

En al hierdie bewysstukke is ook voor die Hof? ----
Dis voor die Hof, Ja, Edelagbare.

U handig dit almal in? ----- Heeltemal reg.

STAATSAANKLAER: GEEN VERDERE VRAE.

MR. BIZOS: NO QUESTIONS.

HERMAN DAVID KAPLAN, (s.s.)

EXAMINATION BY STATE PROSECUTOR: Mr. Kaplan, you live at
Flat 101, Sunnybrook, Ockerse Street, Hillbrow? ----- Correct.

And you are employed by Whitesons Wholesale
Furnishers, at 219, Commissioner Street, Johannesburg? ----
Correct.

And did you know Ralph and Minni Seppel? --- I do.
Were they close friends of yours? ---- Yes.
And did you visit them at their house? --- I did.
Where did they live? ---- 99, Mons Road, Observatory.
And did you also know the Kleins at that address?
---- Correct.

Were they friends of yours? Are they friends of
yours? ---- Yes.

Are you the owner of a red Zephyr car, registration
67528? ---- Correct.

A 1957 model? ---- Correct.

And did you ever lend this car to Ralph Seppel? ---
I did.

When did you first do it? ---- For years now on
and off.

And for what purposes did he borrow your car? ----
Well, for his own use. I wasn't told.

Let's confine ourselves to last year, about March,
1965, onwards. Did he borrow your car in March/April/May/
June? ----- He borrowed it quite a few times.

Who put in petrol? ---- No.

But I mean, who put in petrol? ----- I did.

You put in petrol. And did he borrow your car in the day time? ---- Mostly at night.

Does he not own a car? ---- No.

And apart from lending your car to him, did you do any other favours for him? ----- I received two letters for him.

Where were these letters delivered? ---- One to my flat and one to my business address.

And was this by prior arrangement with Ralph Seppel? ---- He asked me if I would, yes.

Do you know from whom those letters came? --- No.

To whom were they addressed? ---- The one to the flat was addressed to Mr. Black. The one to my business address was addressed to myself.

And did you open any of these letters? ----- No.

How did you know the letter addressed to your business was for him or for yourself? ---- He told me when it would be coming.

And when was that letter delivered, received by you rather? ---- I think the first one was in April, but I'm not sure.

April, last year? ---- Yes.

The first letter was addressed to your flat? --- Yes.

When was that letter received? ---- I said I think April, but I'm not sure.

The one at your business? ---- It was about three or four months later.

So when would that be? ---- August/September.

Did Mr. Seppel ever open a letter in your presence?

----- He did, yes.

Which one? ----- The first one.

The one addressed to your flat? --- Yes.

And in what language was that letter written? -----

It was in English.

All the way through? ----- Yes.

Did you understand the contents? ----- No.

What was the difficulty? ----- It was drivle.

What made it difficult for you to understand? -----

Well, it was just nonsense, meaningless.

In what sense? ----- Well, it was in English, but unintelligible. It didn't mean a thing to me.

From whom did the letter come? ----- I don't know.

Was it all in letters or were figures used? -----

No, no, it was in English.

And where did that letter come from? ----- From London.

Do you remember the address in London? ----- No, it was just the post mark I noticed.

You say that was a letter that was addressed to Black? ----- Correct.

And from where did the letter come that was delivered at your business address? ----- From Cape Town.

And you say it was addressed to you? ----- Yes.

Now, did the Sepples leave the country? --- Yes.

When did they leave? ----- They left about two months ago.

Can you say, before or after the arrest of Mr. Fischer? ----- After.

How long after his arrest? ----- Two days.

Did they tell you why they were leaving? ----- No.

Did you know what had happened to the accused, Mr.

Fischer? ---- What was in the press, that's all.

That he was charged here in court, that absented himself from the trial? ---- Yes.

And did you have anything to do with him after that? ---- No.

Did you hear anything about him? ---- No.

Did you know the Schermbrucker's? --- No.

