is higher; the /10 larger the income is, the higher the rate of tax. So if all the interest was put in one return, a higher rate of tax would be payable, whereas if it was spread out and put into several returns, a lower rate of tax would be payable.

MR.LIEBENBERG: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Mr.Drake, forgive my asking you questions which may really be common knowledge, but I must get them on therecord. When is a taxpayer..let us start this way: /20 in this country, what is the end of the tax year for individual tax payers?--In most cases, 28th February. There are a few individuals, such as farmers, diamond diggers who go to the 30th June, but 28th February is the end of the tax year.

But leaving aside privileged people like farmers and diamond diggers - what about Advocates? It would be the 28th February?---28th February?---28th February for an advocate.

Now Mr.Drake, we have understood from the /10 building Society witnesses in this case that in fact they

only make returns of interest to you when the annual interest is in excess of R10?--My lord, that is by virtue of a special arrangement <sup>to save</sup> -/the building societies a tremendous lot of work, and to save the Department a terrific lot of work, because there are hundreds of thousands of taxpayers who get very small amounts of interest from building societies, and for the building societies to have to give us that information, and perhaps us to get the information and find the taxpayers files, I think the amount that we would get from it would be very little in proportion to the tax that /10 is evaded.

Mr. Drake, in this case the evidence is that the accused during 1965, under names which were not his own, other than his own names, opened three building society accounts, one at the Natal Building Society, one at the Allied and one at the Johannesburg Building Society. According to calculations done by my instructing attorney in respect of the period under which the accused was going under assumed names, in the one case the Natal Building Society, the interest which would have been earned, was /20 R1.30; in the case of the Allied it was R1.00 and in the case of the J.B.S., 25 cents. So it is clear from what you have said that whatever the name used on those accounts, - they would not have been returned to you by the Building Societies concerned?--Under the arrangement with the building societies, they would not have furnished us with that information.

So really the question of whether the Revenue would be deceived, or would be prejudiced would then depend on what income the accused were to return for the year /30

ending the 28th February 1966?---That is so my lord.

Because how ever many accounts are opened, and whatever the names are used, it is the duty of the taxpayer to return his full income?--- That is so, my lord.

And that we can understand is completely confidential, is it not?---That is so.

So I think in this particular case, are we not in this situation, that if the accused for the year ending 28th February 1966 had returned his full income, the Revenue would not have prejudiced. If for some reason /10 or other he had not returned his full income, then it would have been prejudiced?---Hypothetically, yes my lord.

In fact this is still hypothetical, because the return is not really due yet?--The return for the tax year ending 28th February 1965, the ..1966, the taxpayers have until the 15th March in which to render their returns.

Now in fact during the year beginning the 1st March 1965, as you may know, the accused was not in his practice as an advocate. That is the evidence in this Court. He was, according to the evidence given here, he /20 was busy evading the police, and not earning money as an advocate. Now I have here the accused's tax assessment for the year ending 28th February 1965. You see, I am instructed by the accused that having in mind the end of 1964 he might well be imprisoned, he paid in advance and he overpaid, so that there is actually a credit to his account on the 28th February 1965 of R1965.00.

Now Mr. Drake I know of course that you do not disclose what is in your records, but if I hand you this assessment, would you confirm that it shows that as at the 28th February /30

1965 A.Fischer was in credit with the revenue with the sum I mentioned?---My lord, I find myself in a difficult position, because we are not allowed to disclose any information under Section 4of the Income Tax Act.

BY THE COURT:

That may be so, but that, I assume, issues from your Department, and all that counsel is asking you is whether you can confirm that that is an assessment from your Department..

MR. KENTRIDGE: (to the witness)

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The taxpayer himself is prepared to show it to my learned friend and to the Court and to yourself. I simply want you to confirm that the position as I stated it is reflected in this return. I don't want you to disclose anything other than what is on this document which I myself disclose to you, Mr.Drake. ---According to this document my lord, it is an assessment for the tax year 1965, and it shows the taxpayer is in credit to the extent of R1965.68.

MR. KENTRIDGE: No further questions.

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RE-EXAMINATION BY MR. LIEBENBERG:

No questions.

PATRICK BAPELA, s.s. (interpreted)

EXAMINATION BY MR. LIEBENBERG :

Are you serving a sentence of 10 years imprisonment? ---That is correct.

And were you sentenced in this Court for having undergone training overseas in contravention of the Suppression of Communism Act?--That is correct.

Did you plead guilty to the charge?--Yes.

/30

That is correct.

Now who was instrumental in sending you overseas for training?---Leon Levy.

To what organisation did he belong?---The South African Congress of Trade Unions.

And in what month and year did you leave the Republic?---14th July 1962.

And when did you come back?--December 1964.

So you were away for about 18 months?---

Or more, 30 months?--Yes that would be correct./10

Now from where did you go from Johannesburg?  
---I left actually from the offices of the Trade Union and I went to Bechuanaland.

And to which country did you go from Bechuanaland?--To Tanganyika.

And to which country did you go from there?---  
To the Soviet Union.

And did you meet anybody in Tanganyika that you knew from South Africa, Patrick?--Yes I met people I knew there. /20

Such as whom? ---James Radebe, for instance, Robert Resha, Oliver Tambo, Tennyson Makiwane, Safric Bengu.

