

STATE

VS

O. GUMED T

ANOTHER.

CASE NO:

P.E. NO:

THE STATE versus ... OBED. GUMBE. ARR. [unclear]

1. Full Names of Witness: (Name and Surname) ... MARIA MINGADI

2. Native Name known by: ... MATOKO

3. Father's Name ... GEORGE MLAMBO

4. Kraalhead ... GEORGE MLAMBO

7. Chief: ... JOHN MTHEIBU

8. District of Domicile: ... PIUSTOW

9. Locality (Location or Farm and Name): ... [unclear]

10. Nearest Railhead ... NEERE. BERRA. DURBAN

11. Nearest S.A.R. Bus halt: ... NIL

12. Estimated distance from 10 or 11 to Kraal: ... [unclear]

13. Residential address at time of appearance: ... F. 546 KVA. MASHU

14. Name and address of Employer: ... MCCORDS [unclear]

15. Nature of Employment ... CHECKING LAUNDRY

16. Works Number, Section employed in, etc.: ... [unclear]

17. Language spoken by Witness: ... XUTH

Duly Sworn/admonished, states:

..... (Machine recorded in a Court)

3836

Maria Ngadi

HERADI Sown, states,

EXAMINED BY THE PROSECUTOR:

Do you work at McGerds Hospital? --- Yes.

As a despatch clerk? --- That is correct.

On the 7th of January, this year, did you attend a meeting? (5

--- Yes.

Who told you about this meeting? --- Nduli told us.

Who is he, do you see him today? --- No. 2 accused.

What did he tell you? --- He told me that there is going to be a meeting of workers. (10

Where? --- Lakhani Chambers.

And did he say what this meeting was for? --- He said that they were going to talk about the wages, and other points that he did not tell me about.

Did you then go to the meeting? --- Yes. (15

Was that on the same day? --- Yes, on the same day that he told me about the meeting.

What happened when you got to the meeting? --- (While the interpretation is still going on the prosecutor continues)

Who was chairman? --- Emma Sibisi (20

Were any of the accused there? --- Nduli was there, No. 2 accused.

And what was decided at this meeting? --- First they talked about the wages and they decided that they should have a committee to go and see the doctor about the wages. (25

And what was the other point discussed? --- They only spoke about the wages, nothing else. And also because the people there did not like the Induna, the people should get together and they should go to the doctor and tell him the Induna they had was not wanted. Another person said (30 that a strike would not bring them anything because they tried it before and it did not help. Amos then said that a strike should be arranged, they should go on strike.

and/also
he

said/....

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said that if persons do not go on this strike they would go to the doctor and tell him that Amos wasn't wanted. The Induna, Mtembu. I was in a hurry because I had to go to Kwa Mashu. Another person, before I went, another person said that it would be good if they went to the class, that is where they have studies. Because they heard if this new Induna came he would chase them away. He then also stated if they went to these classes they could go to the doctor if somebody was chased away, because the doctor said that nobody would be chased away. I was in a hurry to catch a train, I went away and this person was still talking. Was that the only meeting you attended? ---- This is the only meeting that I attended. 95

Do you know about a meeting which Dr. Taylor called after this meeting you have spoken about? ---- This was after the meeting that was called by the doctor. (15)
After this meeting, did you speak to either of the accused again about this matter of Mtembu? ---- I did not speak to any of them.
And before this meeting? ---- I did not speak to any of the accused. (2)

Did anyone arrive where you are working one day - did anyone arrive at the place where you were working one day and speak to you? ---- When we came from the meeting in the diningroom, we were all in the laundry, Nduli was speaking. Is that accused No. 2. you are referring to? ---- He said (25)
because this Induna is being brought back by force, we are going to remove him.

Anything else? ---- That is all.

Did he say how they were going to remove him? ---- No, he did not explain how they were going to do it. The next day they tried to strike. They went and they stood at the kitchen and many of the Bantus working there did not join this strike and the strike just fell to pieces. (30)
When/.....

When accused No. 2 said this about the Induna to be removed, was that before this meeting that you described that you attended or was it after that? --- That was when we went into the diningroom.

Yes, but was it on the same day of that meeting or was it some days later? --- On the same day in the evening. (5)

Do you know if No. 1 accused attended this meeting? --- He was not there.

And later when No. 2 spoke to you? --- He had got hurt, he was not there. (10)

NO FURTHER QUESTIONS BY THE PROSECUTOR:

CROSS-EXAMINATION RESERVED:

- 10. Name of Defendant
- 11. Name of State
- 12. Estimated value of property
- 13. Residential address of wife or co-defendant
- 14. Name and address of Employer
- 15. Nature of Equipment
- 16. Make Number, Serial number in, etc.
- 17. Knowledge spoken by witness: ...
- 18. Name/Designation, status: ...
- 19. (Machine recorded in 2 Courts)

3839

CASE NO: ..7..297/63.....
P.E. NO: ...32/63.....

THE STATE versus ...**ORED GUMEDE AND ANOTHER**.....

- 1. Full Names of Witness: (Name and Surname) ...**ANOS DUMAKUDE**.....
 - 2. Native Name known by: ..**MFANAKAYISE**.....
 - 3. Father's Name (^{guardian}) **MICHAEL KANYILE** 5. Age: ...**23 years**..
 - 4. Kraalhead: ...**XXXX MSINGA**..... 6. Race: ...**ZULU**.....
 - 7. Chief ...**SIMAGADI MQUQU**.....
 - 8. District of Domicile: ...**TUGELA FERRY**.....
 - 9. Locality (Location or Farm and Name): ...**MLAWALALA**.....
 - 10. Nearest Railhead ...**GREYTON**.....
 - 11. Nearest S.A.R. Bus halt: ...**KEATSDRIET**.....
 - 12. Estimated distance from 10 or 11 to Kraal: ...**19 miles**.....
 - 13. Residential address at time of appearance:
 - 14. Name and address of Employer: ...**MCCORDS HOSPITAL - DURBAN**.....
 - 15. Nature of Employment ...**DRIVER**.....
 - 16. Works Number, Section employed in, etc.: ...**No. 97**.....
 - 17. Language spoken by Witness: ...**ZULU**.....
- Duly Sworn/admohished, states:
-
-(Machine recorded in O Court).....

R.W.H/5.3.63
Add. Mag.

3840

AMOS DUMAKUDE: Sworn, states.

