

Who had you spoken to of those persons whose names you had given - do you remember? --- I have spoken to Douglas Mtalana, accused No. 1 sir. He is a neighbour of mine. We reside in one street.

Have you spoken to accused No. 2? --- I have, yes.

Often? --- When I used to go to him then I used to converse - exchange words.

Accused No. 2 will say he does not know you. --- How can he say a thing like that? He can't say a thing like that sir! He worked under me; we resided in the same location. I would be very disappointed in fact if he said he didn't know me!

BY THE COURT: What do you mean when you say he worked under you? --- Well sir he was .. I was the Chief Steward and he ..

You are referring to the meetings and your business as the Chief Steward? --- Yes sir, he worked under me in so far as the organisation is concerned.

Not in private life? --- Yes sir, only in so far as the organisation is concerned. He was a Cell Steward whilst I was a Chief Steward.

BY MR. BRIGGS: No. 1, that is Douglas, will say that he never knew you up 'till the time he was arrested. --- That would surprise me immensely sir. After all we stay in the same street. I reside in Block 4 E.1, while he resides in Block 4 I.4 - that would surprise me very much!

What would you say ... what did you say Douglas's address was? --- Block 4 I.4.

Tell me is this the first time you give evidence in Court or have you given evidence in Court before? --- I have given evidence before.

Have you given evidence in these Courts here before? --- Yes.

How many times have you given evidence? --- I think it is more than five times.

Have/.....

Have you ever been arrested for attending these meetings? --- Yes, I too was arrested.

And were you charged? --- Yes. What I mean by that sir is that I appeared before a Magistrate and my charge was withdrawn.

How many times have you appeared before a Magistrate - that is as an accused? --- Once.

Where are you now? Where do you live now? --- At New Brighton.

Are you working now? --- Yes, I am employed.

Who do you work for? --- Begging the Court's pardon, that will be somewhat difficult for me to explain.

Are you getting a wage? --- Yes, I do.

Do you expect to be able to continue working? --- Yes, I expect to return to work.

I assume that before you were here as an accused, charged, you were arrested and you made a statement? --- Yes.

And what did you say in that statement? --- I said in that statement that which I have said today in Court.

So you told all this that you have told the Court, all this you told in a statement which you gave to the police, is that correct? --- Yes.

Now, were any promises made to you before you made that statement? --- No.

Did anybody say to you if you make a statement it will be better for you .. or words to that effect? --- Nobody has ever uttered words to that effect to me.

Or if you make a statement no charge will be made against you? --- Nothing like that was said to me.

No promises at all were made to you? --- No, not at all.

And then were you released after that? After the charge was withdrawn against you in Court? --- Yes, after the Magistrate had told me that the charge against me was withdrawn I was allowed to go home.

And/.....

And then after that you gave evidence in various trials? --- I have given evidence, yes.

Now did anyone come along and ask you to come and give evidence? --- I have been fetched and told: "You are required to give evidence."

Is this the evidence you have given? --- Yes.

The same evidence? --- No, not the same evidence.

Now when you made your statement originally, at the time of your arrest, why did you make this statement?

--- After I was arrested I was confronted by the police with something which I had considered to be a secret namely that I was a member of the African National Congress and more so that I was a member of the "Umkonto We Sizwe", "Spear of the Nation". Something which was to be held in secret. Upon having been confronted with these facts I decided it would serve no purpose my hiding it any longer, so I made a statement.

Did someone say to you: "You are a member of the A.N.C."? --- That is what the police said, yes.

Did they say anything else? --- Well after I was confronted with this statement sir, with these facts, I made a statement. I made a clean breast of everything.

Was that the only fact you were confronted with, namely the statement made by a policeman: "You are a member of the A.N.C."? --- No sir, that is all that the police said, but when they mentioned that I was a member of the "Umkonto We Sizwe", an organisation which was very, very secretive I realised these people know something about me, I would make a complete statement.

Did you realise that this was a serious offence, attending these meetings? --- I realised that, yes.

Did you think then it would be much better if you told the police everything? --- I merely decided sir it would be better if the truth were known, hence my making my statement.

Known/.....

Known to? --- Well by the police sir. Here they are confronting me with what I have just described!

Why did you decide that it would be better if the police knew the truth? --- Well I decided sir that this is known, I might as well make a statement and explain.

I want to know why you had decided that? --- I have already said: because it was known by the police that I was a member.

Isn't it true that you believed that a charge would be withdrawn against you, or that you would .. that it would be better for you if you told this whole story? --- The reason for my having made this statement sir was not that at all. I didn't know that I would be .. that the charge against me would be withdrawn, or that it would be better for me.

Have you ever given evidence in a trial in which accused No. 1 was one of the accused? --- I am giving evidence against him here today for the first time sir.

Have you ever given evidence in a trial in which accused No. 1, that is Douglas, was one of the accused? ---  
--- No.

I just want you to think about that very carefully. I am not asking whether you had given evidence against him before, I am asking whether you have stood in the witness-box, as you are now, giving evidence in a trial and one of the accused over here was No. 1? --- I see them for the first time in Court today.

Have you ever given evidence against a person called Willem? --- Yes, I have.

Where did you give evidence against him, can you remember in which Court? --- If I am not mistaken it was here in Humansdorp.

Wasn't Douglas, No. 1 accused also in that trial?  
--- He wasn't in Court when I gave evidence against Willem  
sir.

Isn't it true that that is the first time you saw  
accused No. 1/....

accused No. 1, namely at that trial in which Willem was the co-accused? --- I don't recall having seen him in Court.

And that you gave evidence implicating Willem? --- I gave evidence against Willem, yes.

But not implicating Douglas? --- I didn't see him.

Have you ever spoken to accused No. 1 .. that is before either of you had been arrested? --- Yes, I had.

Have you ever spoken to accused No. 2? --- Yes, I have. In the location that is.

You remember distributing these pamphlets you have identified here? --- Yes.

Did you make many distributions of this nature? --- Yes there were many distributions.

At different times? --- Yes.

What was your method of distributing these? What would you do with these pamphlets before distributing them? --- What we did sir - after we had received these pamphlets at a meeting, for distribution, we take these and go off into the various streets, placing them under doors or if the gate was closed we would put it outside the gate and place a stone on it so that the wind would not blow it away, and if the yards were very big you would throw some of the pamphlets into the yard and the person would pick it up the next morning.

Were those pamphlets similar to these ones? --- Yes, they were printed forms such as these sir, but the paper was white.

Does the printing look the same as on those other ones that you had distributed other times? --- The two, yes. That is besides the "Umkonto We Sizwe" one. The others, the print was similar.

And the pieces of paper, were they the same? Were they the same size? --- Well they do differ in size.

Were the others smaller or bigger? --- Some were smaller, some were bigger.

I am/.....

I am not however referring to the pamphlet referring to "Umkonto We Sizwe", that is one apart from the others.

Now, what were these other pamphlets about, can you remember? --- No sir, I am afraid I can't remember. The ones I do recall though are the ones before Court.

Why do you remember those? --- Well sir you can't forget these. They are very .. they hold you. They contain things which you cannot forget.

You can't remember the contents of any of the other pamphlets? --- No sir, I don't. All I can say though is they were A.N.C. pamphlets.

When did you make these distributions? --- During 1961.

Was it only during 1961? --- In 1962 as well. And also in 1963.

Now tell me, can you remember any details of the house of accused No. 1? --- I remember the house, yes.

Can you remember how many rooms it had? --- Two. The "voorhuis" or the front room and then the bedroom.

What about the house of accused No. 2? --- All the houses there sir are similar. That is the houses in the White Location.

Are they all two-roomed houses? --- They are known as two-roomed, yes.

Was accused No. 2's also a two-roomed house? --- Yes. That of course is besides the kitchens. Usually the kitchen is occupied by the children. You know, by the family.

Yes well now how many rooms do you get? --- Well sir that depends. The kitchen for argument sake could be screened. You could make two rooms out of it.

Well now let us just talk about the rooms with brick walls. --- Two, including the kitchen. I beg your pardon, that is the front room sir and then the bedroom. Two rooms.

And is it that sometimes the kitchen was made by screening off part of one of those two rooms? --- No well

the/.....

the kitchen itself sir is separate, it is in the yard, not in the two rooms that I have described.

All these houses were two-roomed? --- Yes sir, two rooms, but I may explain in one of these rooms provision is made for a place where you can place a stove to do your cooking on. Some of the houses of course do not have stoves, then you do your cooking outside.

Were none of these houses three-roomed houses, that is three rooms with brick walls? --- Well the one that is occupied by Douglas sir I would say has three because there is this one place where you can do your cooking inside. And the one in respect of accused No. 2 consists of two rooms only.

So now Douglas's house has three rooms? --- The third one being this place in which you do the cooking, yes.

Now, when you concluded your meetings each Monday evening what arrangements did you make for the next meeting; for the place of holding the next meeting? --- I would make an announcement just prior to closing the meeting that the next meeting will be held at the residence of ... whoever it might be.

Now if you were going to say that this was going to be held at No. 1's house, what would you say? --- I would tell them, I would say: "Look, the next meeting will be held at the house of Douglas Mtalana." Well they know the system already because I had previously told them of the underground system.

What would the exact words be? --- I would merely announce sir that the next meeting to be held, which is normally on Mondays will be in the house of .. so and so. Please endeavour to be all present.

Would you say at the house of Mtalana? --- If it is Mtalana I would mention Mtalana's name. If it is my house I would say my house.

Now accused No. 1 will say that he does not have a house in New Brighton.

--- It/.....

--- It is possible that he will say so. He at that time resided with his mother.

He will say that .. --- But the house is in fact rented by him. He is the person who is the breadwinner.