Did you have to take any oath?---Where do you mean?

In Tanganyika?---I took an oath after I returned from training. Not before.

From the Soviet Union?--After I came back from China

Well let us deal first with your period of /30  
sojourn in the Soviet Union. Did you get any training there?

---Yes.

In what?--To shoot, use firearms, and to use explosives. And also we were taught about trade union movements.

Did you get any political training?---Yes.

And how long did this training last?---To be a soldier, it took 10 weeks. But altogether in Russia I stayed for a year.

And what was the idea of training you to use firearms?---So that we can use them. /10

When?--When we had to use them, here in South Africa.

For what purpose? ---Because we had to take part in a revolution.

Against whom?---Against the Government of this country.

And when did you return from the Soviet Union? ---From Russia I went to Tanganyika, in December 1963.

And did you meet people in Tanganyika that you knew from South Africa?---Yes. /20

Who were they ?---Lionberg Maloi, Duma Nokwe, Kenneth Makuana, Andries Maloi, and Mcharlie and others, Sapelwa and some others.

Did you know a person by the name of Nokwe?---Yes.

Did you see him outside South Africa?--Yes, I have mentioned his name just now.

Oh you have, I am sorry. Now who administered the oath to you?---He, Nokwe did.

What was the nature of this oath?---We had to /30 take an oath that we would be soldiers of the A.N.C.; that we

had to carry out all the instructions given to us and to be prepared to fight in this country against the people of this country and to protect the people from their enemies, the people of South Africa.

The whites or the non-whites?---Mostly natives.

Now were you questioned about the adequacy of your training in Russia? --What questions for instance?

About the adequacy of your training, whether your training that you had received in Russia was sufficient?  
---Questioned by? /10

By somebody elsewhere?---Yes that was Duma Nokwe, he questioned me about my training there, and whether the training was good. He questioned me about that.

Was he satisfied with your training in Russia?  
--He said he was not satisfied, because the training was not good enough.

In what respects?---He complained that we had not had enough knowledge and training to handle explosives. He said that the time spent on training us was not long enough, too short. /20

And what was then decided?---They would have to send us to China, so that we would be trained there.

And did you then leave for China?--Yes.

With how many others? ---Seven of us together.

And when did you get to China?---Towards the end of January 1964.

And did you receive training in China?--Yes.

In what matters? --Also the handling of fire-arms, guns, and explosives. And guerilla warfare and military topography. And to make time bombs. That is all. /30.

And anything about military strategy and tactics?---Yes, strategy. We were taught that.

Do you know how to make hand grenades?---Yes we made hand grenades.

And for how long did this training last?---Three and a half months.

And did you then return to Tanganyika?--Yes back to Tanganyika again.

And report back to Duma Nokwe?---Yes.

Did he express satisfaction?---Yes. /10

And did you then come back to South Africa?---Yes we came back.

How many of you?---We were five altogether.

And were you arrested?--I was arrested.

In South Africa?---I was officially arrested in Rhodesia.

I see. Now did you know what you had to come and do when you got back to SouthAfrica?--We knew that when we arrived here we had to do that which we were taught to do. /20

Can you give the Court an idea of how many people went out of South Africa for training? --- No, not at all because all the people that were sent over there went in groups, and very seldom met each other, these groups, after they had left the country.

Were you given any specific instruction as to what you had to come and do when you got back to the Republic? ---The instruction actually was on our return we had to recruit other people.

Where was your home district?---I was in Johannesburg district - I was living in Orlando West. /30

And you say you had to go and recruit people?

---Actually it was more organising than actually ..not recruiting in the way of recruiting for war, but organisation. Getting people together, and organising.

And what about the knowledge that you had acquired about the making of bombs and waging guerilla warfare?---We were supposed to come and teach other people that which we had learnt, which we knew.

And did you have to contact any individuals or organisations on your return?--- It was not clear. /10 We were not told if we arrived back here in South Africa, on our return, whether we had to go to any particular place to report there. We were given no instructions in regard to that.

Was there a group or an organisation or a body which saw to the documents, travelling documents?---You mean outside the country?

Yes?---Yes there were people who took us, for instance, to the immigration offices.

Yes but when there was difficulty about your training or complaint about the sufficiency of your training, did Nokwe on his own decide to send you, or did he contact any organisation?---It is likely or possible that they had a committee, but he was the person who spoke to us and told us. /20

MR. LIEBENBERG: No further questions.

CROSS-EXAMINATION BY MR. KENTRIDGE:

Bapela, I have here a copy of the affidavit you made to the police. You said in this affidavit that when Leon Levy recruited you, he told you that the committee/30

had decided to send you abroad.---Yes he said a committee of S.A.C.T.U. He called it S.A.C.T.U.

And according to your affidavit he said that you had to go abroad to be trained in trade unions matters. --That is correct.

So it seems Bapela, that you left here to train in trade union matters, but when you were abroad, people decided to train you in warfare and weapons? --- That is correct.

MR. KENTRIDGE: No further questions.

MR. LIEBENBERG:

No re-examination.

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AT THIS STAGE THE COURT ADJOURNS.