EXAMINED BY THE PROSECUTOR:

Are you employed at McCords Hospital as a driver? ---- Yes.

Are you aware that there is ill feeling about the ^{re-}instatement of the Induna, Ktembu? ---- Yes.

On the 7th of January, did you attend a meeting at the Lakhani Chambers? ---- Yes.

Who invited you to attend this meeting? ---- Joseph Nduli.

No. 2 accused. (10)

Yes, what did he tell you when he invited you to the meeting?

---- He just told me that we should send people to go and see the doctor and ask him for a raise in salary.

And did you then go to the meeting later? ----Yes.

And who were the speakers at this meeting? ----No. 2 accused, (15) Nduli. And myself.

Anyone else? ---- And others.

What did accused no 2 have to say? ---- He suggested that we should get together and ask the doctor to give us an increase in our wages. (20)

And after the money question was discussed, was anything else discussed? ---- Yes, we discussed the matter of the Induna.

Did accused No. 2 have anything to say about the Induna? ----

He asked as the Induna is back and the people do not like him what are we going to do about it. (25)

Yes, and then? ---- I then replied to him and suggested that we should get together and go to the doctor and tell him that we don't like this Induna.

Yes, anything else, what was eventually decided at the meeting, what should be done about the Induna? ---- (30)

We decided that we would go to the doctor and see him about this matter.

Was anything else decided? ---- No, that is where

I/.....

Did you leave before the meeting was finished or did you wait until the end? ---- Before the meeting was over.

And were you satisfied with Mtembu? ---- I did not know him. (5

Yes, but were you for or against the idea that he should be re-instated as an Induna? ---- I was satisfied because I do not know how good or how bad he is.

Why were the rest of the employees against him? ---- I would not know what make them not like the Induna. (10

Did you attend any other meetings aprt from one you have described? ---- I was at a meeting called by the doctor.

Was that now before or after this one that you have described? ---- That was before this meeting. (15

NO FURTHER QUESTIONS BY THE PROSECUTOR:

CROSS-EXAMINATION RESERVED:

12. Estimated date of birth of the witness

13. Residential address of the witness

14. Name and address of Employer

15. Nature of Employment

16. Service number, Service certificate, etc.

17. Language spoken by witness

18. Name of the Court

3842

CASE NO: ... K. 297/63.....

P.E. NO: ... 32/63.....

THE STATE versus ... O. GUMEDE AND ANOTHER.....

- 1. Full Names of Witness: (Name and Surname) BRUNO TEMBA MTOLO
- 2. Native Name known by: ... TEMBA.....
- 3. Father's Name NAMPONDVENI..... 5. Age: 34 years ..
- 4. Kraalhead: .. NAMPONDVENI..... 6. Race: ZULU.....
- 7. Chief NDAFE.....
- 8. District of Domicile: UMBUMBULU.....
- 9. Locality (Location or Farm and Name):
..... ENVADE LOCATION
- 10. Nearest Railhead MARRIAN HILL.....
- 11. Nearest S.A.R. Bus halt: NIL.....
- 12. Estimated distance from 10 or 11 to Kraal: N/A.....
- 13. Residential address at time of appearance:
..... ST. AGNES SCHOOL MARRIAN HILL.....
- 14. Name and address of Employer: ... AFRICAN MUNICIPAL WORKERS UNION..
..... 311 LAKHANI CHAMBERS - DURBAN.....
- 15. Nature of Employment SECRETARY.....
- 16. Works Number, Section employed in, etc.: A.M.W.U.....
- 17. Language spoken by Witness: ... ZULU.....

Duly Sworn/adjured, states:

(Machine recorded in Q Court)

E.W.H. /5.3.63
Add. Mag

3843

BRUNO TEMBA MTOLO: Sworn, states.

EXAMINED BY THE PROSECUTOR:

Were you employed at the McCords Hospital from June, 1954 until June, 1962? ---- If the doctor is going to be called as witness in this case, I should ask that he should go outside. (5

BY THE COURT: Who is the doctor anyway, Dr. Taylor? ---- The Superintendent.

What is your reason for asking him to go outside? ---- because he is mentioned in my statement. (10

I don't know what the nature of the doctor's evidence is, Mr. Prosecutor, is it desirable that he remains outside whilst this witness gives evidence?

BY THE PROSECUTOR: I don't know, Your Worship, in which way. If the witness would feel happier if the doctor is outside. (15 I suppose it might be - the doctor is a witness in this case.

BY THE COURT: Dr. Taylor then withdraws from Court.

BY THE PROSECUTOR: Were you employed at the McCords Hospital from June - 1954 to June, 1962? ---- That is correct.

At the end of 1962, that is in December and in January, 1963 (20 did you attend certain meetings at the hospital? ---- No.

Did you not attend any meetings? ---- Not at the hospital.

At Lakhani Chambers? ---- I Was there. (25

At how many meetings? ---- Only one.

What date was that? ---- About the 8th of December.

December or January? ---- January. (30

Who convened this meeting? ---- I was at my office and in the afternoon Joseph Nduli came to my office and asked me for permission to have a meeting in my office ~~meeting~~ (3

~~asked me for permission to have a meeting in my office~~ Who is that Joseph you refer to? ----

Accused No. 2 ---- You say he - you were at your office, where, in what office do you work? ---- That is an office of the trade

union/.....

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... was discussed apart from the Induna? ...
Trade union is this? --- There are quite a number of
trade unions situated in that office, person working in the
same office.

Do you belong to one of these trade unions? --- I am a (5
clerk of the Corporation Trade Union.

And has that got anything to do with the hospital, the
unions? --- I think he came to me because I had been working
at the hospital previously.

Does your union have anything to do with the hospital? --- No. (10

What did No. 2 accused tell you when he arrived there? ---

He asked me if they could use my office.

And did you give him permission to do so? --- Yes, because
there was no work that I had to do. (15

And when this meeting was called were you present? --- Yes,
I was there. (The Prosecutor intervenes). No work

And what was the nature of the meeting? --- They said as
they went and saw the superintendent of the hospital and told
him that the Induna should not be brought back, Mtembu is (20
the Induna, they should arrange for a union within the
hospital. (The Prosecutor intervenes) for No. 1 accused as they were going

Mr. Interpreter, I don't think that is quite what he said.