A letter was read out in court here this morning, a letter found in possession of the accused, in which he wrote to somebody in England that any correspondence had to be redirected to Mr. Herman Kaplan, c/o Whitesons Limited, P.O. Box 1282, Johannesburg. Is that your address? --- Yes.

Did anybody approach you, apart from the Seppels, to allow them to use your address for correspondence? ---- No.

Did Mr. Seppel ask you before he left, whether he could send further letters to your address? ---- No.

Did you give him a general authority to use your address? ---- No.

What did you say to him? --- Well it was never approached.

STATE PROSECUTOR: NO FURTHER QUESTIONS.

MR. BIZOS: RESERVES CROSS-EXAMINATION.

NAPOL JOHANNES MARWESHU, (s.s.)

EXAMINATION BY STATE PROSECUTOR: I think I ought to put these particulars of his on record, your Worship. His identity No. 1053178. And you worked for a Mr. van Duyn at 51, Rustenburg Road, Melville? ---- That is correct, your Worship.

And you sleep on the premises? ---- That is so, your Worship.

Where you work? ---- I sleep on the premises where

I work, your Worship.

Are you at present at a house in Jan Smuts Avenue, near the corner of Tyrwhitt Avenue, Rosebank? ---- That is correct, your Worship.

Is your wife's name Josephina? ---- Josephina, yes, your Worship.

And where did she work during last year? ---- She was working here in Johannesburg.

At what address? ---- I couldn't tell the Court what the address was where she was working, your Worship.

Do you know a house in Corlett Drive 215, Bramley? ---- I know that house, your Worship.

Did she ever work at that address? ---- Yes.

Did you visit her there? ---- Yes.

Do you know the accused? ---- I know the accused, your Worship.

By what name did you know him? ---- I saw the name D. Black on the post and parcels that came into the house, which were brought in by my wife.

Did you ever do some work for him on the premises? ---- I did, your Worship.

Such as what? --- In the garden.

And did he have an off white Volkswagen? ---- Yes.

Did you do anything in regard to the car? ---- I cleaned the car.

Did you sleep at that place every night? ---- Yes.

What months, can you remember? ---- From the beginning of February to October.

Until October? ---- Yes, your Worship.

Can you tell us what the movements of the accused were at night time? ---- He did nothing.

Did he go out at all? --- Yes, he did go out.

Often? ---- Some evenings at five o'clock when I arrived there from work he wasn't there.

And on Saturdays and Sundays? ---- Some times he used to go out at 7 o'clock, 8 o'clock.

In the mornings? ---- Yes, he would go out in the mornings.

Come back when? ---- Saturday and Sundays he perhaps sometimes used to go out early in the morning, and he used to return after I am in bed, asleep already.

Did you ever see visitors coming to the house? ---- No, I saw no visitors.

Who lived in the house? ---- Some times I used to see a European woman coming there, but I didn't see when she left the premises.

Did she come in the day time or in the evening? ---- During the week I am at my work, I used to see her Saturdays.

Is she youngish or middle aged? ---- It is a grown woman, your Worship, an adult woman.

And what was her age, roughly? ---- I couldn't say, your Worship.

Did you see her at close range? --- No, I didn't go close up to her, your Worship.

If you were shown any photographs, do you think you would be able to recognise this lady? ---- I couldn't say if I would recognise her, your Worship. I have gone through the Exhibit, your Worship, and I see no snap of this person in this book.

Can you say whether this lady was pregnant or not? ---- No, she was not pregnant, your Worship.

You say you saw the post that came there for Mr. Black? ----- That is so, your Worship.

What did you do with that post? --- It was while he

was still there that I saw this post, your Worship.

Tell me, how did this lady come there? ---- The old man used to go out and fetch her.

Did you see any other car arrive at that house, apart from that of the accused? ---- There was another Volkswagen, similar to the accused's car, a bluish colour.

And who drove that car? ---- It was a European male. And he was young, he wasn't an old man.