(TRANSVAAL PROVINCIAL DIVISION).

Pretoria: 25th March 1966.

BEFORE:

The Honourable Mr. Justice BOSHOFF.

In the matter of:

THE STATE versus A. FISCHER.

Case NO:

APPEARANCES: As Before.

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ON RESUMING AT 10 a.m. ON FRIDAY, 25th MARCH, 1966.

MR. LIEBENBERG: May it please your lordship, I want to deal with a formal matter. I want to hand in this Proclamation, R.305 of 1964, dated the 15th of November 1964, which acquainted the whole Communist party with the banned Communist Party of South Africa. I have mentioned this Proclamation in the charges - counts 2,3,4, .. yes, those three counts. The I call Lieutenant Dirker, my lord.

KAREL JOSEPH DIRKER (Verklaar onder eed):

VERHOOR DEUR MNR. LIEBENBERG:

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U is 'n Luitenant in die Suid-Afrikaanse Polisie, verbonde aan die veiligheidstak?---Ja.

Te Johannesburg?---Ek is, Edele.

U was ook behulpsaam met die ondersoek wat bekend is as die "Rivonia Saak"?---Dit is so, U Edele.

En op die 11de Junie 1963 het u 'n klopjag uitgevoer op die persele van Liliesleafplaas by Rivonia?---Ja.

En daar het u beslag gelê op dokumente en tikmasjiene, afrolmasjiene, en ander items?---Ja, Edele.

Kan ons eers met die dokumente handel? Ons begin by Bewysstuk "1". Ken jy daardie dokument genoem 20

"1950: The Communist Party", of ken u dit nie?---Dit is 'n dokument wat ek nie by Rivonia gevind het nie, maar dit is 'n dokument wat onder my aandag gekom het.

Laat staan dit dan maar. En Bewysstuk "3": "A Call to the Youth"?---Ja, dit is 'n dokument wat ek te Rivonia gevind het - omtrent 800 afskrifte daarvan.

En Bewysstuk "5": "The syllabus of Fundamental Principles of Marxism"?---Dit is 'n dokument wat ek te Rivonia gevind het, en ek het ook die wasvel van hierdie dokument daar gevind.

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En Bewysstuk "6" - "The Revolutionary Way Out"? ---Ja, Edelagbare, ek het 'n groot aantal van hierdie dokumente gevind, afskrifte, en ook 'n wasvel van hierdie dokument.

En Bewysstuk "N" - die Program van die Kommuniste Party?---Ja, ek het hierdie dokument ook te Rivonia gevind. En afskrifte daarvan.

En dan gaan ons na A.F. 182?---Ek het die oorspronklike hier voor my. Dit is 'n dokument wat ek te Rivonia gevind het.

A.F. 187? "Operation Mayebuya".---Dit is 'n dokument... ek het die oorspronklike hier en ek het dit te Rivonia gevind, Liliesleaf plaas.

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188?---Dit is 'n dokument wat in 1961 onder my aandag gekom het - ek het dit nie daar gevind nie.

189?---Hierdie dokument, die oorspronklike is hier voor my - ek het 'n paar afskrifte hiervan te Liliesleaf plaas, Rivonia, gevind.

190?---Ek het die oorspronklike hier wat ek te Liliesleaf plaas gevind.

191?---Hierdie dokument - die oorspronklike het 30

ek te Liliesleaf plaas gekry.

Is dit getik "Into 1963"?---Ja.

'n Getikte dokument?---'n Getikte dokument waarop sekere veranderings aangebring is.

192?---Getitel "The Crisis deepening in South Africa". Dit is die oorspronklike dokument wat ek te Rivonia gevind het.

En 193?---"The New Problems of the Democratic Movement". Dit is die oorspronklike wat ek te Rivonia gevind het.

194?---Dit is 'n boekie "The African Communist", 10 van April/May 1962, en dit is 'n dokument wat ek te Rivonia gevind het. Dit is die oorspronklike.

Is dit die uitgawe daardie....?---Wat op bladsy 48 Umkonto We Sizwe beskryf. Ek moet net meld ek het 'n hele paar kopië - ander uitgawes gevind van die boekie daar, "The African Communist."

195?---Dit is 'n brief "(?) Action", dit is gerig aan "Dear Walter", gedateer 19 April 1963, en dit is geteken deur Canon Collins. Dit is 'n oorspronklike dokument wat ek te Trevalyan gevind het. 20

MR. KENTRIDGE: That seems to be quite irrelevant - I don't know why my learned friend is putting that in. ---Trevalyan is 'n plot wat ek deursoek het - 'n klopjag uitgevoer het, op die 7de Augustus 1963.

MR. LIEBENBERG: I am prepared to leave it - it doesn't really further my case.

VERHOOR DEUR MNR. LIEBENBERG (Vervolg):

196?---Ek ken die dokument, maar dit is nie te Rivonia gevind nie.

197?---Dit is 'n dokument - ek ken dit - maar dit 20

is nie te Rivonia gevind nie.

198?---Dit is in dieselfde geval as die vorige een. Ek het dit te Trevalyan gevind - dit is die oorspronklike wat ek het.

199?---Ek ken dit dokument, maar dit is nie te Rivonia gevind nie.