Ask him to repeat his reply? --- They had seen the
superintendent about this trouble and he did not take notice
of it. (The Prosecutor intervenes) Yes.))) - They should organise now, they should find a way (25

to organise because the Induna that they don't like has
come back. The Induna that is against the union.... (The
prosecutor intervenes). (30

Can we just get this straight please. Was the difficulty this
that because the Induna was employed there they would now
find difficulty in organising a union, is that your reply?

--- That is the actual fact. (The Prosecutor intervenes) what you were working at the

And/.....

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... was discussed apart from the Induna? ---- They
 ... they spoke in different ways how it should be organized
 They discussed ways and means how to organize the union? ----

Yes. ... got nothing to do with the Hospital workers? (5)

And did they discuss anything else regarding the Induna? ----

I did not hear anything else. ... to one body.

Who were the speakers at this meeting? ---- Nduli spoke first,
 the first made a report. ... Secretary ...

Yes. ---- Then Emma Sibisi spoke. And other persons that I
 do not remember. ... that explained ... (10)

Did you speak yourself? ---- No.

Did you just listen? ---- Yes. ...

Did you discuss or see accused No. 1 at any stage about his
 broken arm? ---- Yes. ... (15)

Why did you see him about it? ---- His brother came to see
 me and told me (The Prosecutor intervenes). He made a
 report to you? ---- He made a report to me.

And did you then go and discuss the matter with No. 1? ----

That is correct. ... (20)

And for what reason did you go and discuss it with No. 1? ----

They wanted an attorney for No. 1 accused as they were going
 to put in a claim.

Yes, but what did this have to do with you, why did you have
 to go and see about this? ---- No. 1 accused's brother (25)

knows me very well and he knows that I am a member of the
 union and they know that if some trouble arises that the
 union helps them.

Does your union help non-members? ---- Yes, if a member of the
 unions asks. ... (30)

And is accused No. 1's brother a member of your union? ----

While I was at the hospital he was. ...

I am talking about the day when he come to see you, was

he a member of the union for which you were working at the

time/...1.

3848

Bruno T. Mtolo/...

... has nothing to do with the hospital. (WITNESS
... THE OPPORTUNITY TO SPEAK ENGLISH AT THIS STAGE,
THE INTERPRETER LEAVES OFF). The union which I am working
for has got nothing to do with the Hospital Workers' Union,
but all from the Hospital Union and African Municipal Workers'
Union, they are all affiliated to one body.

To what body is that? ---- South African Congress of Trade
Union. Now anyone who is a Secretary there, no matter which
union he belongs to, if a worker comes with a complaint, it
is his duty to go and see that that complaint has been taken (10
up.

Even if he does not belong to your union? ---- Even if he does
not belong to our union. I mean South African Congress of
Trade Union is a co-ordinated body of all these unions, so
now in order to work together. It doesn't mean to say if (15
a hospital worker come to me I should say, "No, you go to
the Secretary of your union. Moreover in my case John came
to me because he knows me personally.

Is John now No. 1's brother? ---- Yes.
Yes.---- It was the reason that I had to go up there. (20

Is John, that is now No. 1's brother, is he a member of
any union? ---- Yes.

Which union does he belong to? ---- Hospital Workers' Union. (25
And does that include the staff of the - or some members of
the staff of McCords Hospital? ---- Yes.

NO FURTHER QUESTIONS BY THE PROSECUTOR;

CROSS -EXAMINATION RESERVED;

... (30
ALAN BOYDEN TAYLOR: Sworn, states.

EXAMINED BY THE PROSECUTOR:

Your residential address please? ---- I give it 28, McCord Rd,
that is the hospital.

Is/....

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Alan B. Taylor/....

In Durban.

Medical superintendent of the McCord hospital in

Q. I am.

The complainant in this case, Willard Mtembu, was he employed by you as an Induna at the hospital? --- He was and is.

Is it correct that he worked for a period, then left the hospital and then returned? --- That is correct.

When he left the first time did he go of his own free will (10 or was he discharged by you? --- He left on free will, about business, to go into business.

And what were the circumstances that led up to his being re-engaged? --- His business did not turn out successfully. He felt it would be at least a year before he could go back in the business again.

And did he approach you for a job again? --- No, I approached him.

Where, did he come to the hospital? --- He happened to be in the hospital and our matron saw him and said, "Why don't you (20 ask Mtembu if he will come back to work".

And did he then agree to come back? --- He agreed to come back.

And did you then place him - or agree to place him in the same position he had before he left? --- I did. (25

Who had been appointed in that position in the meantime? --- Patrick Mlambo. (25

And was he employed in that position on anybody's recommendation? --- On Mtembu's recommendation when he left.

And what was to happen to Patrick now that you were re-employing Mtembu? --- Patrick Mlambo had come to me ^{once} before (30 and said the job was to much for him, he wanted to resign.

Yes, but what job were you going to give him now? ---

After you had agreed to engage or re-engage Mtembu, did it come to your notice that some of the surgeons were

On/.....

Dissatisfied/.

Mtembu went to speak to him and I spoke to

but what job were you going to give him now? --- He was to become a Secretary.

Is that the job he had before he took over from Mtembu? --- (5 That is the job he had.

Would this have affected his salary in any way? --- At the time I did not think that it would affect his salary.

And would it have affected his status amongst his fellow employees at all? --- I don't know whether he felt it would or not. Anyway he had asked to be relieved of his work and (10 go back to the work as Secretary.

Do you know the two accused in this case? --- I do.

Were they employed at the hospital at any time? --- They were both employed. (15

What work did they do? --- No. 1 I am not sure what he was doing, he was employed illegally.

And No. 2? --- He was working in the boiler room.

What type of work did he do? --- Attending boiler.

You say No. 1 was employed illegally. By whom was he employed, (20 By Patrick Mlambo.

Were you not satisfied with Patrick's - with the way in which he performed his duties? --- I didn't know anything about it until after he had been dismissed by Patrick.

No, I am talking about Patrick. The way in which Patrick (25 performed his duties, were you satisfied? --- No, I was not.

Was there anything specific that you were not satisfied with?

--- He was not effective, No. L. No.2, he was in charge of the hospital. When anything went wrong in the hospital (30 his excuse was always, "Well, I was home or else I went to bed early and was sleeping."

After you had agreed to engage or re-engage Mtembu, did it come to your notice that some of the workers were

dissatisfied/.

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Alan B. Taylor/...

...this arrangement? --- Yes.

...did you do about that? --- I listened to them
...a statement. --- I got nowhere with that.

...Was this at a meeting? --- Yes, the members asked me to
meet them. At first I refused because I didn't know what (5
the meeting was about.