He will say that the house was occupied by members of his family but not by himself. --- Yes sir, he might well say so. The house is actually rented by himself to members of his family namely his sister.

NO FURTHER QUESTIONS BY MR. BRIGGS.

RE-EXAMINATION BY THE STATE PROSECUTOR:

Now you say that on the previous occasion you gave evidence against a person named Willem? --- Yes.

Can you tell the Court whether that person Willem was a Chief, Cell Steward, or whether he was any officer or office-bearer of the African National Congress? --- He was the Group Leader of the Volunteers.

During that time when Willem appeared were you called upon to give evidence against Cell Stewards? --- No.

Can you tell the Court how many persons appeared with Willem on that occasion? --- There were a lot sir but I don't remember how many in number.

NO FURTHER QUESTIONS BY STATE PROSECUTOR.

BY THE COURT: The Court wants to put a few questions to you. The Court will start with the point just dealt with by the Prosecutor. Accused No. 1, was he ever known to you as a Volunteer? --- No sir, I knew him as a member of the A.N.C.

This man Zepe - Michael Zepe, what was he? --- Zepe sir was a Cell Steward.

Did he attend all these meetings regularly? --- Your Worship yes, he used to attend these meetings. If a person would absent himself, however, he would have to give an explanation why.

Now as far as you can remember was he present at those four important meetings described by you - those that you

can/.....



can remember? --- Yes, he was there sir.

What was your normal occupation - I would say before your arrest? --- I was employed at the Brook Bond Tea and Coffee Works sir.

As what? --- A machine operator.

You are not an ordinary labourer? --- No.

Do you have some education? --- Yes sir, I passed my Std. I.

Now it is clear that these meetings you are referring to, these weekly meetings, they were meetings of Cell Stewards? --- Yes, they were sir.

In other words, Group Leaders? --- No sir, that is something totally different.

In any case they were not the ordinary rank and file of the A.N.C.? --- The ones I am speaking of sir is actually the actual Cell Steward meeting, not the rank and file meetings.

Yes. So the ordinary member of the A.N.C. he did not attend your weekly meetings? --- No, they cannot attend sir.

It was the same small group that used to meet every Monday? --- That is correct.

And I take it that in the course of time you knew one another well? --- Yes sir.

And you knew where the members of the Cell stayed? --- Yes.

Now tell me, accused No. 1, you say he was renting the house where he stayed? --- He rented it, yes.

How do you know that? --- Well he ... it came about like this sir, on one occasion he approached me, that is accused No. 1, and he said that he wanted the meetings to be held in his house as well because he was the man who rented the place.

Was he a married man? --- No.

You say his relatives lived there? --- Yes sir. They stay/.....

stay in the main house, the relatives, and he occupies an outside room.

And the outside room, where was that situated?

--- This room sir we refer to as a kitchen. It is a structure made out of wood and iron, in the yard of the main building.

Where did you actually hold the meetings, was it in the kitchen or in the main house? --- In the main house.

Where would the relatives be when the meeting is held? --- They then would be in the room which he normally occupies. This kitchen that is.

What impression did you gain - was accused No. 1 in charge of that household or was he just an occupant?

--- I took it to be sir that he was the occupier in view of what he had previously told me.

And did he have a say in the house or did he merely stay there with his people? --- Well I would say that he had a say there sir because whenever we got there the main house was vacant of people and they were in this outside room.

So you took it that he had made arrangements? --- Yes.

I would like to know more about this - that the police approached you and told you that you are a member of the A.N.C. Why did you not just deny it? --- What startled me sir, and why I didn't deny it was this .. firstly when I was confronted with: "You are a member of the African National Congress". But when they said that I was a member of the "Umkonto We Sizwe" that startled me. I realised they know something about me and I decided to tell the truth.

But did you not expect the police to know about the existence of the "Umkonto We Sizwe"? --- I didn't know the police know about that organisation sir.

Was not not .. were those words not printed on the pamphlets? --- Yes sir they were printed on the pamphlets

but/.....

but I didn't know that an individual was known to be a member.

You realised that they would have known about the existence of the movement? --- That is correct sir.

Not that you were a member? --- I knew that the police know that the organisation existed but I didn't know that they knew who the members are.

Why then didn't you just deny it? --- Your Worship I was so taken aback when I was told: "You are a member of "Umkonto We Sizwe".

Do you know whether any of the others also disclosed their membership? Other members of the cell? --- No sir, I don't know whether the others had.

You have told us that you realised that this was a serious offence, to be a member of the A.N.C. and to carry on this underground work. --- Yes, I realised sir that I could be arrested for it.

And you were confronted by the police who accused you of being a member. --- Yes.

You realised that you were in for difficulty here? --- Yes. What startled me actually sir was the fact that they said I was a member of the organisation "Umkonto We Sizwe".

Having realised that, a reasonable man knows, a man with your intelligence - having realised now that the police now know about your activities and you are in for difficulty now - you decided to tell the police everything? --- Yes, I decided to make a clean sweep sir.

And by doing that what did you think, were you now making things more difficult for yourself, telling them every wrong you have done or did you perhaps think that the police may have mercy on you because you made a clean breast? --- No sir, I didn't think in terms of that at all, but I merely decided to tell the truth.

Did you take up a don't care attitude? Didn't you care/.....

care what happened to you? --- I just adopted the attitude:  
Let come what may.

You are telling and going to tell the truth? --- Yes.

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RE-CROSS-EXAMINED BY MR. BRIGGS:

Accused No. 1 will say that he did not occupy this house. That he used to sleep at St. George's Prep School with one of the servants there, who was his girlfriend.

--- Well all I can say is to repeat what I previously said: that he stayed at this house.

Have you no knowledge of that - of what I have just put to you? --- No, I have no knowledge about this girlfriend servant.

NO FURTHER QUESTIONS BY MR. BRIGGS.

BY THE PROSECUTOR: Your Worship, the defence has raised the point that accused No. 1 does not live at New Brighton Location and I intend to call evidence on that point your Worship. The witness who can testify on that is not available at the moment. I am waiting his arrival. I am awaiting news about him. I haven't heard anything from the police yet, from Port Elizabeth. I respectfully ask the Court for a short adjournment.

COURT ADJOURNED.

ON RESUMPTION:

BY THE PROSECUTOR: Your Worship, the witness I have informed the Court about is not available at the moment. In the meantime I call constable Soga.

EDWARD SOGA: Duly sworn, states:

EXAMINED BY THE STATE PROSECUTOR:

Are you a detective constable, South African Police at Port Elizabeth? --- That is correct.

Are you attached to the Security Branch of the Police Force? --- That is correct.

Did you arrest accused No. 1? --- I did.

When/.....

When? --- That was September, 1963.

Do you remember the date? --- I can't remember the date. It was in September, 1963.

During what time of the day did you arrest the accused? --- It was in the early hours, round about 3.00 a.m. when I arrested the accused.

Where did you arrest him? --- I arrested the accused at Block 4 I.4, New Brighton.

What was he doing when you arrived at his place - or at that place? --- The accused was sleeping on a bed.

Did you ask him where he lives on his arrest?--- I did.

When you asked him did he appear to be in his sound and sober senses? --- He was.

Did he tell you freely and voluntarily out of his own free will where he lives? --- He did.

What did he say? --- He informed us that he is staying at the address where we found him.

What is the address you mentioned? --- Block 4 I.4.

In which location? --- That is in the White Location, New Brighton.

NO FURTHER QUESTIONS BY STATE PROSECUTOR.

CROSS-EXAMINED BY MR. BRIGGS:

Were you the only person who arrested the accused? --- I was.

Wasn't there another policeman with you? --- Well there were other policeman who accompanied me to arrest the accused.

Now isn't it true that the other policeman arrested the accused and not yourself? --- That is incorrect.

Did you show the accused any photographs at any state? --- What kind of photographs.

Any photographs - you know what a photograph looks like? --- No, we didn't show him any photograph.

Did you show the accused any photographs of persons at any time? --- No.

NO FURTHER QUESTIONS BY MR. BRIGGS.     S T A T E/...

S T A T E C A S E.EVIDENCE FOR THE DEFENCE:

BY MR. BRIGGS: Your Worship, I open the case for accused No. 1 by calling accused No. 1.

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DOUGLAS MTALANA: Duly sworn, states:

EXAMINED BY MR. BRIGGS:

You are accused No. 1 in this case? --- Yes.

And you were arrested on the 4th September, 1963?

--- That is correct.

Where did you work up until that date? --- I was employed by Messrs. Oelofse's Fisheries.

At what address? --- 24, Rose Street, Port Elizabeth.

Now you have heard the evidence of the State witnesses? --- Yes.

To the following effect, namely - on the first count that you contributed subscriptions. --- I know nothing about that though.

To an organisation called the A.N.C. --- I deny this.

Did you contribute any subscriptions to this organisation? --- I did not. And nobody ever approached me for any money.

And you have heard the evidence on the other counts, which is that on three occasions you distributed pamphlets of the A.N.C.? --- I deny this sir. I saw nobody with any pamphlets.

The first occasion was in June, 1961. --- I know nothing about that. I distributed no pamphlets.

And in June, 1962. --- That is incorrect.

And in May, 1963. --- In April, 1963 we buried my mother and I did not take part in the distribution of any pamphlets in May.

There has also been evidence that you attended meetings of group of the African National Congress in September,

1960/.....

1960, do you know anything about that? --- No sir, I have never ever attended a meeting of any description, not even football meetings.

These meetings were in New Brighton. --- I don't even know where these people reside who have given evidence.

Have you attended any meetings anywhere else besides New Brighton? --- Not anywhere, of any description.

And the other meetings referred to were in 1961 and 1962. Do you know anything about those meetings? --- I didn't attend any meetings at all, I don't know anything about them.