200 kan u maar oorslaan. 201?---Ek ken die dokument - dit is getitel "Outlines of the Syllabus for a Brief Course on the training of Organisers". Hierdie dokument is die oorspronklike en ek het 200 afskrifte daarvan gevind te Rivonia.

En 202?---Ek ken die dokument, maar dit is nie te Rivonia gevind nie.

203 kan u maar oorslaan, en dan gaan ons na 204 toe? Ek weet nie of u kennis dra daarvan nie? Nee, dan gaan ons na 209?---Ja, ek het die oorspronklike dokument hier wat ek te Liliesleaf plaas te Rivonia gevind het. Dit is getitel "A Statement by the Central Committee of the South African Communist Party".

En 210?---Ek het die oorspronklike hier voor my 20 van die dokument getitel "Speakers notes: A Brief course on the training of Organisers". Hierdie dokument - ek het hiervan 200 afskrifte gevind.

By Rivonia?---Te Rivonia.

En nou, die arrestasies.. het u gesê die klopjag is uitgevoer op 11 Julie 1963?---Dit is so.

En het u die arrestasies van mense gedoen daar op daardie datum?---Ja, daar was 'n hele paar persone in hegtenis geneem - persone wat aan my bekend was vir 'n hele paar jaar, Edelagbare.

En het die saak geduur tot Junie 1964?---Ja, die vonnis was op die 12de Junie 1964.

Nou, het u ooit in die loop van u ondersoek te hore gekom van dade van sabotasie gedurende daardie tydperk? ---Die enigste geval wat onder my aandag gekom het was op die 18de van Desember 1963; dit was die Waterkloof poskantoor hier in Pretoria gewees, wat 'n aanslag op gemaak is.

En was daar enige dade van sabotasie na die uitspraak in die Rivonia saak?---Daar was, Edelagbare. Die eerste het plaasgevind op die 14de Junie en dit was in die 10 Vrededorp Poskantoor.

1964?---1964, en daar was ongeveer 12 aanslae tot die periode 1ste Oktober 1964. Die meeste van hierdie aanslae was in die Bantoe gebiede, in die Suid-Westelike dorpsgebiede van Johannesburg.

Ek sien die "Operation Mayebuya" - dokument 187 - is 'n persoon met die naam van Brihi(?) - ken u die persoon?---Ja, ek ken hom. Hy was 'n beskuldigde in 'n saak wat ek ook ondersoek het in 1964. Dit was Wilton Mkwayi.

En dan weet u of die beskuldigde betrokke was 20 in die verdediging van die Rivoniasaak?---Die beskuldigde was die leier van die span. Die Verdedigingspan.

MNR. LIEBENBERG: Geen verdere vrae.

MR. KENTRIDGE addresses the Court and wishes to know whether the only documents being handed in are those that the witness found at Rivonia.

My learned friend tells me that that is Correct, my lord.

In that case, my lord, it .. I have NO QUESTIONS.

(Die getuie word verskoon van verdere bywoning).

Die Staat roep Luitenant van Rensburg op bladsy 8 van v.o.). 30

RUDOLF ADRIAAN VAN RENSBURG (Verklaar onder eed):

VERHOOR DEUR MNR. LIEBENBERG:

U is 'n Luitenant in die Suid-Afrikaanse Polisie verbonde aan die veiligheidspersoneel?---Dit is korrek.

Op die 11de November 1965 was u verbonde of besig met uitkenningsdienste in Cortlettlaan Bramley, Johannesburg? ---Dit is korrek.

Naby watter huis?---315 Cortlettlaan rylaan.

En wat het gebeur daarso om treeks sesuur die aand? ---Omstreeks 6 n.m. het 'n Volkswagenkar T.J. 136212 wat 10 bestuur was deur 'n Blanke persoon die perseël verlaat, en gery in die rigting van Oaklands, Johannesburg. Ons het die kar agtervolg tot op die hoek van Bauman en Stellastrate waar die kar tot stilstand gebring is, Edelaagbare. 'n Blanke persoon was die bestuurder van die kar. Ek het my identiteit aan hom bekend gemaak en hom meegedeel dat hy die vermiste Abram Fischer is, Edelaagbare. Die persoon het my meegedeel dat ek 'n fout maak en dat hy Douglas Black is. Ek het hom egter meegedeel dat ek seker is wie hy is en ek het hom meegedeel dat ons reeds op verskeie geleenthede persone gearresteer het aangesien vir Abram Fischer en later ons fout uitgevind het. Ek het die persoon deursoek en beslag gelê op 'n dokument wat ek in sy linkerbroeksak gevind het.

Is dit A.F. 4?---Dit is korrek, Edelaagbare.

A.F. 4 - is dit...?---Dit is 'n sleutel tot 'n kode. 'n Brief, Edelaagbare.

En het jy enigiets gesien van belang in die kar? ---In die kattedak van die kar, Edelaagbare, was 'n tikmasjien en 'n bruin koevert, met ander koeverte binne in, Edelaagbare.

Is daar ander lede.. het daar toe ander lede van die polisie gekom?---Ek het toe Kaptein Broodryk per radio verwittig, en hy het na die toneel gekom en die beskuldigde was aan hom oorhandig.