Yes. --- And then Patrick Malambo, the Induna, said it is
to discuss the return of Mtembu.

And did you then attend a meeting? --- I attended a meeting (10
And what was the discussion about then? --- Just a general
discussion, a statement of their dissatisfaction that
Mtembu should return.

Did anyone give any reason why did they not want Mtembu
to return? --- Only that they didn't like him. (15
They didn't say why? --- No.

Do you know if any of the two accused were at this meeting?
--- No. 2 was there.

Did he have anything to say? --- Yes, he spoke.

What did he say, can you remember? --- He said they (20
didn't want him.

Is that all he said? --- Yes.

Did anyone(witness intervenes)? --- On that occasion
that is all I remember him saying.

Were there any threats or anything like that in the event
of you continuing employing Mtembu? --- I remember threats (25
as coming in the second meeting.

Did you have two meetings? --- I called a meeting myself.

And could you tell the Court what happened at the second (30
meeting? --- At the second meeting I said, "I want to know
who you are who have ^{any} complaints, I want to know what your
complaint is, I want to know how long you have been here
because/..

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...can't accept a complaint from a person who has
...with Mtembu."

...what happened? ---- I got nowhere with that.

Did any of the members show or the people at the meeting
show that they were going to - or indicate that they were (5
going to? ---- Yes, several people spoke and several people
said that there would serious trouble if I appoint him.

Were any of the accused at this meeting? ---- Nduli was there,
he was one of those. (10

Can you remember what he said on this occasion? ----No,
it was interpreted. Just the general impression that there
would be trouble.

Is this from statements by various members at the meeting
that you got the impression that there would be trouble?----
Yes.

Do you know the witness Bruno? ---- Yes, I know him very well.

Was he employed at the hospital? ---- For a number of years. (20

And do you know if he was at this meeting at all? ----No, he
was not. He had left employment with the hospital by that
time.

On the 17th of January, this year, that night, that is the
night of the explosion. Were you at your house? ----Yes (25

Did you receive a report? ---- Received a report.

And did you go to investigate? ---- I got up at once.

And what did you find when you arrived there? ---- I found (30
that a number of men were standing around, there was evidence
of an explosion which had taken place from a bomb put above
the fan light of Mtembu's room.

What did you see along there that gave you that

impression/.....

Alan B. Taylor/.....
L.M. Thomas/.....

his own accord.

LAMBERTUS MYBURGH THOMAS: Sworn, states.

EXAMINED BY THE PROSECUTOR:

Are you a detective sergeant, Railway Police, stationed in Durban? ---- Yes. (5)

On the 18th of January, this year, at about 2.5. a.m. did you go to the McCords Hospital? ---- I did. (10)

To the men's hostel? ---- Yes. (10)

And who accompanied you? ---- I was accompanied by Lieutenant Steenkamp of the South African Police. (10)

Were you the first police to arrive there? ---- No, on my arrival there were other police present on the premises.

Did you notice any damage to any part of the hostel? ---- I observed certain damage to the louvres and the door jam of a room allegedly occupied by the Enduna, Willard Mtembu. That is on the ground floor of the building. (15)

What type of damage? ---- To me it appeared to be damage caused by some form of explosion. (15)

Why do you say that? ---- I had quite a bit of experience of explosions during my army service, and that is what it appeared to be like. (20)

Yes, but what did you see which gave you this impression? ----

The louvres were blown out of the frame and the door on the opposite side even had some damage where some object or other had struck it, which gave me the impression that it was some form of explosion. (25)

Was there any smell of cordite or any similar substance? ----

When I got there, there was none. (25)

Did you see any of the accused? ---- I observed accused

No. 1 in the gym hall next to the room I observed this damage. (30)

Was he just standing there or was he under escort? ----

he appeared to be under guard. (30)

Did/.....

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...? ---- Holes in the ceiling, holes in the wall,
pieces of the bomb.

And did you see any remains of any type of explosive? ----
Just the ends of pipes.

What type of pipes were those? ---- I would say it is about (5
3/4" pipe.

Water piping? ---- Water piping.

Were the pipes intact or were they broken? ---- They were
broken, short pieces.

Do you know what the reason is why these people were
dissatisfied with Mtembu? ---- I think two reasons (10
No. 1 he was opposed to the trade union of which most of them
were members.

And the second reason? ---- The second reason, it was well
known that when he came back he would institute discipline
especially in the men's hostel. (15

Was he very strict in the execution of his duties? ---- No.
He was strict but not unfair.

And what type of discipline is it that you are referring to
in the men's hostel? ---- We don't allow men to come in (20
under the influence of liquor and create a disturbance. They
are not allowed to bring women in there. He would report
any fighting there.

And did Mtembu stop this type of thing? ---- They knew that
he would stop this sort of thing. (25

And did Patrick tolerate this? ---- Patrick went to bed and
didn't interfere with it in most instances.

Are those the only reasons why you can think of the
dissatisfaction with Mtembu? ---- One man complained that
Mtembu had not given him work when he needed work there. (30
badly. That is the only real objection that I know of.

NO FURTHER QUESTIONS BY THE PROSECUTOR;

CROSS-EXAMINATION RESERVED;

BY THE COURT: Did Mteko leave on his own accord? ---- he
left/....

Alan B. Taylor/.....
L.M. Thomas/.....

on his own accord.

LAMBERTUS MYBURGH THOMAS: Sworn, states.

EXAMINED BY THE PROSECUTOR:

Are you a detective sergeant, Railway Police, stationed in Durban? ---- Yes. (5)

On the 18th of January, this year, at about 2.5. a.m. did you go to the McCords Hospital? ---- I did.

To the men's hostel? ---- Yes.

And who accompanied you? ---- I was accompanied by

Lieutenant Steenkamp of the South African Police. (10)

Were you the first police to arrive there? ---- No, on my arrival there were other police present on the premises.

Did you notice any damage to any part of the hostel? ---- I observed certain damage to the louvres and the floor jam (15)

of a room allegedly occupied by the Enduna, Willard Mtembu.

That is on the ground floor of the building.

What type of damage? ---- To me it appeared to be damage caused by some form of explosion.

Why do you say that? ---- I had quite a bit of experience (20) of explosions during my army service, and that is what it appeared to be like.

Yes, but what did you see which gave you this impression? ----

The louvres were blown out of the frame and the door (25) on the opposite side even had some damage where some object or other had struck it, which gave me the impression that it was some form of explosion.