Do you remember the first witness who have evidence about meetings, that is Samuel Zepe? Do you know him? --- I don't know him.

Have you ever been at any place with him together at the same time? --- No. I saw him for the first time here in this Court.

And the other person who gave evidence was Joxo. Have you seen him at any time? --- I saw him, Joxo, for the second time here. I saw him on a previous occasion in the court-room next door at a trial in which I was one of the accused.

What was he doing there? --- He was giving evidence against one of my co-accused. He did, however, not say anything at that trial about me. Today sir he points me out as having been connected with this organisation. I might mention the police did take photographs of us and maybe he was shown a photograph.

Have you ever seen this man Joxo before you were arrested? --- No, I don't know him. As I have said, I only saw him for the second time here today.

And accused No.2, do you know him? --- I don't know him.

There has been evidence that these meetings were held at your house.

Have/.....

Have you got any comment to make on that? --- I have. I have no house. I have never attended any meetings.

Where do you usually sleep at night? --- Sometimes at this house sir, in town, but the majority of times I sleep out of town. I was in the habit of sleeping with my girlfriend sir. On this occasion when I was arrested my girlfriend had gone on leave.

And were you sleeping at this house when the police arrested you? --- That is correct. And it was not the last witness who arrested me. The detectives came there actually looking for my brother.

Who is your brother? --- Julius Mtalana. I informed them that my brother was not there. That he was some distance away in the block 8 area. They asked me to accompany them to this address, and said that they would return me again. I took them to this address and we found my brother in fact at this address. I requested the police to take me back and they refused. I am sorry I am making a mistake, they said that they would release me some time. Then they took me to the New Law Courts. First of all we went to North House and from there to the New Law Courts. Then that evening I was again taken to North House. It was there that I saw constable or sergeant Soga and he showed me some photographs.

When you were not sleeping at ... you said you were sleeping in town? Now where was that? --- At St. George's School.

What reason had you to go there? --- Well I like to sleep with my girlfriend.

What was her position there? --- She was a waitress there.

How often did you go there? How often did you go and sleep there at St. George's School? --- Sometimes for a month. Sometimes for a matter of weeks. At times on Sunday mornings

I used/.....



I used to go down to the house. Then I would return to town again. Then at times I would go to the residence of my girlfriend, at odd intervals.

Who occupied this house in the location? --- First my mother and then my brother.

Did you at any stage occupy it? --- No, I have no house.

NO FURTHER QUESTIONS BY MR. BRIGGS.

CROSS-EXAMINATION BY THE STATE PROSECUTOR:

I put it to you that on numerous occasions you contributed subscriptions towards the funds of the African National Congress. --- Never ever sir.

I put it to you that in June, 1961 you distributed leaflets .. documents on behalf of the African National Congress.

I put it to you that in June, 1962 you distributed documents on behalf of the African National Congress. --- I did not.

And so did you in May, 1963. --- I did not.

And I further put it to you that in the house, in the room occupied by you you organised meetings. --- Never ever was there a meeting held.

Since when do you work, or rather did you work at Oelofse's Fisheries? --- 1957.

Have you got your reference-book to indicate that? --- Yes. You may even ring them up.

May I see it? --- The original reference-book was lost sir and this is a duplicate.

When you took up employment at Oelofse's Fisheries what address did you give them? --- I have them my mother's address.

Did they ask you .. did your employers ask you for your place of residence? --- They did.

And you gave them the address, Block 4 I.4, New Brighton? --- Yes.

Was/.....

Was that the truth? --- It was the truth. It was the truth, I gave them the address of this house.

Why? --- It was at home.

That is your place of residence - that is why you gave that address? --- It is not my house sir.

Did they ask you for your mother's address or your address? --- They asked where I stayed.

And then you told them Block 4 I.4? --- Yes.

You see in cross-examination it was put to the State witnesses that you never stayed at New Brighton. Now I am trying to find the truth! --- Well sir I have got no belongings in this house.

When did you give that address to your employers? --- 1957.

And in 1963 when you were arrested and the police asked you for your address? --- Yes.

What did you tell them? --- 4 I.4.

Why did you say that? --- Well that is home sir.

Whenever you were asked for your address you told that person who asked you for your address .. you told them it is Block 4 I.4? --- If i am asked in connection with what sir?

Your address? --- That is the only address I give, 4 I.4. I tell them that is actually home as such.

What is the name of this girlfriend of yours? --- Rhona.

Rhona who? --- Xupe.

When did you meet her? --- In 1960.

When in 1960? --- No, I cannot recall the month.

Can you tell the Court whether it was at the beginning or towards the middle or the end of 1960? --- I can't remember sir, I didn't memorise this. It is a long time ago.

Where did you sleep before you met this girlfriend? --- With other girlfriends.

With other girlfriends. You never slept at your mother's/.....

mother's house? --- On odd occasions, yes.

On odd occasions you slept at your mother's house?

--- Yes.

In cross-examination it was put to the State witnesses that you never slept at that house. And that is quite a different story from what you are telling the Court now.

BY MR. BRIGGS: In fact, your Worship, I think it was put that he did not live there - he did not occupy this house. I can't quite be specific about this.

PROSECUTOR: Your Worship, I am obliged to my learned friend for the admission.

PROSECUTOR PROCEEDS: Now this girlfriend of yours, what is her name again please? --- Rhona.

You met her during 1960? --- Yes.

Is she still your girlfriend? --- Yes.

So from 1960 you on occasions slept at her place?

--- Yes.

And she stayed at her place of employment? --- Yes.

Did you obtain permission from the owners of those premises to sleep there? --- No.

Why not? --- Well sir it is not a Bantu place there. You may not go and sleep there. You had to in fact really steal to go and sleep there.

So in fact you had no right to sleep there? --- No, I had no right to.

And I suggest to you that as a matter of fact you only slept there on rare occasions? --- I slept there for months on end. I would perhaps go home once or twice a week .. I beg your pardon, once a week sir. Then I would return to town again.

You never stayed away from her place for more than one week during this period 1960-1963? --- No.

Are you sure about that? --- Yes.

Are you positive about that? --- I am positive.

Now/.....

Now, on occasions she went on leave? --- Then I would go home of course.

And she went on leave for more than one week? --- She would sometimes go for three weeks sir and there were occasions when I used to go with her. When I used to accompany her.

So there were occasions when you slept at your mother's place because your girlfriend was away on leave? --- When she was on leave, yes.

And that was for more than one week? --- Yes well obviously she is not there.

Are you married? --- No.

Have you any children? --- And one cannot obtain a house unless you have got a wife.

The question is have you any children? --- No, I have no children.

Your mother died in 1963? --- Yes.

Now during the years 1961 up to 1963 when she died did she support any children? --- Yes, my brother used to give her money.

Did she support any children? Did she have children in her house? --- My mother had no other children .. little children, I am the last.

Who stayed with her in that house? --- My sisters.

How many sisters? --- ... and my sisters's children.

How many sisters? --- I have a lot of sisters.

How many sisters stayed with your mother? --- Jane ...

How many? --- (No reply).

It takes you some time to count your sisters! --- Six altogether.

Did all six stay with her? --- Yes. And of course their children also - my sisters's children.

I suppose you supported your mother? You and your brother? --- Yes.

How/.....

How did you support her, did you contribute money?

--- There were times when she came to my place of employment and collected moneys from me. Then there were times when I personally took the money on Fridays.

Had you contributed money for buying food .. for paying the rent of the house, and buying clothes for her?

--- No, merely for food.

Why did you contribute towards food only? --- I didn't want to give mother any money sir, but she went to my place of employment and my employer told me to give her some money.

You say you have her money? And that money was given to support her? --- Yes.

And she needed a house to stay in. That money was also used to pay the rent for that house? --- She didn't tell me so.

You knew it? --- She didn't say that she used this money for rent purposes.

Is it a three-roomed house? --- Yes.

And when you slept in that house on occasion which room did you occupy? --- My room burnt down long ago sir.

When you slept in that house which room did you occupy? --- Now I sleep in the dining-room.

Up to 1963 you slept ... during the years 1960-1961-1962-1963 in which room did you then sleep? --- In the outside room.

In the outside room? --- Yes, on the odd occasion that is.

Can you describe that outside room please? --- It is built of corrugated .. of zinc sir.

How many doors? --- One.

Was that door leading outside or into another room? --- No, not into another room.

Outside? --- Outside room.

And when did that room burn down? --- During May.

When/.....

When - which year? --- 1963.

Then you occupied the dining-room? --- Yes.

Did you share that outside room with anybody else?

--- With Rhona Xupe.

Your girlfriend? --- Yes.

Oh, I see! And did you share the dining-room with anybody? --- Well the night sir when this outside room burnt down I was with Rhona and after it had burnt down I moved into the dining-room with her that night.

Yes but since you occupied that room did you share that room with anybody else, besides that night? --- With no one.

You were the sole occupier of that dining-room you were using, when you stayed there? --- No, with Rhona, on the occasions when I used to sleep there.

What, the dining-room? Did Rhona sleep with you in the dining-room? --- Yes.

But you have just told the Court that she did not? --- Well sir I was in mourning at the time, after my mother's death.

So on occasions you and Rhona slept in that dining-room? --- Yes, we occupied the dining-room together sir, for a short time. Then we returned to town.

Can you read? --- A little.

Can you read Xhosa? --- Yes.

Have you ever heard of or read anything about the African National Congress? --- No, nothing.

Did anybody ever mention this organisation, the African National Congress, in your presence? --- Nobody has ever approached me and spoke about the African National Congress.

Did you ever hear any conversation in connection with the African National Congress during the year of 1960 until 1963 and your arrest? --- No sir, I hear this term here in Court only.