MNR. LIEBENBERG: Dit is al - geen verdere vrae.

MNR. KENTRIDGE: Geen vrae.

JOHANNES CHRISTOFFEL BROODRYK (Verklaar onder eed):

VERHOOR DEUR MNR. LIEBENBERG:

U is 'n Kaptein in die Suid-Afrikaanse polisie verbonde aan die veiligheidspersoneel?---Dit is korrek.

En beskuldigde was gearresteer op 23 September 1964? ---Dit is korrek, in sy kantoor te Innes Chambers, Pritchardstraat, Johannesburg.

En hy was uitgelaat op borg op die 25ste September 1964?---Ja, op R10,000.00 Edelagbare.

En sy verhoor, saam met 13 ander, het begin op die 16de November 1964?---Dit is korrek.

In die Streekshof, Johannesburg?---Dit is so.

En het hy sy verhoor bygewoon pal, sal ons sê, tot die 22ste Januarie 1965?---Dit is korrek, Edelagbare.

Dit was 'n Vrydag gewees?---Dit was 'n Vrydag.

En op die Maandag, die 25ste Januarie, het hy opgedaag by die Hof?---Die beskuldigde het toe nie sy verhoor bygewoon nie, Edelagbare.

Nou, was daar pogings aangewend.. o, ja, sê net eers vir my, op die 25ste Januarie 1965, was daar 'n brief voor die Hof gelê deur sy regsvertegenwoordiger, Adv. Hanson?--- Ja, Edelagbare. Dit is bewysstuk "54", wat by die Hof ingehandig was by die voorlopige ondersoek, deur Adv. Hanson.

En die brief was uitgelees?---Die brief was in die streekshof uitgelees.

En volgens daardie brief blyk dit toe dat hy van plan was om sy bedrywighede voort te sit?---Dit is so.

My learned friend says we can take it as read, my lord. Het u toe pogings aangewend om die beskuldigde op te spoor?---Ja, Edelagbare. Van daardie tydstip af was na hom gesoek gewees, landswyd, dag en nag, maar ons kon die beskuldigde nie opspoor nie.

Hy is gearresteer weer op die 11de November?--- 10  
Die 11de November verlede jaar was die beskuldigde gearresteer weer, Edele.

En was daar 'n voortdurende poging op tou gesit om hom op te spoor?---Daar was landswyd na hom gesoek, Edelagbare.

Wat sal u sê omtrent die tyd wat in beslag gelê is met die soektog?---Ons het, soos ek gesê het, dag en nag na hom gesoek, selfs die grensposte was in kennis gestel, en daar was selfs op die grense gepatrolleer. Die Staat het baie onkoste gehad, en as gevolg van hierdie landsweye ondersoek 20  
wat ingestel was na sy bedrywigheid, aangesien ons bewus was dat hy met sy bedrywighede sou voortgegaan het, wou ons hom so gou as moontlik weer gearresteer het.

Het u enige leidrade gekry?---Ja, Edelagbare, daar was inligting wat die publiek aan ons gegee het, asook ander leidrade. Baie van hierdie was soms ongegrond gewees en so aan.

En moes u hulle opvolg?---Ons het elke bietjie inligting wat ons gekry het, het ons opgevolg, Edelagbare.

En was die publiek geaffekteer in die proses van 30

ondersoek?---Ja, daar was 'n beloning vir die inhagtenisneming van die beskuldigde uitgereik, en hulle het ons ook daagliks verwittig van sekere persone wie hulle vermoed het nou Bram Fischer sou wees.

En sê nou - die kwessie van, volgens die brief het dit nou geblyk asof die beskuldigde sou voortgaan met bedrywighede. Het u 'n belang gehad in die voorkoming van misdaad?---Ja, die polisie het 'n belang daarin gehad, aangesien hy dit duidelik in sy brief gestel het dat hy sou voortgaan met sy bedrywighede. Die reputasie van die polisie self was 10 op die spel gewees en ons wou voorkom het dat enige verdere misdade gepleeg word.

Nou, na die 11de November het dit geblyk dat daar gelde geplaas was by instansies in jou kennis in Johannesburg, banke, en bougenootskappe?---Dit is so. Met die ondersoek het ons.. nadat die beskuldigde weer gearresteer was.. het rekenings by Banke en Bougenootskappe ons agtergekom dat hy verskeie/gehad het.

As u nou sou geweet het dat daardie gelde moontlik kon gebruik gewees het - moontlik behoort dit aan die Kommunisteparty, of kon gebruik geword het vir die aktiwiteite 20 van die Party, sou u enige stappe gedoen het, of oorweeg het? ---Ja, ek sou. Ek sou die geleentheid ondersoek het met die oog op 'n moontlike latere vervolging.