Was there any smell of cordite or any similar substance?

---- When I got there, there was none.

Did you see any of the accused? ---- I observed accused (30)

No. 1 in the gym hall next to the room I observed this (30) damage.

Was he just standing there or was he under escort? ----

he appeared to be under guard.

Did/.....

3054

... speak to him at all? ---- Yes I spoke to him in
company of Lieutenant Steenkamp. He was warned according
to Judges' Rules.

BY THE COURT: Did you speak to him in Zulu or in English?
---- in Zulu. (5)

You are a Zulu linguist? ---- Yes.

BY THE PROSECUTOR: Carry on. ---- And asked him for an
explanation as to his presence on the premises. The accused
explained that he had been paid off by the McCords Hospital
and that he had come there the evening before, that (10)
is on the 17th to see certain witnesses in connection with
a case in which he is the complainant. It is an assault
case, and that he had slept in the room of his brother, one
John Gumede, on the ground floor. That is the same floor
on which the explosion occurred, where the damage was observed.
And he further explained that he had gone to the floor (15)
immediately above where he slept to relieve himself and he
had been found in a toilet there by a member of the police.
He later pointed out the toilet in which he was allegedly
found and he pointed out the third toilet from - as
approached from the stairway. He explained that he had (20)
gone up to the toilet at approximately 12.30 according to
his judgment and that he had been there a short while before
he was found by the police and that he had heard no noise
which would sound like an explosion. (25)

Do you know where the witness, Victor Mkize, sleeps? ----
No, I don't. (25)

You say this room which he pointed out was on the same
floor as the complainant's??.... He did not point out the
room to me, he explained the room in which he slept was
on the same floor as that of the Induna, Willard Mtembu (30)
He did not point the room out to me. At the time I saw the
accused he was fully dressed. If I remember correctly he
wore a checked shirt, faded khaki trousers, black shoes and
whitish socks and his left arm, I

think/.....

...his left arm was in plaster of paris.
...did you say he was sober or not? ---- He appeared sober
to me, I did not smell any liquor on him.

NO FURTHER QUESTIONS BY THE PROSECUTOR:

CROSS-EXAMINATION RESERVED:

BY THE COURT: Do you know who Victor Mkize is. If you look
at the back of the Court, there is a small man sitting down
with the Khaki jacket on and a red tie? ---- Yes, I see
Victor Mkize, I did speak to Victor Mkize at a later stage.
You don't know which was his bedroom? ---- No. (10)

THE CASE IS REMANDED TO 19/3/63.

COURT RESUMES ON 19/3/63: MR SINGH ADDRESSES THE COURT

BY MR. SINGH: May it please your Worship, as indicated
at the commencement of the trial, my instructions from
accused Nos. 1 and 2 is to reserve defence again today and (15)
also to reserve cross-examination of witnesses should your
Worship commit the accused for trial. I shall stay in Court.

ERICK JACK PARKER: Sworn, states. (20)

EXAMINED BY THE PROSECUTOR:

Carry on please? ---- I am a detective sergeant and draughts-
man in the South African Police, stationed in Durban on the
19th February I went to the quarters of the McCord Hospital,
Durban, where, as directed by Detective Sergeant Dyssel, (25 25)
I took measurements and prepared the plan I produce, drawn
to scale.

You hand that in, it will be exhibit "B"---- Exhibit "B"
Did you draw a key? ---- No, I am unaware of any other (30)
than as instructed by Detective Sergeant Dyssel. He would
provide..... (the prosecutor intervenes). Does the plan
itself indicate the rooms and the - it is self-explanatory?
Yes.

...was found damaged? ---- There is only one NO/.....

QUESTIONS BY THE PROSECUTOR:

EXAMINATION RESERVED:

JACOBUS JOHANNES DYSEL: Sworn, states.

EXAMINED BY PROSECUTOR:

Carry on please. --- Dective Sergeant in the South African (5
Police.

Where are you stationed? --- Stationed at Durban.

On the 18th of January this year at about 2 a.m. did you
proceed to the McCords Hospital in Durban? --- I did. (10

Will you carry on please, what happened after you arrived
there? --- At the men's hostel of the hospital I found
certain damage to a room occupied by the Induna.

Is that the witness Willard Mtembu? --- Willard Mtembu,
yes. I found certain holes freshly made in the ceiling, (15
which consists of a 'rhino' board celing and on the wall.

And against the fram of the door and another door opposite
the particular door to the Induna's room, there was also
damage to that door and to the ceiling in that particular (20
passage between the two rooms. On the 19th of January, (20

1963. I arrested accused No. 2, warned him according to Judges'
Rules and he said that he can only give his name and address,
and if we wish to charge him we must do so. On the 19th of (25
February, 1963. I pointed out certain spots to the last
witness, Sergeant Parker, and he prepared a plan accordingly. (25

It is Exhibit "B"

Did you - can you say how high the window of the complainant,
Willard's room is from the floor? ---There is only one
window to that particular room and that is opposite the door,
on the wall opposite the side of the door, it is (30
approximately fifteen to eighteen feet from the ground
surface and it is a straight wall up to the window. --- Yes.

And is the only other entrance to this room the door which
was found damaged? --- There is only one door with a fan

light/....

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at above the door.

The plan itself, "Exhibit B", that indicates the ground floor; is that correct? --- That is the ground floor. There is also a basement, there are steps indicating down to the basement. It is also occupied by the employees, and then (5 there is a first storey, steps indicating going up to the first floor.

And is the first similar to the ground floor? --- It is fairly similar except for the recreation room in the far end. (10 The room in which accused No. 1 is alleged to have slept that night, on which floor is that? --- That is on the ground floor.

Is that the same floor as the room of the complainant, Willard? --- The ground floor is the room of Willard Mtembu (15 it is situated on the ground floor as marked on the plan, "Willard Mtembu".

But the room where accused No. 1 is alleged to have slept in, is that on the same floor? --- The room occupied by his brother, John, is on the ground floor and it is the (20 second one marked "Room", along the passage.

When you arrived at the scene was Lieutenant Steenkamp already there in charge of the investigations? --- Yes, he was there. (25

NO FURTHER QUESTIONS BY THE PROSECUTOR;

CROSS-EXAMINATION RESERVED;

TIMOTHY DOOSI JOHN: Sworn, states.

EXAMINED BY THE PROSECUTOR:

Are you an Induna constable in the South African Police, (30 stationed at Overport? --- Yes.