I Want/.....

I want to remind you Douglas that at the beginning of 1960 there was unrest in the location of New Brighton and Kwazakele in Port Elizabeth. Do you know anything about that? --- No sir, all I know is when there were soldiers in the location.

Do you know why the soldiers were brought to the locations? --- I don't.

According to your story there was no unrest at all - no trouble? --- When do you mean, when the soldiers were there?

I have mentioned the beginning of 1960. --- I know of no unrest.

And you will remember that towards the end of 1959, the beginning of 1960 there was an organised burning of reference-books taking place at Kwazakele and New Brighton locations? And I am not suggesting that you took part in that, I just want to remind you of those happenings. Do you remember? --- Yes, but I didn't burn my reference-book.

What caused those disturbances - who caused them? --- I don't know.

Did you not make any inquiries? --- No, I had no interest.

I want to remind you that it was known that the A.N.C. was responsible for that and that is why it was banned ... one of the reasons. --- I see.

Have you never heard that before? --- I know nothing about that.

Have you ever heard about the "Day of Mourning"? --- No. Have you ever heard of "Umkonto We Sizwe"? --- Never heard of it.

Have you ever heard of Nelson Mandela? --- Not at all.

Did nobody mention it to you ever? --- Never ever.

Have you ever heard of Vuysile Mini? --- No, I don't know that name sir.

Nobody/.....

Nobody mentioned it to you? --- No.

Have you ever heard anything about the Treason Trial?

--- What is that?

Never heard of that? --- No.

You don't know anything about politics? --- Not at all.

Have you ever heard of anything about a fight for freedom by a certain group of people? --- No.

Have you ever heard anything about a Defiance Campaign against certain laws? --- The only thing I ever heard sir, during the time when the soldiers were in the location, when we asked what he was arrested for he didn't know.

Have you ever heard anything about boycotts organised by a group of persons? Or certain persons? --- What is that?

Strikes, have you heard of that? --- Strikes pertaining to what?

You don't know anything about strikes; never heard that word before? --- But why strike?

I don't know - the question is whether you have heard anything about strikes? --- No.

Have you ever heard anything about a Stay away campaign? --- I have been to work.

Have you ever heard anything about the Freedom Charter? --- What does that refer to?

Never heard those words? --- No.

During 1963 when you were arrested a considerable number of other persons were arrested? --- Yes.

What for? --- I only heard why when we appeared in the courtroom next door.

Before your appearance in Court? --- I didn't hear what the reason was before that.

Have you ever heard the words: "Amandhla Ngawetu"?  
BY MR. BRIGGS: Your Worship, with respect, I object to this question in this form. The accused is not being charged with being a member of this organisation.

This/.....



This does not go to show whether he attended meetings or anything of that nature. For that reason I object to the question.

PROSECUTOR REPLIES: States reason for asking question; witness completely denies everything - Prosecutor wishes to test creditability.

OBJECTION OVERRULED.

PROSECUTOR PROCEEDS: Have you ever heard the words: "Amandhla Ngawetu"? --- I heard sergeant Bouwer using these words sir, in the Court next door.

Have you heard the word outside the Court? --- No.

Can you speak English? And understand English?

--- A little, yes.

You see Douglas, "Amandhla" is just an ordinary Xhosa word! --- That is Xhosa, yes.

And "Ngawetu", is that also a Xhosa word? --- That is also Xhosa yes, but I haven't heard it before.

Never? --- No. I heard it by the sergeant sir.

COURT ADJOURNED.

HEARING RESUMED:

ACCUSED NO. 1 STILL UNDER FORMER OATH:

CROSS-EXAMINATION BY THE STATE PROSECUTOR CONTINUED:

I put it to you that before your arrest you knew about the African National Congress and its activities.

--- I did not.

On the occasions when you went to sleep with your girlfriend Rhona at what time did you arrive at her place?

--- Straight after work I used to go to her.

But at what time did you arrive at her place?

--- Twenty to six, quarter to six.

At your place of employment did you wear an overall?

--- Yes, and also a khaki overcoat.

Did you go to your girlfriend's place dressed in an overall? --- No, I would take my overall off and leave this at my place of employment.

What/.....

What times did you leave her place .. your girlfriend's place? --- In the morning I used to leave her place to go to my employment at quarter to eight. On Fridays at about half past seven, because I used to commence employment on that day at a quarter to eight.

And how did you arrive at her place, by bus, by car ..? --- On foot.

You walked to her place? --- Yes.

NO FURTHER QUESTIONS BY STATE PROSECUTOR.

NO RE-EXAMINATION BY MR. BRIGGS:

BY THE COURT: You were arrested on the 4th September, 1963?

--- Yes.

Have you been in custody ever since? --- Yes.

You told the Court that the police took photo's of you? --- Yes, they did.

Of you individually or as a group - were you part of a group? --- In a group sir.

Who else was in the group? --- It was myself, my brother Julius Mtalana and another sir. And three others whom I don't know. I think there were five of us in this group.

Have you ever seen the photo of this group? --- That photograph sir was shown to me by constable Soga at North House.

When was that, on what occasion? --- Your Worship, I beg your pardon, I made an error. I was shown that photograph by constable Soga before I was actually photographed on the 4th.

What photograph was that? --- It was an album of photographs.

Whose photos did you see? --- It was of people sir. I don't know who these people were.

You did not recognise anybody? --- No, I didn't recognise any of them.

Did/.....

Did you recognise your own photo? --- No well sir my photograph had as yet not been taken.

Did you ask what your photo was being taken for?  
--- No sir, I didn't ask. We were taken rather hurriedly out of the cell and told: "Go and stand there, you will be photographed.

Did you have a reference-book by that time? --- Yes sir but it was at the Walmer police-station at the time.

Did you know where it was? --- Yes sir. You see this pass-book was taken from me when I was arrested, as well as my belt.

There is a photo in your reference-book? --- Yes sir. There is a photograph in my reference-book but the photograph I am speaking about sir is a different one. This photograph of this group.

Now tell me about your house. Did you ever pay the rent for the house? --- No. My brother actually is the man who pays the rent.

Julius? --- Yes.

Is he your elder brother? --- My elder brother.

Is he married? --- Yes.

Where does he stay? --- He stays at this given address sir. His wife has left him.

With your mother? --- During my mother's lifetime he did stay with her.

And after she passed away? --- He continued residing there and still does.

He is still there now? --- Yes.

Do you know in whose name the house is registered?  
--- First in my mother's name during her lifetime and now in my brother's name.

In Julius's name? --- Yes.

How could it be registered in Julius's name? You told the Court that it can't be registered in your name unless you were married.

--- Well/.....

--- Well he had a wife then sir.

He did not have a wife when the house was registered?

--- Well sir at the time when he registered it in his name he was still married and his wife only left him afterwards. She is now staying with her folks.

When did your mother die? --- April, 1963.

When did Julius's wife leave him? --- After the death of my mother.

But when? --- The wife of my brother left before the death of my mother and she was there when the funeral took place - she left again thereafter.

She was not staying at that house when your mother passed away? --- Yes.

You say Julius still registered the house in his name as if he were married? --- It would appear so sir.

Julius, has he any connection with the A.N.C.? --- I don't know. I don't actually associate with him as such.

Do you know whether your mother or any of your sisters had any connection with the A.N.C.? --- I never heard them speaking about it sir.

As far as you know they wouldn't have had any interest to allow meetings of the A.N.C. in the house? --- No sir, I have never seen a meeting being held there.

Tell me, this house 4 I.4, could it be described as a three-roomed house? --- Yes, sir it is a kitchen, a dining-room and a bedroom.

Now this place where you slept, how was that constructed? --- Wood and iron sir.

Was there a stove or a fireplace? --- Not in the room I occupied.

It was not a kitchen? --- No sir, not in this outside room. There was no kitchen. In the main house, of course, there was a kitchen there. (Interpreter: He describes the main house sir - as you enter from the back, first you enter the/.....

the kitchen and then the other two rooms. There is an interleading door.)

Tell me, did anybody share this outside room with you? --- I didn't share it with anybody.

You had it all to yourself? --- Yes sir, it was only a very small room.

You say you have no knowledge of the activities of the A.N.C.? --- No sir, even now I haven't.

Do you know that a policeman was killed; that a police officer was killed in the location? --- I saw that in the paper sir.

You did not read that the A.N.C. was connected with it? --- I might not have observed it sir.

You might not have observed it? --- I didn't take such notice sir.

Do you remember that the Native people at one time boycotted the buses and walked to their work? --- Yes, I remember that.

That was an organised affair? They did it in large numbers? --- Yes.

That was a difficult time? Isn't that so? --- Yes, it would appear so sir.

There was unrest in those days? --- What could have been the cause of that sir?

I want to ask you whether you don't know. Do you remember those days when people walked to their work and refused to make use of the buses? --- I remember, yes.

Things were not peaceful then? That was not an ordinary affair, people refusing to make use of the buses? --- Sometimes sir I used to make use of the train.

Yes but now there were many people, hundreds who had deliberately refused to make use of the buses, all at the same day ... all at the same time. Wasn't anything wrong then? --- What people were these sir?

I want to put it to you that this a type of thing that/.....

that is unusual, and something that one will remember, if it happened in your area as it happened in your location? The Prosecutor put the questions to you and you professed as if you knew nothing of those uneasy days? --- Things such as that sir I forget, I don't bear them in mind.

-----  
CASE FOR ACCUSED NO. 1.

MR. BRIGGS CALLS ACCUSED NO. 2:

MAKI MAXAKI: Duly sworn, states:

EXAMINED BY MR. BRIGGS:

Are you married? --- Yes.

Have you any children? --- I have.