Op die 11de November was u in kennis gestel deur Luitenant van Rensburg of ten minsteu was geroep gewees deur hom?---Dit is so. Ek het 'n ... ek het in my kar gewag by die Dollshouse in Louis Bothalaan, Johannesburg. Die vorige getuie self het waarnemingsdienste by die huis van die beskuldigde te 315 Cortlettlaan uitgevoer. Ongeveer 6 n.m. het ek 'n radioboodschap ontvang dat 'n blanke manspersoon met 'n 30

Volkswagen motorkar, T.J. 136212 die gemelde perseël verlaat het, en dat die persoon agter volg word; as gevolg van 'n latere radioboodskap het ek self aan die agtervolging begin deelneem en het ek hulle versoek om die persoon van die pad af te dwing. Ek het ongeveer drie minutelater self by die beskuldigde opgedaag. Ek het hom in Carolinestraat, naby diehoek van Stellastraat gevind, waar die vorige getuie en ander lede gewag het. Die beskuldigde het in die Volkswagen motorkar gesit. Hy het 'n pyp in sy mond gehad. Ek het na hom gestap en met hom gepraat. Hy het my nie geantwoord nie. Later 10 het die beskuldigde my met die hand gegroet, en ek het hom uit die motorkar uitgetrek, en hom na my kar geneem en terugge- neem na sy woning n Cortlettrylaan. Die beskuldigde se kar self was onder my toesig terugbestuur deur 'n ander lid van die mag, en was op die gemelde perseel by die agterdeur geparkeer. By die huis aangekom het die beskuldigde drie sleutels aan my oorhandig - een van die drie sleutels is Bewysstuk A.F. 3. Een van die drie sleutels sluit die voor- deur van die gemelde huis oop. Ons het die huis binnege- stap - eers die huis nagegaan - en daarna het ek die beskul- 20 digde versoek om saam met my na die slaapkamer te gaan en en die beskuldigde versoek om by my teenwoordig te wees ter- wyl ek die huis deursoek, wat hy dan ook gedoen het, en daar het ek beslag gelê op die volgende bewysstukke, Edel- agbare. Dit is Bewysstukke A.F. 23 tot 37 - dit was wat in die slaapkamer gevind was. A.F. 23 is 'n boekie, "The African Communist" wat op die bedkassie gevind is. A.F. 24 is 'n notaboekie met handtekeninge .. die handtekening Peter West.. P.West, verskoon tog, kom tweekeer daarop voor. En A.F. 25 is 'n stukkie papier met notas, wat op die spieël- 3

tafel gevind was. Daarop is in die beskuldigde se handskrif verskeie aantekening gemaak - ek sal net die opskrifte uit- lees, Edelagbare - "Charge Guilty. Charge Withdrawn, Not Guilty. Awaiting Appeals". Dit is al wat op die stukkie papier met die getalle voorkom. R10.00 in note wat tussen sy hempde(?) gevind is. In 'n trommel in die slaapkamer het ek die volgende gevind: A.F. 27 is 'n springtou...

MR. KENTRIDGE: My lord, I can perhaps again make it quite clear that there is no dispute that the man arrested by Captain Broodryk - there is no dispute about that. 10

VERHOOR DEUR MNR. LIEBENBERG (Vervolg):

Sal u dan net verwys na die dokumente.---Ja. Nadat ek die slaapkamer deursoek het was die beskuldigde na sy studeerkamer geneem waar ek later sy persoon deursoek het en in die regtorsak van sy sportbaadjie het ek 'n lugpos- brief en 'n koevert - Bewysstuk A.F.1 - gevind wat ge- adresseer is aan S. Houston, 13 Holy Cross Avenue, London. Die brief was getik en is in kodeskrif, Edelagbare. Dan in die lessenaarlaai in die studeerkamer het ek 'n Bewysstuk 20 gekry - A.F. 38 - dit is 'n Hermes tikmasjien. In die laaie van die lessenaar - die boonste twee laaie was gesluit. Daar het ek Bewysstuk 39 en 40 gevind. Dit is 'n persoons- kaart in die naam van D. Black en Bewysstuk A.F. 40 is 'n bestuurderslisensie nommer 887 in die naam van mnr. Black. Douglas Black. In die lessenaarlaai was ook verskeie notaboekies en goed gevind. Onder andere het ek ook kontant gevind ten bedrae van R250.00 en R160 kontant. Byvoorbeeld op bewysstuk A.F. 72 - 'n depositostrook - kom die hand- tekening C. Thompson voor. Daarna het ek die badkamer en ook sy eetkamer deursoek. Daarna het onsnadie agterplaas 30