On the 18th of January, this year, about 1.a.m. were you patrolling the streets in the Overport ~~area~~ area? --- Yes.

In which street were you travelling in? --- I was at

The/.....

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corner of Barkett and Sparks Roads.

Did anything happen while you were there? --- My section sergeant instructed me to accompany him to the McCords Hospital.

But before you got the instructions, did you hear anything (5

--- Yes, earlier on, about half an hour earlier, at half past twelve I heard a loud explosion.

And where were you at the time you heard the explosion?

--- I was about a mile from there - a mile away from there (10

From where: --- From Overport police station.

And how far was that from the hospital? --- From the Hospital it would be at least a mile.

And did you go to the police station after you heard the explosion? --- Well, I had to continue my beat and walk (15 past the police station.

And did you then accompany your sergeant to the hospital?

--- Yes, to the Bantu men's quarters.

And at the hospital were you given instructions to search the rooms for any people who were possibly in the rooms? (20

--- Yes.

And did you go up to the first floor? --- Yes, first floor.

Did you find anyone there? --- Well on searching the rooms I found accused No. 1 in one of the toilets on the first (25 floor.

And did you arrest him there? --- I enquired first what he was doing there, he told me that he was urinating. (25

And then did you take him down to the ground floor? ---

I observed that his fly buttons were not undone, they (30 were buttoned and I then asked him to accompany me downstairs and handed him over to another policeman.

Was that sergeant Thomas? --- That was one of our police (30 from our station.

When/.....

E 5 5 0

... you found him in the toilet, where exactly was he? ---
... was standing on the pan and he appeared to be looking out ~~the~~
through the window which overlooks the pathway to the
entrance.

Is that all he was doing, just standing there, looking out (5
of the window? --- He was standing there and he appeared
to be looking in the direction of the window.

This explosion you heard, was it loud or not? --- It was
very loud.

Did you hear it clearly from where you were? --- Yes (10

Did you hear from which direction it came? --- From where
I was standing it appeared to come from the direction of my
police station, Overport or McCords, which is in the same
direction.

From where you were standing, is McCords Hospital and the (15
police station in the same direction? --- Yes.

How was accused No. 1. dressed when you found him? --- He
had a shirt, a pair of trousers and shoes, but no coat.
No. jacket? --- No.

NO FURTHER QUESTIONS BY THE PROSECUTOR:

CROSS-EXAMINATION RESERVED:

(20

THE CASE IS REMANDED TO 29/3/63:

COURT ADJOURNS:

COURT RESUMES ON 29/3/63

IN TERMS OF SECTION 70(b) OF THE

CRIMINAL PROCEDURE ACT, 56 OF 1955, THE PROSECUTOR ASK THAT (25

THE EVIDENCE OF THE NEXT THREE WITNESSES BE HELD IN CAMERA:

APPLICATION GRANTED AND THE COURT CLEARED: MR SINGH PLACES

ON RECORD AGAIN THAT CROSS-EXAMINATION WILL BE RESERVED:

NICOLAAS JOHANNES GROBLER: Sworn, states.

EXAMINED BY THE PROSECUTOR:

(30

Yes. --- I am detective sergeant in the South African Police,
stationed at Durban. On the morning of the 18th of January,
1963 and as a result of a report that I received at 1.20.a.m.,
I proceeded to the McCords Zulu Hospital. I arrived

at/.....

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I was standing on the porch of the
the McCord Zulu Hospital men's residence at 1.40 a.m.
There I interviewed Willard Mtembu, the Induna, who made
certain reports to me. As a result of the report I received
from him, I examined the room and surroundings. In a
waste-paper basket on the inside of the door I found a length
of piping.
Which is now produced, Exhibit 1? --- Exhibit 1.
Yes. --- Measuring approximately 7 1/2 inches by 3/4" in
diameter. It is actually what is referred to as half-inch
piping. Both ends of the pipe was flattened, the centre
portion was still intact.
The pipe appears to be split. --- It is split, yes.
On the floor in the bedroom I found three metal louvres as
well as hard-board, measuring approximately 2' 6" x 2'. I
also found pieces of galvanized piping about the floor in
the room five pieces.
Now before Court, Exhibit 2. There are actually six little
pieces. --- Five pieces.
Oh, there were five in the room? --- Five in the room.
BY THE COURT: What did you call it, five pieces of? ---
Which could be portion of the pipe, Exhibit 1, that I have
already referred to. Five pieces of galvanized iron.
Five pieces of metal with apparently a thread on them? ---
Yes.
BY THE PROSECUTOR: Yes. --- In the entrance to themen's
residence I found two stoppers.
Exhibit 3. --- And also a piece of piping.
Exhibit 4. --- That is so.
BY THE COURT: Silver piece of metal, similar to Exhibit 2,
is Exhibit 4.
BY THE PROSECUTOR: Did you smell these? --- There was
a smell of gun-powder present.
Was it on the metal itself or just generally in the place?
--- Generally and especially the pipe, Exhibit 1. In the
ceiling of the bedroom I found two holes close to the door

the McCord Zulu Hospital men's residence at 1.40 a.m.
There I interviewed Willard Mtembu, the Induna, who made
certain reports to me. As a result of the report I received
from him, I examined the room and surroundings. In a
waste-paper basket on the inside of the door I found a length
of piping.
Which is now produced, Exhibit 1? --- Exhibit 1. 65
Yes. --- Measuring approximately 7 1/2 inches by 3/4" in
diameter. It is actually what is referred to as half-inch
piping. Both ends of the pipe was flattened, the centre
portion was still intact. (10
The pipe appears to be split. --- It is split, yes.
On the floor in the bedroom I found three metal louvres as
well as hard-board, measuring approximately 2' 6" x 2'. I
also found pieces of galvanized piping about the floor in
the room five pieces. (15
Now before Court, Exhibit 2. There are actually six little
pieces. --- Five pieces. the steel louvres of the fan light
Oh, there were five in the room? --- Five in the room.
BY THE COURT: What did you call it, five pieces of? ---
Which could be portion of the pipe, Exhibit 1, that I have
already referred to. Five pieces of galvanized iron. (20
Five pieces of metal with apparently a thread on them? ---
Yes.
BY THE PROSECUTOR: Yes. --- In the entrance to themen's
residence I found two stoppers. (25
Exhibit 3. --- And also a piece of piping.
Exhibit 4. --- That is so.
BY THE COURT: Silver piece of metal, similar to Exhibit 2,
is Exhibit 4.
BY THE PROSECUTOR: Did you smell these? --- There was (30
a smell of gun-powder present.
Was it on the metal itself or just generally in the place?
--- Generally and especially the pipe, Exhibit 1. In the
ceiling of the bedroom I found two holes close to the door
as/...