What is the age of the eldest child? --- Twelve.

Now, you have heard the evidence of the State witnesses Samuel and Zepe, and Michael Joxo? --- Yes, I have.

And their evidence was that during a certain period, namely the 8th April, 1960 to the 4th September, 1963 you contributed to .. paid subscriptions to the African National Congress; you gave money? Did you do that? --- I did not.

They have also said that during the years 1960-1961 and 1962 you distributed pamphlets for this organisation, the African National Congress. --- I was not there.

And the dates they mentioned specifically was June, 1961. Did you distribute pamphlets on that day? --- No.

And June, 1962? --- I didn't distribute that one either.

In 1963, did you distribute any during May? --- No.

They also go on to say that you attended meetings during this same period, that is the 8th April, 1960 to September, 1963 of the African National Congress. --- That is incorrect.

Do you know Michael Joxo? --- No, I don't.

Do you know Samuel Zepe? --- Yes, I know him.

What/.....

What do you know about Samuel Zepe? --- He is my neighbour.

Have you seen him at the police station? --- Yes.

Can you just describe the circumstances? --- We were arrested together and we were taken to the New Law Courts. Hereafter I was removed to the North End jail whilst he remained at the New Law Courts.

Have you seen him since then? --- No.

Have you had any contact with him at all? --- No.

Have any of your relations, have any of your relations had any contact with him?

PROSECUTOR RAISES OBJECTION: Will be hearsay evidence.

COURT AND MR. BRIGGS DISCUSS:

BY THE COURT: I think it would be better if you put the question in another way; whether he knows if there has been any contact. --- As your Worship pleases.

MR. BRIGGS PROCEEDS: Do you perhaps know whether there has been any contact between this man Zepe and your relations? --- Yes sir, with my sister.

What was it? --- My sister sent 25c to me.

BY THE COURT: Did you hear that from her actually? --- I heard this from my sister when she came to see me.

The Court can't allow that.

BY MR. BRIGGS: Do you know accused No. 1? No sir, I saw him for the first time in jail.

And the other witness Joxo, do you know him? --- I don't know him at all.

Now those two mentioned a number of names; I want you to tell the Court whether you know any of those persons. --- Could you repeat the names for me please?

Julius Mtalana? --- I don't know him.

Xape .. Fanele Xape? --- I don't know him.

Tshume? --- Yes, I know Tshume.

Twenty? --- No, I don't know him.

Ronco Jack? --- Yes, I know him.

Elias/.....

Elias Meintjies? --- Yes, he is a neighbour of mine.  
Have you ever seen any of these persons at meetings?

--- No.

What date were you arrested? --- The 11th January,  
1965 in the night-time.

Two witnesses have also said that you allowed  
meetings to be held at your house. Is that correct? ---  
No such thing took place in my house.

NO FURTHER QUESTIONS BY MR. BRIGGS.

CROSS-EXAMINED BY THE STATE PROSECUTOR:

I put it to you that you subscribed money towards-  
for the benefit of the African National Congress. --- I  
did not.

And you took part in the distribution of pamphlets  
issued by the African National Congress on the occasions  
described by the State witnesses. --- I know nothing about  
that.

I further put it to you that you allowed meetings to  
be held in your house .. the house that you occupied.  
--- No meetings took place at my house.

And that you attended those meetings. --- I attended  
no meetings.

Did you ever have any trouble with any of the State  
witnesses before your arrest? Specifically referring to  
Joxo? --- I don't know Joxo.

Have you had no trouble with Zepe before your arrest?  
--- Our wives sir had an argument.

Did you have trouble with him? --- No.

You say you were neighbours? --- Yes.

Were you on friendly terms whilst you were living  
together? Or rather opposite each other? --- Yes sir, we  
used to frequent each other. We used to drink together  
over weekends.

You visited his house? --- No sir, not .. he is the  
one/.....



one who used to actually come and see me at my house because they didn't do any brewing in his house.

So he paid visits to you at your house? --- Yes, he has been to my house.

Has it always been during daytime or night-time?  
--- During the daytime.

Night-times? --- No, not at night.

This man Tshume, since when do you know him? --- I met him in Johannesburg.

When? --- In 1947.

Is he also a resident of New Brighton? --- Yes.

In the same vicinity? --- Yes.

How far away from your place of residence? --- I am in No. 9 whilst he is in No. 7.

Is it far from your place? --- Some distance away.

And Ronco Jack, is he also a resident of New Brighton in your vicinity? --- Yes, he is a neighbour of Tshume.

Meintjies? --- Yes, he too.

Does he also live in the same vicinity? --- Yes, he is in the tens.

How many children do you have? --- Three.

How old is the youngest of the three? --- I think he is about seven. The other one is ten.

The eldest? --- The eldest is twelve.

During the period 1960 up 'till 1965, up 'till your arrest you and your wife and your three children occupied that house? --- I still have a father and the house is registered in his name. We stay together. I actually occupy the kitchen.

Is it a three-roomed house? --- The house itself sir consists of two rooms and the outside room, which is a wood and iron one, we call it the kitchen.

Can you read? --- I cannot, no.

Write? --- No.

Since/.....

Since when are you a resident of New Brighton?

--- I grew up there.

You were there during 1961 - June, 1961 to be more specific? --- Yes, I was there.

In June, 1961 did you go to work every day? --- Yes.

Did you go by bus? --- No sir, my place of employment is close to where I stay and I walk there.

Did you ever stay away from work? --- There were occasions when I did not go to work, yes.

There is evidence, the sergeant gave evidence - sergeant du Preez - that in June, 1961 .. on the 25th June, 1961 Bantus did not make use of buses. Do you know anything about that? --- Yes, I saw that happening in the location.

What can you tell the Court about that? --- No your Worship, I am afraid there is nothing I can really tell you about ti other than that the buses were not made use of by the people. I don't know why.

Did you make any inquiries? --- No sir, you couldn't do that because at that stage there was a group of persons who went around assaulting people.

You didn't speak to your friends about it to find out what is going on? --- I did speak to my neighbour, I said: "But what is going on here?" And all they could tell me was the people are not making use of the buses.

During June, 1962 the same thing happened, do you remember that? --- I can't be specific your Worship, but I do know that that has happened off and on.

I put ti to you that you knew it was organised by the African National Congress. --- No sir, I did not.

And that you took part in the bus boycott. --- No sir that is not correct. I am not a bus user. But if I did happen to work far away I would have made use of them.

Have you ever heard anything about the African National Congress during the years 1960-1961-1962? --- I have not.

Before/.....

Before 1960? --- I did hear about the A.N.C. - that was the time when people used to congregate on the Moluteni Square in the location.

What did you hear about the African National Congress? --- I heard people say sir that meetings were being held .. people were congregating so that they would obtain their freedom.

So the fact that the African National Congress was active in New Brighton and Kwazakele was well known in the locations? --- I would say that people were aware of it sir, because many people used to congregate on the square.

Accused No. 1 told the Court he never heard anything about it; never saw anything taking place. --- Well sir I can't comment about his knowledge.

Was it well known that the African National Congress was organising the Bantu people, and advocating its aims and objects amongst the people? --- No sir, all I can comment on is having seen these people congregated on the square - what happened after they had dismissed or had gone their various ways I don't know.

On how many occasions did you see the people gathered? --- Often on Sundays.

Did you ever go to any of these meetings and listen? --- Yes, I did one day.

One day? --- Yes.

What did you hear then? --- It was very difficult to understand what was being said by the speaker because I was right at the back and he was absolutely surrounded with many, many people.

What did you hear? --- The actual address by the speaker I did not hear. I heard their song being sung.

What did you hear being sung? --- "Wake up soldier, the ship is sinking".

When was that? --- About 1952.

Why/.....

Why didn't you join the African National Congress?

--- There was no reason why I should have joined.

Did you ever hear that the African National Congress, before the banning, was fighting against certain laws?

--- No sir, I just wasn't interested. I didn't hear of it.

NO FURTHER QUESTIONS BY STATE PROSECUTOR.

BY THE COURT:

What is your address actually? --- Block 9 C.4.

Is your mother still alive? --- No sir, my mother is deceased.

How long ago? --- She died in 1951.

Your father, is he old or not? --- He is sir.

Do you look after him? --- No sir, he is still employed.

And does your wife care for him? --- She does.

Who is actually in charge of the household? --- My father.

Your father. Not you? --- No.

How old is he? --- No sir, I wouldn't know.

How old are you? --- Thirtysix.

Have you any brothers or sisters? --- Yes.

Are they older or younger than you? --- I am the eldest.

Do you want me to believe that you have no say in the household, in the house where you live? --- No, I haven't.

-----  
CASE FOR ACCUSED NO. 2.

COURT ADJOURNED.

ON RESUMPTION:

STATE PROSECUTOR ADDRESSES COURT:

MR. BRIGGS ADDRESSES COURT:

CASE REMANDED TO 28-4-1965.

HEARING RESUMED: 28-4-1965:

COURT RECALLS WITNESSES ZEPE AND JOXO.

(On count 5 - using of houses for meetings).

SAMUEL/.....

SAMUEL ZEPE: Verklaar onder eed:

DEUR DIE HOF: Nou Zepe, jy het aan die Hof vertel dat julle vergaderings gehou het elke Maandagaand en elke keer in 'n ander man se huis. Jy het ook vertel wie almal daardie vergaderings bygewoon het. Onder andere het jy vertel dat Douglas Mtalana vergaderings bygewoon het, en dat julle in sy huis vergaderings gehou het. Jy het ook 'n man genoem met die naam van Julius Mtalana. Jy het ook gesê dat hy die vergaderings bygewoon het en dat hy die broer van beskuldigde 1, Douglas, is. --- Ja.