gegaan en die motorkar van die beskuldigde deursoek. Daar was.. ek het beslag gelê op die motorkar - dit is A.F. 170 - en in die kar, Edelagbare, was daar dokumente gevind A.F.5 tot A.F. 23.. 22. A.F. 5 is 'n dokument getitel "Discussion Statement(?)" en dit is gedateer 24/8/1965. Dit is 'n getikte dokument. A.F. 6 is ook getik en is "Notes on the Experiences of our Portuguese Branch". Dit is dateer 12 Julie 1965. A.F. 7 is ook 'n getikte dokument "Note on Discipline and Training". Die dokument is nie gedateer nie. Bewysstuk A.F.8 is 'n brief wat gerig was gedateer 10 9 November 1965, agterna in hakkies (2), is gerig aan "Dear Kim". Dit is 'n kodebrief en in die koevert was daar 'n opsomming tot die kode, Edelagbare. A.F. 9 is 'n lugposkoevert, en 'n brief wat gerig isaan "Dear Kim". Die brief is weer gedeeltelik in kode. Hy is gedateer - getik 11 November 1965, weer agterna in hakkies (2). Die 11 is deurgekrap en met rooi verander na 9 toe. Hy is onderteken deur "Paulus". A.F. 10 is 'n groot bruin koevert waarin al die dokumente in die kar gevind was. A.F.11 is 'n geskrewe dokument in drukskrif, getitel "Little Lenin Library". 20 Bewysstuk A.F.12 is 'n lugpos koevert met 'n lys van name - 'n adreslys waar 'n verskillende lys van name van persone met hulle adres op verskyn. A.F. 13 is 'n getikte dokument "Southern Industries Limited" - die dokument is bo aan die regterkantste hoek staan dit geskryf 25.6. en dit lyk soos "From Tim". A.F. 14 is 'n lugpos koevert wat gemerk is met die letters B.K.S. dan P.O.R.T. en dan D.U.S.C. en dan S. Industries. Dit is 'n lugpos koevert. A.F. 15 is 'n getikte dokument "Problems and (?) Discussion Statement". Die dokument is nie gedateer nie. Bewysstuk A.F. 16 is 30

(?) Anti-Imperialist Forces and an Appeal from the Central Committee of the South African Communist Party". Die dokument is nie gedateer nie. Verskoon tog, aan die einde staan Julie, 1, 1965. Bewysstuk A.F. 23 - dan kom ons by ander bewysstukke wat blykbaar niemoet u van belang is nie, waarop ek beslag gelê het. Bewysstuk A.F. 24 is 'n nota-boekie waarop die handtekening van P. West verskyn. Bladsy 2 van die nota-boekie kom die handtekening P. West tweekeer voor. A.F. 23 is die "African Communist" wat ek in die slaapkamer van die beskuldigde gevind het. Ek het ge- 10  
vind die boekie .. nagegaan en gevind dat die een dokument "Problems and Prospective Discussion Statement" - die boekie oorgedruk is en wel op bladsye 5 tot 12. Die ander dokument "(?) Rally and Unite Anti-Imperialist Forces" Bewysstuk A.F. 16 het ek nagegaan en ek het dit ook vergelyk met die "African Communist" en gevind dat dié woordeliks in die African Communist verskyn en wel op bladsye 101 tot 105. Ek het gevind dat in hierdie dokument "Problems and Prospective Discussion Statement", op bladsy 4 word daar onder 20  
andere gepraat van "The Recent (?) Bus Boicot". Deur my ondersoek dra ek kennis van die sogenaamde bus boicot, wat gedurende Mei verlede jaar teen die <sup>Steeldale</sup> (?) Bus Services gemik was nadat die gemelde maatskappy hulle busfooie met  $\frac{1}{2}$  sent verhoof het tussen Jeppe en Steeldale. Nadat ek die huis en die kar deursoek het, Edelagbare, het ek die beskuldigde teruggeneem. was die beskuldigde na die veiligheidshoofkantoor in Pretoria geneem waar daar fotos van hom geneem was - dit is Bewysstuk A.F. 171. Daarna was hy na die Sentrale gevangenis geneem. Op die 8ste November - daardie Maandag - was mev. Weinberg aangehou. Op die 8ste November, 30

Edelagbare, het 'n blanke vrou, mev. Weinberg, by haar werk, by Overland Wholesalers, op die hoeke van Troye en Markstrate, Johannesburg, ingevolge die bepalings van artikel 215 (bis) - dit is die sogenaamde 180 dae - is sy aangehou. Ek het haar ook na Pretoria geneem en op die 17de November het ek haar weer van Pretoria teruggenaem na haar huis in Plantationweg, Johannesburg. By die huis aangekom het sy my na die slaapkamer geneem en in die regterkantste hoek van die slaapkamer het sy 'n valdeur uitgewys wat mooi in die vloer inpas. Onder die slaapkamer is daar 'n hoogte van ongeveer 10 twee en 'n half voet. Nadat die valdeur verwyder was het ek daar ingeklim en 'n Royal Tikmasjien, en twee boeke wat in 'n plastiese sak was onder die vloer uit verwyder. Daarna het sy drie ander boeke, wat sy uit die boekrak gehaal het, ook aan my oorhandig, en 'n rapport aan my gemaak.

Dit is nie van belangnie. Het u melding gemaak van die Smith Corona tikmasjien?--- Die een tikmasjien was in die kar gevind, en die een tikmasjien in sy studeerkamer.

Nou, A.F. 62, 'n brief aan Beyers Naude - waar het u dit gekry?---Edelagbare, dié brief het ek van 'n geheime kontak in die stad ontvang. 20

U het 'n afskrif gemaak?---Ek het 'n afskrif gemaak daarvan...

En die oorspronklike...?---En die oorspronklike wat gedateer was 12 April 1965 weer aan die kontak teruggehandig.

En het jy al daardie nota boekeingehandig?---Nee, daar was verskeie bougenootskapboekies..

Nee, ek bedoel notaboekies?---5. Daar is 'n.. daar was 5 of 6 gewees. Dit is Bewysstuk A.F. 183 - dit is 30

'n notaboekie waar daar verskeie aantekening op gemaak was. Die was in die huis gevind gewees.