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also a depression as though something had bounced against
 the concrete roof back on to the ceiling. There were two
 further marks visible against the ceiling. Against the far
 wall, that is opposite the door, were five marks which were
 probably caused by the louvre windows - the louvres I mean.
 In the passage direct in front of the bedroom were eleven
 marks and three holes through the ceiling. The door frame
 above the bedroom door was badly dented. The door frame
 of the door and that of the fan light is also of steel.
 The door itself is of wood. The door across the passage,
 that is the door leading into another bedroom, had a little (10
 hole in it and the door frame, also a steel frame, was dented.
 It was evident that the explosive was placed on the cross
 beam of the bedroom door of the Induna, Willard Mtembu.
 Why do you say that? ---- I conclude that by the extent (15
 of the damage at that particular point. The hard-board
 prevented Exhibit 1 from falling through into the bedroom.
 The hard-board was against the steel louvres of the fan light
 on the inside. On the floor in the bedroom, twelve inches
 from the right hand bottom leg of the bed, was a hole in the
 cement, measuring approximately half an inch in diameter and (20
 about a quarter of an inch deep.
 This hard-board, when you found it, it had been blasted off
 the part where it had been? ---- I have already said it was
 lying on the floor with the three steel louvres. (25
 It was no longer attached to the door? ---- No.
 These exhibits you found, you have handed them in, did you
 hand them over to Lieutenant Steenkamp? ---- I did.
 And were photographs taken? ---- Photographs were taken
 shortly afterwards that same night, in my presence. The (30
 Photographs show the damage to the door of the bedroom.
BY THE COURT: That is Exhibit "A" the witness is referring
 to. Would that be a true reflection of what you actually
 saw that night? ---- That is so.

BY THE/.....

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N.J. Grobler/...

THE PROSECUTOR: Will you just have a look at the photo, Exhibit "A", there appears to be a mark - a black mark at the top of the door, that is in the passage against the wall and just above the door, the wall was stained and it appeared to have been caused by smoke fumes. (5

Did it appear to be a fresh mark? ---- It was a fresh

On one of the louveres still remaining, as also shown in the photograph, was a deposit of a certain substance, I cannot say what that was. (10

What colour was this deposit? ---- It was a whitish colour. (10

Is that the white mark which appears on the photo? ---- Yes. (10

NO FURTHER QUESTIONS BY THE PROSECUTOR: (15

CROSS-EXAMINATION RESERVED: (15

FRANCOIS MICHIEL ALEXANDER STEENKAMP: b.v. (15

ONDERVRAGING DEUR DIE AANKLAER:

Ja. ---- Ek is ' Luitenant in die Suid-Afrikaanse Polisie gestasioneer te Durban. (20

AT THIS STAGE MR. SINGH INFORMS THE COURT HE CANNOT FOLLOW

THE EVIDENCE IN AFRIKAANS: THE COURT ADJOURNS TO ENABLE (20

PROSECUTOR TO MAKE A FURTHER INTERPRETER AVAILBLE. INTERPRETER

L. BADENHORST INTERPRETS FOR THE TWO ACCUSED WHILST MR. G.P.

BADENHORST INTERPRETS FOR MR SINGH: (25

GETUIE STEENKAMP IS NOG ONDER VORIGE EBD:

DEUR DIE AANKLAER : Ja ---- Om ongeveer 2.5.v.m. die oggend van die 18de Januarie, het ek by die Bantoe-Kwartiere van die McCord Zulu Hospitaal te Durban aagekom en daar vir Speurder sersant Grobler en ander aangetref. Hy het'n rapport aan my gemaak en Bewysstukke 1 to 4 aan my getton. Ek het besit geneem van die bewynsstukke en dit in polisiebewaring gehou. Op

die/.....

Exhibit/.....

Op die 21ste Februarie het ek Bewysstukke 1 to 4 corhandig aan
 mnr. van der Merve van die Buro van Standards te Pretoria.
 op die 27ste Maart het ek weer van mnr. van der Merve die
 bewysstukke ontvang enek het toe ook 'n beëdigde verklaring
 vanmnr van der Merve ontvang wat ek nou voorlees en inhandig
 Bewysstuk "C" ----(GETUIE LEES BEWYSSTUK "C" UIT AAN DIE HOF)
 Dit is geteken J.H. van der Merve en beëdig op die 27ste
 Maart 1963. Ek het ook 'n beëdigde verklaring ontvang van
 mnr Daniel Stephanus de Kock, wat ek nou inhandig en voorlees
 Dit is Bewysstuk "D" ---- (GETUIE LEES BEWYSSTUK "D" UIT (10
 AAN DIE HOF). Dit is geten D.S. de Kock en beëdig voor 'n
 Kommissaris van Ede op die 27ste Maart 1963 te Pretoria.

GEEN VERDERE VRAE DEUR DIE AANKLAER:

KRUIS-ONDERVRAGING VOORREHOU:

(15)

HERMAN VAN DIJK: Sworn, states.

EXAMINED BY THE PROSECUTOR: What are your qualifications? ----

I am inspector of explosives in the office of the Chief
 Inspector of Explosives, New Government Buildings, Johannesburg
 I have a degree in chemistry or the University of Leydon, (20
 The Netherlands, which on my appointment as inspector, the
 Public Service Commission has recognized as being the
 equivalent of the South African B.Sc. degree.

And have you had any experience in examining - or inspecting (25
 these cases where explosions have taken place? ----Yes, I have
 done several cases in which explosives have been used for
 sabotage purposes and of course for other purposes.

On the 21st of February, this year, were you present when
 Lieutenant Steenkamp, the last witness, handed over certain (30
 exhibits to Mr. van der Merve? ---- I was, yes.

Can you continue from there? ---- Well I also have seen
 the affidavits which were handed in by the previous witness

Exhibits/.....

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H. van Dijk/....

Exhibits "C" and "D" = Will you explain in the layman's language what that means? ---- In a case if an explosion has taken place, the products which possible still can be found they will not be quite the same as they originally were, that is the whole idea of an explosion of course, in other words one has to make certain deductions from the analysis and the results of the analysis found from it, taken together with any other things. I have seen the Exhibits, pipe, at the South African Bureau of Standards.