Sê my, het julle ooit by Julius se huis ook vergaderings gehou? --- Bedoel Edelagbare by Julius se huis of by die huis van sy ouers ... sy moeder?

Jy kan miskien vir ons vertel wat die posisie daar is - of hy 'n eie huis gehad het of hoe? --- Julius het met sy ouer gebly, naamlik sy moeder. Daarna het hy met 'n byvrou gaan bly. Ons het in die huis van die byvrou ook vergaderings gehad.

Daardie tyd wat julle in Julius se moeder se huis vergadering gehou het, waar was Douglas se huis toe gewees? --- By sy moeder se huis.

Was dit dieselfde huis as Julius s'n? --- Ja.

Nou daardie tyd wat julle nou by Julius se huis, of by sy bywyf se huis vergaderings gehou het, het Douglas ook daarheen gegaan? --- Ja, hy het.

Nou daarna het julle nog by die ou huis vergaderings gehou - by Douglas se moeder se huis? --- Dit is korrek.

Verstaan ek dit dan korrek dat eers het julle by die twee broers se gesamentlike woonplek vergadering gehou? --- Dit is heeltemal korrek Edelagbare. Dit was voordat Julius gaan bly het by die byvrou.

En daarna het julle by hulle onderskeie woonplekke vergaderings gehou? --- Ja.

-----

GEEN VRAE DEUR AANKLAER EN MNR. BRIGGS.

MICHAEL/.....

MICHAEL JOXO: Verklaar onder eed:

DEUR DIE HOF: Joxo, jy het die Hof vertel van die vergaderings wat julle elke Maandag gehou het? Jy het die Hof vertel dat julle die vergaderings om die beurt in julle lede se huise gehou het. Jy het ons vertel wie die vergaderings bygewoon het. Jy het onder andere gesê dat beskuldigde No. 1, Douglas Mtalana die vergaderings bygewoon het. En jy het ook gepraat van Julius Mtalana. Wat is hierdie twee van mekaar? --- Broers Edelagbare.

En sê my, het hulle elkeen 'n eie huis gehad?  
--- Die ou broer naamlik Julius was woonagtig by 'n byvrou, in haar huis. Die ander ene, die beskuldigde nou voor die Hof het met sy moeder gebly.

Het hulle nooit bymekaar gebly nie? --- Hulle het voorheen saam met die moeder gebly, ja.

Nou daardie tye toe julle vergaderings gehou het by beskuldigde No. 1 se huis, waar sy moeder gebly het, waar het Julius toe gewoon? --- Ons het vergader in die huis van die moeder terwyl Julius nog daar woonagtig was saam met beskuldigde No. 1. Daarna het ons ook vergaderings gehou in die huis van die byvrou van Julius.

Nou, toe julle nou daar in die byvrou se huis vergaderings gehou het, het julle toe opgehou om vergaderings te hou in die moeder se huis waar beskuldigde No. 1 woon?  
--- Ons het nie opgehou nie nee, ons het aangegaan met vergaderings.

Het julle nog daar vergaderings gehou? --- Ja Edelagbare, van huis tot huis.

Het Julius sulke kere dan ook weer teruggekom na daardie huis toe om die vergaderings by te woon? --- Julius was by as ons vergaderings gehou het by sy moeder se huis.

-----  
KRUISVERHOOR DEUR DIE STAATSAANKLAER:

Weet jy of Douglas Mtalana se moeder nog leef?

--- Nee/.....

--- Nee, sy het gesterwe.

Kan jy die Hof vertel wie daardie huis bewoon het na sy gesterwe het - na haar dood? --- Al wat ek kan sê is dié, dat die moeder gesterwe het nadat Julius gaan bly het by die byvrou. Daarna het beskuldigde No. 1 daar gewoon.

GEEN VERDERE VRAE DEUR STAATSAANKLAER.

GEEN VRAE DEUR MNR. BRIGGS.

U I T S P R A A K.

DEUR DIE HOF:

In hierdie saak is daar vyf klagtes teen die twee beskuldigdes. Die Hof wil net kortliks 'n opsomming gee van hierdie klagtes.

Die eerste klagte is dat gedurende die tydperk van 8 April 1960 tot die 4de September 1963, in New Brighton, in hierdie afdeling, die beskuldigdes onwettiglik bygedra het tot die fondse van die verbode liggaam African National Congress of bydraes gewerf het vir daardie liggaam.

Daar is verdere besonderhede verstrekkend op hierdie aanklag, dit is dat die beskuldigdes bydrae gelewer het, dat die bydraes bestaan het uit geld of andersins afgehang het van die vermoë van die individu.

Dit is ook beweer dat hierdie bydraes in New Brighton, Port Elizabeth geskied het. Dan is dit beweer dat hierdie bydraes van tyd tot tyd plaasgevind het en dat die presiese datums nie aan die Staat bekend is nie.

Dit is dan die volle eerste aanklag.

Die tweede, derde en vierde aanklagtes is van 'n gelyke aard. Dit is dat eerstens in Junie 1961 daar by New Brighton lokasie, Port Elizabeth, in hierdie afdeling, die beskuldigdes onwettiglik deelgeneem het aan die aktiwiteite van 'n onwettige organisasie die African National Congress of direk of indirek die belange van hierdie organisasie bevorder het.

Die/.....

Die datums wat gegee word en die tye wat gegee word is in die eerste aanklag Junie 1961, die tweede aanklag Junie 1962 en die derde Mei-April 1963, dit wil sê een, twee en drie van dieselfde aard en hulle vorm klagtes 2, 3 en 4 van die klagstaat.

Ook wat hierdie drie aanklagtes betref is daar besonderhede verskaf aan die Verdediging; dit is dat hierdie deelname aan die aktiwiteite van hierdie verbode organisasie bestaan het uit die verspreiding van dokumente wat uitgereik is deur of ten behoewe van hierdie organisasie en die uitvoering van organisatoriese of propagandawerk vir hierdie organisasie.

En die vyfde klagte is dat gedurende die tydperk 8 April 1960 tot 4 September 1963, te Port Elizabeth, in hierdie afdeling, die beskuldigdes onwettiglik en wetens toegelaat het dat 'n perseel te wete 'n huis bewoon deur elkeen van hulle gebruik word vir die doel of in verband met oortredings onder Artikel 4 Sub-paragraaf (a) van sub-Artikel (1) van Artikel (iii) van Wet 44 van 1950; deurdat toegelaat is dat lede van die African National Congress, 'n onwettige organisasie, deelneem in aktiwiteite van hierdie liggaam om hierdie belange van die organisasie direk of indirek te bevorder; aktiwiteite waartoe hulle verbied was nadat hierdie organisasie verban was. Deurdat vergaderings van hierdie organisasie in hierdie huise gehou is.

Daar is ook besonderhede gevra en verstrekk. Dit is daar beweer deur die Staat, in die verdere besonderhede, dat elke beskuldigde 'n afsonderlike huis bewoon het en dat hierdie huise in New Brighton, Port Elizabeth geleë is. Dat die vergaderings op verskillende tye gedurende die tydperk van die aanklag gehou is maar dat die werklike dae nie bekend is nie.

Dit word beweer dat van een na tien persone die vergaderings bygewoon het. Dan word daar name verstrekk

van/.....



van die persone wat na bewering die vergaderings bygewoon het. Die name wat verstrekk is is die van Joxo, Julius Mtalana, Douglas Mtalana, Maki Maxaki, Fanele Xape, Samuel Zepe, Ronco Jack en/of ander wie se name nie aan die Staat bekend is nie.

Dit is die klagtes waarop die twee beskuldigdes teregstaan. En op hierdie klagtes het hulle beide onskuldig gepleit.

Dan om te herinner vir die beskuldigdes net om op te som waarvoor hulle aangekla is: die eerste klagte is dat hulle bydraes gelewer het en ingesamel het vir die verbode A.N.C. Dan is daar drie klagtes dat hulle aan die aktiwiteite van die A.N.C. deelgeneem het deur pamflette te versprei, en die vyfde klagte is dan dat hulle toegelaat het dat hulle huise gebruik word vir vergaderings van die A.N.C. Dit is die klagtes in kort opgesom.

Dit is dan nodig om die getuienis wat die Staat aangevoer het om hierdie klagtes te bewys te ontleed. Hier het die Staat gelei eerstens die getuienis van sersant Harry Gladile van die Veiligheidsafdeling. Hy gee getuienis van die optel van die twee pamflette bewysstuk A en bewysstuk C, op 26 Junie 1961 en 26 Junie 1962 respektiewelik. Hy gee getuienis dat hy hulle in New Brighton opgetel het en ook in die ander Bantoelokasies in Port Elizabeth. Hy het die pamflette vertaal en hy handig vertalings daarvan in wat hy sweer wat korrek is.