En A.F. 41? 'n Skryfboek met notas.---Dit is 'n lugpos skryfboek met notas. Dit is A.F. 41, Edelagbare. En die boek - daarin is verskeie aantekeninge gemaak.

En net kortliks, kan u sê of.. die notas in A.F. 41 - of u dit met enige van die dokumente vergelyk het? As u dit nie gedoen het nie sê maar net so! Het u...?--- Edelagbare, die uitgewerkte.. die monster wat later of in die African Communist of in ander van die dokumente oorge- 10 druk is.. ek is nou net nie seker waar dit verskynnie.

U handig al die dokumente wat u na verwys het in? Ook die tikmasjien?---Ditis, so, Edelagbare.

MNR. LIEBENBERG: Geen verdere vrae.

KRUIS-VERHOOR DEUR MNR. KENTRIDGE:

Kaptein Broodryk, u het gesê dat toe mnr. Fischer op borg uit was, het hy verdwyn?---Dit is so.

Die borg was R10,000?---Dit is korrek.

U het geweet dit is deur 'n sekere prokureur verkaf?---Hy was in die hof teenwoordig gewees, Edele. 20

En u is seker bewus daarvan dat mnr. Fischer elke sent daarvan aan die prokureur terugbetaal het?---Ek was later meegedeel dat dit so is, Edelagbare.

U het ook gesê dat die polisie die grense .. by die grense op patrollie was in verband met die verdwyning van mnr. Fischer?---Dit is korrek, Edelagbare.

Daardie brief wat mnr. Fischer aan mnr. Hanson geskryf het, waarvan u melding gemaak het, dit is duidelik daar gesê dat mnr. Fischer nie van plan was om die land te verlaat nie, nie waar nie?---Ja, dit is wat hy in die brief 30

sê, Edelagbare.

En waar het u hom gevind, in die land?---In Johannesburg, Edelagbare.

MR. KENTRIDGE: My lord, I have got no further questions to ask this witness, but I would just like to again get clear from my learned friend the situation with regard to the exhibits handed in. My lord, with records of printed exhibits or typed exhibits, I have arranged with my learned friend that he need not read them out - we will take them as read. However, the notebooks are in a somewhat different situation - we don't have copies of all the notebooks. I think if my learned friend could at this stage, so that we can deal with it in our case, indicate what it is in these notebooks which he is relying on.

(Continues addressing the Court on this aspect).

MR. LIEBENBERG, submits that the drafts of the articles, in Exhibit A.F. 16 and Problems of conspirators, were worked out in A.F. 41, and it is not really practicable to read them out. (Counsel continue to discuss matter).

MR. KENTRIDGE: No further questions. 20

MR. LIEBENBERG: No questions.

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MR. LIEBENBERG: I then proceed to deal with the admissions, which my learned friends are prepared to make in this case. May I hand in the list of the admissions which my learned friends are making in terms of Section 284(1) concerning the depositions of witnesses who testified at the preparatory examination. This document will show the name of the witnesses and the page numbers where they testified in the preparatory examination. I don't know whether I should 30

read out the names of these persons?

BY THE COURT: They are on the list. Should we give this list an exhibit number?---

MR. LIEBENBERG: Yes, A.F. 211. My learned friends are agreed to the dispensing of the reading of these depositions, my lord. Then my learned friends are also also prepared to admit that unlawful explosions took place at the following buildings at the following dates: on the following dates: Vrededorp Post office on the 14th of June, 1964. Pimville Post Office on the 2nd July, 1964. Dube and Jabavu Post 10 Offices on the 19th of September 1964. Then my learned friends admit that the following documents contained the handwriting of the accused. I am afraid the numbers of the exhibits are not in numerical order - if I may just read them as I have them here. A.F. 101, 106, 108, 110, 117(a), 120, 121, 122, 123, 126, 127, 151, 162, 163, 182, 185, 186, 183, 72, up to 78, 67 up to 71, 41, 80, 82 and 85.

MR. KENTRIDGE: My lord, I should make it dear in terms of the written admission I gave my learned friend that it is admitted that those documents contain the handwriting of the 20 accused. If one examines the documents one will see that in many of them there are other writings also, for example some of these bank or building society documents but on each of those documents the handwriting of the accused appears in some part or another. My lord, there is another admissions which I am prepared to make to save the calling of a witness, and that is that the document exhibit A.F. 5, it is called "Draft Discussion Statement", was typed on the Hermes typewriter found in the possession of the accused.

MR. LIEBENBERG: My lord, that more or less.. concludes the 30

evidence which the State intends presenting in this case. I would not like to close the state case formally. I would like to investigate certain aspects in relation to these documents and these admissions which my learned friend has made, so if I may be permitted to close the case for the State on Monday? I have no evidence further today. My learned friend has indicated that he wants to apply for a postponement of the case until Monday, so if I may be allowed them to close the case for the State on Monday morning?

BY THE COURT: You are suggesting a formal remand at the 10 moment? Any objections, Mr. Kentridge?

MR. KENTRIDGE: No, my lord, it will be convenient to the Defence, and I associate myself with the application.

BY THE COURT: The case will stand over until Monday.

THE COURT ADJOURNS UNTIL MONDAY.

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