Exhibits 1 to 2? ---- That is correct. Which indicated that (10) an explosion did take place.

Now carry on? ---- In the case of Exhibit "D", the Statement by Daniel Stephanus de Kock, in Section 3 he states that he analysed it spectrographically and that he got strong indications of the presence of potassium, 'Kalium' and (15) manganese 'mangaan'. That indicates the presence of potassium permanganate. Potassium permanganate is a strong oxidizing agent and it has been used in the making of home-made bombs. In the other statement by Johannes Hermus van der Merve, Exhibit "C" he states that he found Chlorides positively, (20) which would indicate - large amount of chlorides and traces of sulphate and nitrate. The chlorides could have been formed after say an explosion in which chlorates were involved. Reduction takes place in those reactions and chlorides are left behind. Now chlorate is very strong oxidizing agent. It has been declared an explosive on (25) its own by the State President or the Governor-General at the time rather. It is used very much, I would say, provided people can get hold of it, in homemade bombs, even homemade fireworks and all that sort of stuff. It reacts very strongly. Nitrates, there were only traces there. Nitrates of course (30) are also commonly known oxidizing agents and they are used in productions of things like gun-powder, brake-powder. Sulphates come of different sources. It could

be/-----

from sulphur, which is used in explosives mixtures. It can also be, say from sulphuric acid. But again there were only traces. I would like to go a little bit on with this. Home-made explosives are generally physical mixtures of an oxidizing agent with combustible matter, which might be carbonaceous, it may be just carbon powder, it may be sugar (5 or other materials such as finely divided metals or sulphur - sulphates. On the 21st of February, ~~1941~~ also, I did some tests, using a mixture of potassium chloride, potassium permanganate and sugar, which was placed in a metal container and ignited with ignited cord. In those cases explosions took place and (10 quite forceful explosions, I must say. You could also - chuch a mixture can also be lighted by dropping on a few drops of sulphuric acid. I wouldn't do it at the time because it is a bit dangerous way to so these things, and you have to prepare them a bit, that you know more or less your timing (15 element. But I have done it in the open and the same mixture that I ignited with this ignited cord. I could also ignite very easily by just dropping one or two drops of sulphuric acid on top of it.

This experiment that you carried out, did you find any deposits or anything like that? ---- I beg yours? (20

This experiment that you carried out, were any deposits or anything like that left? ---- No, there is very little left, perhaps if you start scraping again and boiling up you will find slight deposits, but most of it of course takes place (25 in erection and disappears completely, you don't find it back again. And the scraping that remained are they similar to those found... (Witness intervenes) ? ---- I don't know --- by van der Merve? ---- I am not acquainted with that, these (30 metal pieces, as far as I can remember, are still with the South African Bureau of Standards.

Can you or do you know how these type of home-made bombs with the pipes work, can you explain that to the Court.

Please/....

--- I can make them. As I said I made one, it
 quite a ~~small~~ similar piece of metal but it was a
 larger bore, but even so it is more or less the same system.
 what I did there, I had short piece of piping and plugged
 it both sides, it was plugged closed and let my igniting
 cord, it was only a thin wire really, through a small hole (5
 in there, but as I said you can also set them off by sulphuric
 acid and if you place your sulphuric acid in some material
 say that will dissolve slowly, you can so get a timing element.
 So if for instance this pipe placed with explosives inside (10
 and then the two stoppers, with you say sulphuric acid? --- ~~say~~
 Sulphuric acid.

Would it take some time before it would ignite and explode?
 --- Once the sulphuric acid gets it, it starts immediately
 and will explode immediately. (15

Are they made that the sulphuric acid takes some time to....
 (witness intervenes)? --- It depends how you do it, there
 are several methods that you can use. I have, in my ex-
 perience seen now several methods already used to delay
 liquid from coming into solid material which had to be
 ignited. (20

Would some other substance then be placed between the sulphuric
 acid and the explosive for the sulphuric acid to eat through
 it? --- You could for instance place, say sulphuric acid in
 a small capsule, which will dissolve after five/ten minutes,
 fifteen minutes, twenty minutes, anything like that. (25

That is what I am getting at. You separate (the witness
 intervenes)? --- You separate the sulphuric acid for instance
 from that.

And by the time the explosion occurs, would the person who
 placed it there, he could be some distance away? --- He (30
 could be very well away I suppose.

NO. FURTHER QUESTIONS BY THE PROSECUTOR:

CROSS-EXAMINATION RESERVED:A

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MR. SINGH APPLIES FOR THE DISCHARGE OF BOTH ACCUSED:

THE PROSECUTOR APPLIES FOR THE COMMITMENT OF THE TWO ACCUSED BY THE COURT: It seems to me position to the application

is whether there is on record, at present, sufficient evidence on which the Attorney-General would commit either one or both of the accused for trial. It is true that there is a (5) great deal of suspicion. The State would naturally, if the accused went on trial, base their case on circumstantial evidence. I have read through the record this morning and I am aware of the evidence given. One must consider not just the one witness' evidence, but one must consider the over-all evidence as a whole. I have come to the conclusion after listening to both Mr. Singh and the prosecutor and going through the record myself, that there is evidence on which the Attorney-General might possibly commit the accused for trial and accordingly the application is refused. (15)

COURT WARNS BOTH ACCUSED THAT THEY ARE IN THE PRESENCE OF A MAGISTRATE AND THE COURT INFORMS THEM THAT THE PROSECUTOR WILL READ THE CHARGE TO THEM. THE COURT WARNS THEM THEY NEED NOT REPLY TO THE CHARGE AT THIS STAGE BUT IN THE EVENT OF (20) THEM SO DOING, IT WILL BE TAKEN DOWN AND MAY BE USED IN EVIDENCE AGAINST THEM: THE PROSECUTOR READS THE CHARGE TO BOTH ACCUSED:

BY MR. SINGH: They are reserving their defence.

BOTH ACCUSED ACCEPT SHORT SERVICE: (25)

BY THE COURT: The accused are both committed for trial as charged by the prosecutor.

ELECTION TO BE MADE AT A LATER STAGE: THE DEFENCE WILL NOTIFY THE COURT IN WRITING:

BY THE COURT: A copy of the proceeding will be sent to the Attorney-General whose decision will be advised to them in due course.

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