Die volgende getuienis is die van sersant Jonathan du Preez van die Veiligheidsafdeling. Hy is in Port Elizabeth van 1952 af, en vanaf 1960 was hy behulpsaam in die ondersoek van oortredings van onwettige organisasies en hy sê in Mei 1963 het hy bewysstuk E gevind, in die verskillende Bantoelokasies. Hy verduidelik dat hy 'n foto-statisiese afdruk gemaak het van daardie pamflet. Die

getuienis/.....

getuienis terloops is dan ook dat bewysstukke A en C voor die Hof fotostatiese afdrukke is van die oorspronklike. Die Hof wil net die aandag daarop vestig dat sersant du Preez verduidelik het dat hierdie pamflet bewysstuk E, wat handel oor „Umkonto We Sizwe" het ... en die aksieplan van die A.N.C., dat dit oorspronklik een pamflet was wat op alkante gedruk was. Hierdie fotostatiese afdruk voor die Hof bestaan nou eintlik uit twee velle wat aanmekaar vasgekram is. Sersant du Preez gee dan verdere besonderhede van sy kennis van die bedrywigheide van die onwettige organisasie en van die leiers van die organisasie. Hy verduidelik aan die Hof wie Sebukwe is; wie Mandele is; van die A.N.C. en die P.A.C.; hoe hulle verskil in hulle optrede ensovoorts. Sersant du Preez gee ook getuienis van die toestande in Port Elizabeth en in die Bantoelokasies, tydens Junie 1961 en Junie 1962. Hierdie pamflette is toe versprei. Hy verduidelik hoe busse nie gebruik is nie. Hoe mense by hul duisende met die voet werk toe gegaan het. Die ontwrigting wat daardeur ontstaan het. Hoe persone wat die busse ten spyte van die boikot gebruik het doodgeslaan is. Hoe bestuurders wat vir mense stilgehou is geskiet is. Hy maak melding van die moord op majoor Kjelvi, die nag van 25-26 Junie 1961.

Nou, soos die Aanklaer gemeld het, word hierdie getuienis nie weerspreek nie. Dit is ook gemene saak dat hierdie African National Congress 'n verbode organisasie is, volgens proklamasies wat in die aanklagtes aangehaal is, en die Hof neem dan ook geregtelike kennis daarvan. Dit is ook 'n feit wat bo twyfel bewys is, dat hierdie pamflette wel versprei is soos beweer deur die Staat, soos getuig deur sersant Gladile en sersant du Preez, dat klagtes 2, 3 en 4 wel oortree is. Dit staan bo alle twyfel. Wat daardie klagtes betref, 2, 3 en 4 bly die vraag dan oor of hulle, beskuldigdes 1 en 2, deelgeneem het of aandadig was aan/.....

aan daardie oortredings. Nou om hulle deelname te bewys, hulle aandaagheid aan hierdie oortredings het die Staat twee persone geroep, Samuel Zepe, die eerste een. Hy is 'n erkende lid van die A.N.C. vanaf 1952. In die tweede plek het die Staat vir Joxo geroep. Hy is ook 'n erkende lid van die A.N.C. vanaf 1952.

Nou vir redes wat die Hof later meer breedvoerig mee sal handel is dit nodig om hierdie twee persone se getuienis meer breedvoerig te behandel.

Samuel Zepe vertel vir die Hof dat hy 'n lid was van die A.N.C. in die Wit Lokasie, sone V van New Brighton. Dat hy vergaderings van die organisasie bygewoon het van sy sone vanaf 1960, nadat die organisasie verban is tot sy arres hierdie jaar. Hy gee vir ons in die eerste plek 'n lys van die verskillende vergaderings wat hy bygewoon het. Hy verduidelik dat hulle elke Maandag vergadering gehou het. Hy gee besonderhede van drie vergaderings in daardie tydperk. Hy gee dan ook besonderhede van die mense wat daardie vergaderings bygewoon het. Die vergaderings van elke Maandagaand.

In sy hoofgetuienis het hy begin deur die name van Joxo, Maki Maxaki .. beskuldigde No. 2, Douglas Mtalana, beskuldigde No. 1, Elias Meintjies, Ronco Jack, Tshume en Xape te noem. Dan sê hy daar was ander wie se name hy nie kan onthou nie. Nou voordat die Hof met hierdie verskillende vergaderings wat hy beskryf het handel wil die Hof net terloops opmerk dat volgens die klagstaat die Staat nie hier gebruik maak van Artikel 12 van die Wet om 'n klagte van lidmaatskap van die A.N.C. teen hulle te bewys nie, maar hulle deelname van hierdie vergaderings die het wel betrekking op die vyfde klagte. Dit wil sê dat hulle toegelaat het dat die vergaderings in hulle huise gehou word.

Zepe gee 'n beskrywing van die eerste vergadering. Volgens hom is dit in September 1960 in Joxo se huis gehou.

Hy/.....

Hy sê Joxo het die vergadering toegesprek. Hy het verduidelik dat die organisasie nou ondergronds gaan. Dat daar nie meer lidmaatskapkaartjies sal wees waarop die name van die lede verskyn nie. Dat daar kwitansies uitgereik sal word waarop nommers verskyn. Hy het ook verduidelik dat die vergaderings in rotasie gehou sal word, sodat hulle nie so maklik uitgevind sal word nie. Hy het verduidelik dat die bydraes verander is van 25c per jaar tot 20c per maand. Dan het hy hulle aangemoedig om teepartye en konserte te hou om fondse in te samel vir die A.N.C.

Zepe beskryf ook 'n tweede vergadering wat gehou is in die middel van 1961. Hy begin deur te sê dat die vergadering in Xape se huis gehou was. Maar hy korrigeer homself kort daarna en sê dat dit in Mtalana, beskuldigde No. 2 se huis gehou was. Hy sê Joxo het die vergadering toegesprek. Hy het gesê hulle is moeg vir die boere, bedoelende alle witmense. Hy het gesê die A.N.C. gaan nou oor na geweld. Hy het gesê hulle sou voortaan gewapen na vergaderings toe gaan en ook gewapen wees wanneer hulle pamflette versprei. Met wapens bedoel hy enige voorwerp wat hulle in die hande kan kry, byle ensovoorts. Dan is dit ook beleid voortaan as die polisie hulle verhinder ... as die polisie hulle hinder op vergaderings of om pamflette te versprei, dat hulle die polisie sou doodmaak.

Dan beskryf Zepe 'n derde vergadering wat teen die einde van daardie jaar gehou is. Dat dit in Xape se huis gehou is en dat Xape daardie vergadering toegesprek het en verduidelik het dat Joxo nou vertrek. Dat hy nou voortaan besig sou wees met die „Umkonto We Sizwe". Dan sê Zepe in die algemeen dat hierdie vergaderings oor en weer gehou was in die huise van hierdie mense. Dat dit in sy eie huis gehou was. Dat dit ook in die huise van die twee beskuldiges gehou was. Hy gee 'n beskrywing van beskuldigde No. 1 se huis.

Hy kan nie die nommer van sy huis onthou nie maar hy sê dit is in groep vier, die nommer begin met vier. No. 2 se huis sê hy is No. 9.C.4. Zepe gee ook getuienis oor die subskripsies wat ingesamel is. Hy sê almal het betaal. Hulle twee, beskuldigdes 1 en 2 inkluis. Hulle betaal aan Joxo en later aan Xape.

Wat die tweede, derde en vierde klagtes betref, beskrywe Zepe dat hy gehelp het met die verspreiding van pamflette. Hy beweer ook dat almal gehelp het. Hy noem drie pamflette in die besonder, of ten minste drie geleenthede in die besonder waarop pamflette versprei is. Hy noem meer. Hy sê daar was meer maar hy noem in besonder wat versprei is in Junie 1961, Junie 1962 en in 1963. Maar wat 1963 betref was hy nie seker van die tyd van die jaar nie. Hy gee die beskrywing van hoe die pamflette uitgedeel is. Dat hulle deur Joxo en later deur Xape bymekaar geroep is. Dan is hulle elkeen van 'n hoeveelheid pamflette voorsien en hulle deel dit dan saam uit, of versprei dit saam.

Nou hierdie man Zepe kan nie lees nie. Hy probeer om hierdie pamflette te beskrywe. Hy bekyk hierdie pamflette bewysstukke A, C en E, en hy sê hulle is soortgelyk aan die wat hulle uitgedeel het, of versprei het. Dit is interessant om hierso te verwys daarna dat Zepe spesiaal melding maak van die tekstuur van hierdie pamflette. Ons het die getuienis van die polisie dat bewysstukke A en C; hy sê dat dit fotostatiese afdrucke is en uit die aard van die saak moet dit dan papier wees wat vatbaar is vir fotostatiese afdrucke. Zepe maak melding daarvan dat hierdie papier voor die Hof harder papier is, as die wat hy versprei het.

Zepe is onder kruisverhoor geneem deur advokaat Briggs Advokaat Briggs se kruisverhoor het hom sterk aangeval om hierdie feit dat daar so baie vergaderings gehou was en dat hy net drie daarvan onthou. Dan is hy ook gevra oor die name van die mense wat hy vergeet het. Nou die Hof wil

hierso/.....

hierso ook sê dat destyds toe Zepe sy getuienis begin het, dat dit ook 'n punt is wat die Hof noukeurig aandag aan gegee het. Die Hof was aan die begin onder die indruk dat daar baie meer mense was wat hierdie vergaderings bygewoon het. Maar dit blyk toe later dat daar nie so baie mense die vergaderings bygewoon het nie. Dit is miskien die indruk wat die belese advokaat ook gekry het uit die getuienis van Zepe aan die begin. Maar dit dien daarop gewys te word dat Zepe self hierdie saak opgeklaar het. Hy het begin met die mense wat die vergaderings bygewoon het deur agt name te noem, homself ingesluit. Toe het hy gesê daar is ander wat hy vergeet het. Die Hof het aanvanklik gedink dat daardie ander 'n groot getal was. Die Hof het homself afgevra hoe dit dan moontlik is dat die getuie na al die jare elke week se vergaderings bygewoon het en nie daardie ander mense beter kon leer ken nie.

Maar, in sy kruisverhoor het Zepe laat uitkom dat hy nou die twee ander persone onthou, dat dit hom byval. Die twee persone wat hy bygeval het was Julius Mtalana en Twenty. Uit die herverhoor deur die Aanklaer het dit later geblyk dat dit dan die enigste twee ander persone was. Met ander woorde, die vergaderings wat weekliks gehou was is bygewoon deur tien persone, as 'n reël, as almal voltallig is. Ek moet ook sê dat ek die indruk gekry het toe Zepe die getuienis oor die persone gelewer het dat hy werklik vergeet het. Dat gedurende die proses van getuienis aflewering hierdie twee orige name hom eenvoudig ontgaan het. Dat dit hom later te binne geskiet het en toe het hy die name spontaan genoem. Daar was toe geen huiwering by hom omtrent hierdie name nie.

In sy beskrywing van die vergaderings verduidelik Zepe ook aan die Advokaat vir die Verdediging dat daar nie geselsery by die vergaderings was nie. Dat hulle ook nie lank voor die tyd by 'n vergaderplek aangekom het nie.

Dat/.....

Dat hulle nie in groepe daar aangekom het nie - hulle het gewoonlik een-een daar aangekom, behalwe as iemand miskien 'n maat langs die pad sou teëkom.

Hy is uitgevra oor die derde vergadering. Hy sê die vergadering is beslis in Xape se huis gehou en dit is deur Xape gelei. Hy zê Joxo was ook daar. Xape het aan die aanwesiges vertel dat Joxo nou ander werk gaan doen en dat hy Xape voortaan die leier sou wees.

Zepe is ook uitgevra oor sy redes waarom hy 'n verklaring gemaak het. Hy sê die leiers van die beweging, en hy bedoel daardeur die vername leiers, die hoofleiers, het gepraat en daarom sal dit hom niks help om te swyg nie. Hy ontken dat daar enige beloftes gemaak is. Hy sê hy is die aand gearresteer en die volgende dag is hy gevra of hy 'n verklaring wil maak. Hy het dadelik 'n verklaring gemaak.

Nou hierdie verduideliking van hom oor hoekom hy 'n verklaring gemaak het klink nie vir die Hof heeltemal oortuigend nie en die Hof is geneig om te dink dat hy moontlik ander motiewe gehad het; moontlik 'n motief gehad om self makliker af te kom .. maar die Hof kan nie vind dat daar enige belofte aan hom gemaak is in daardie verband nie. Daar is geen getuienis daaromtrent nie. Maar die Hof sal in aanmerking neem dat daar moontlik so 'n motief by Zepe kon gewees het. 'n Motief om te praat en alles te vertel, in 'n poging om miskien self vry te kom of self ligter daarvan af te kom. Maar die Hof kan op hierdie stadium geen motief vind waarom Zepe nou noodwendig die twee beskuldigdes moes impliseer as hy besluit om 'n openhartige verklaring te maak nie. Sy motief om moontlik vir homself 'n voordeel te behaal sluit nie noodwendig 'n motief in om die twee beskuldigdes uit daardie tien mense wat die vergaderings bygewoon het te benadeel nie.

Daar moet ook melding gemaak word van die beskrywing wat/.....

*If doesn't follow that he has not, or will not give evidence against the other 5*

wat Zepe gee van beskuldigde No. 1 se huis. Hy beskrywe dit as 'n driekamer huis, dieselfde as al die ander in daardie omgewing. Hy sê dit is in die vierde groep. Hy sê beskuldigde No. 1 woon by sy moeder. Hierso moet dit gemeld word dat dit in kruisverhoor aan Zepe gestel is dat beskuldigde No. 1 glad nie daar woon nie. Dit is voorlopig genoeg wat Zepe se getuienis betref.

Die volgende getuie vir die Staat is Michael Joxo. Net soos Zepe behoort hy aan die A.N.C. vanaf 1952. Hy erken dat hy „Chief Steward" was van Sone 4 in die Witlokasie gedeelte van New Brighton. Hy erken dat hy met die vergaderings voortgegaan het na 1960. Hy gee ook 'n beskrywing van die verskillende vergaderings wat hy onthou. Hy sê dat die eerste vergadering in September 1960 by sy huis gehou was. Hier kan gemeld word dat Zepe die tyd aangee as teen die einde van daardie jaar. Hy gee 'n opsomming van die mense wat by daardie vergadering was. Hy noem homself, Joxo, Meintjies, Maxaki - beskuldigde No. 2, die getuie Zepe, Twenty, Tshume, Ronco Jack, Julius Mtalana, Douglas Mtalana, dit is beskuldigde No. 1, en Xape. Tien persone altesaam. Hy verduidelik wat op die eerste vergadering gebeur het. Hy vertel van die verbod op die A.N.C. Dat dit besluit het om ondergronds te gaan. Hy vertel van die lidmaatskapkaartjies en die nuwe prosedure. Dat die name nie meer sal verskyn nie. Dat kwitansies uitgereik sal word. Dat daar 'n teken van 'n voël op die kwitansies sal wees. Hierso skyn sy intieme kennis van die organisasie as 'n leier miskien deur. Hy vertel ook dat hy die geld ontvang het en dat hy dit aan iemand hoër op oorhandig het. Dit is kennis waaroor die ander getuie, Zepe, natuurlik nie sou beskik nie. Hy vertel ook dat daar op daardie eerste vergadering aangedring is op die hou van konserte en teepartye. Ook hoe die vergaderings in rotasie gehou sou word, Maandae om sewe-uur by die huise van die verskillende lede van

daardie/.....



daardie sel. Hy sê hy het die vergaderings bygewoon tot-  
dat Xape by hom oorgeneem het as leier. Hy beskryf die  
tweede vergadering wat hy sê in Junie 1961 gehou is, by  
beskuldigde No. 1 se huis. Zepe die praat van daardie ver-  
gadering asof dit die middel van 1961 gehou is. Op daardie  
vergadering is verduidelik dat die beleid nou verander is  
tot 'n beleid van geweld. Hy vertel ook soos Zepe van die  
besluit om wapens te dra, en om die polisie dood te maak  
ingeval hulle gehinder word.

Dan vertel Zepe van 'n derde vergadering, wat teen  
die einde van daardie jaar gehou is in beskuldigde No. 2 se  
huis. Daar op daardie vergadering het hy vir die aan-  
wesiges vertel van die dood van die polisiebeampte in die  
naburige lokasie. Blykbaar het hy daardie kordaatstuk van  
die A.N.C. in daardie deel aan sy vergadering voorgehou as  
'n voorbeeld om hulle aan te spoor tot aktiwiteit. Daardie  
tyd het hy hulle ook meegedeel van die „Umkonto We Sizwe”.

Nou hierso moet die Hof aandag daarop vestig dat Zepe  
nie melding gemaak het van hierdie vergadering nie. Dit is  
duidelik dat hierdie vergadering 'n ekstra vergadering is,  
wat Joxo hier van praat. En dat hierdie derde vergadering  
wat hy beskryf nie dieselfde is as die derde vergadering  
wat Zepe beskryf nie.

Die vierde vergadering wat Joxo beskryf die kom oor-  
een met die derde een wat Zepe beskryf. Dit kom nie vir  
die Hof voor as 'n weerspreking tussen hierdie getuies nie.  
As die inhoud van die vergaderings vergelyk word dan kom  
dit voor asof Zepe 'n vergadering vergeet het of uitgelaat  
het, wat Joxo wel beskryf. Dit is nie asof die twee getuies  
die gebeure op die derde vergadering verskillend beskryf nie.  
Joxo sê op hierdie vierde vergadering wat in Xape se huis  
gehou is is die vergadering meegedeel dat hy wat Joxo is  
nou 'n ander werk gaan doen en dat Xape gaan oorneem. Dit  
is noemenswaardig om hier aandag op te vestig dat hierdie

verrigtinge/.....

verrigtinge by hierdie vergadering ietwat sonderling voorkom. Die Advokaat vir die Verdediging het dan ook vrae daarvoor gestel. Dit klink half vreemd dat Joxo, die persoon wat tot nou toe leier was en wat nou blykbaar plek maak vir Xape, dat hy glad nie die vergadering lei nie; dat hy glad nie die vergadering toespreek nie, maar dat Xape nou oorneem, somer van die begin van die vergadering af en al die praatwerk doen. Maar dit is opmerklik dat die twee getuies hierso presies ooreenkom oor hierdie sonderlingheid in die verrigtinge op daardie vergadering.

Dan gaan Joxo ook aan met die beskrywing van die invordering van subskripsies. Hy sê op al die vergaderings is hydraes ingesamel. Almal het betaal. Hyself ook, en ook die twee beskuldigdes. Hy oorhandig dan die geld later aan 'n persoon hoër op, soos die Hof reeds verduidelik het.

Nou op hierdie punt is dit nodig om daarop te let dat die Aanklaer die Hof meedeel dat hy die getuie Joxo daar as 'n medepligtige beskou omdat hy deelneem hierso aan die insameling van die geld; dat hy dit hanteer en verder voer.

Dan kom die Hof by die verspreiding van die pamflette. Hy noem twee pamflette in die besonder. Hy noem hulle by name. Die een pamflet verwys hy na as die „Day of Mourning“. Die ander een as die „Umkonto We Sizwe“. Hy noem die tye wanneer die pamflette versprei is. Hy sê die een was in Junie 1961 en die ander in Junie 1962, dan dink hy bietjie na en dan sê hy die derde meen hy was in Mei 1963. Nou Joxo is 'n persoon wat 'n bietjie Xhosa kan lees. Hy sê hy het Std. I op skool gemaak. Hy ken hierdie bewysstukke voor die Hof uit. Hy ken bewysstuk A as die een wat hy noem die „Day of Mourning“. Hy verwysook daar na die letters op hierdie bewysstuk wat in ink aangebring is deur die Hofbeamptes, om die bewysstuk uit te ken en hy sê dit was nie op die oorspronklike pamflette nie. Hy sê hy ken ook bewysstuk C. Hy sê die is in Junie 1962 versprei.

Bewysstuk E/.....

*Then they both  
are on counts 2, 3 & 4*

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