What age, roughly? ---- I couldn't say, your Worship.

This person that came there, did he speak to the accused? ---- Yes.

Where did they speak? ---- He did not go into the house, they used to stand close to the house, but outside.

In the yard? ----- In the yard.

For any length of time? ---- They didn't speak to each other for very long.

STATE PROSECUTOR: NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY MR. BIZOS: Marweshu, I understand that you were employed by a newspaper during this period? --- No, your Worship.

MR. BIZOS: NO FURTHER QUESTIONS.

PETRUS JOHANNES DU PREEZ, (b.v.) Ek is 'n Speurder-Sersant in die Suid-Afrikaanse Polisie, gestasioneer by die Suid-Afrikaanse Kriminele Buro, Pretoria, waar ek werksaam is as ondersoeker van betwiste dokumente en handskrifte. Ek gee getuienis in die hoër en laer howe van die Republiek van Suid Afrika en die aangrensende gebiede vir die afgelope veertien jaar.

Vanaf die 7de November 1965, tot en net verlede week nog, het ek gedurig dokumente en tikmasjiene ontvang van Kaptein Broodryk van die Veiligheids Polisie, Johannes-

burg, wat deur my in alle opsigte noukeurig ondersoek is.

In die eerste plek, Edelagbare, het ek vasgestel dat Smith Corona tikmasjien No. H.65432-11, Bewysstuk AF. 21, gebruik is vir die tikskrif op die volgende bewysstukke;-

Eerstens brief No. 11, gedateer 9 November 1965, (2) 'Dear Kim', Bewysstuk AF. 1;

Tweedens dat die oorspronklike kode, No. 11, gedateer 9 November 1965, (2) Bewysstuk No. AF. 8;

Derdens dat die afskrif van 'n brief van No. 11, gedateer 9 November, 1965, (2) Bewysstuk AF. 9;

Vier dat die brief gedateer 13 Augustus 1965, aan 'Dear Kim', Bewysstuk AF. 64, en dan

Vyfdens dokument Southern Industries Limited, Bewysstuk No. AF. 13.

Sesdens, tien bladsye, naam lysste en adresse daarop, Bewysstuk No. AF. 12;

Sewende 'n dokument "Note on Discipline and Training" Bewysstuk No. AF. 7.

Al hierdie dokumente is op daardie betrokke Smith Corona tikmasjien getik, Edelagbare.

Verder het ek vasgestel dat 'n Royal tikmasjien No. B.6098795, dit is bewysstuk No. 63, die eiendom van Violet Weinberg, gebruik is vir die tikskrif op 'n brief of dokument, gedateer 12 Julie 1965, "Notes on the Experience of Our Portuguese Branch." Bewysstuk No. AF. 6.

En dan het ek vasgestel dat 'n Hermes tikmasjien, No. 303268, bewysstuk No. AF. 38, gebruik is vir die tikskrif op 'n dokument "Draft Discussion Statement", Bewysstuk No. AF. 5.

Den het ek verdere ondersoek ingestel, eerstens na 'n bestuurders lisensie, AF. 40, die nommer op die lisensie is 887, gedateer 8/2/1959, en ek het hierdie bestuurders

lisensie ondersoek en vergelyk met 'n soorgelyke bestuurders lisensie, ook No. 887, gedateer 28/1/1959, Bewysstuk No. AF. 125.

Uit my ondersoek het ek vasgestel dat alhoewel die gedrukte gedeeltes op beide lisensies dieselfde blyk te wees, verskil die papier se oppervlakte en kleur op die keersy. Tweedens dat die lisensie, Bewysstuk 125, kom daar 'n een pennie seël voor, terwyl op die lisensie van Bewysstuk AF. 40, geen seël voorkom nie.

Derdens dat op die lisensie, Bewysstuk AF. 125, kom daar 'n dot in die kasregister bedrag voor, terwyl op die lisensie, Bewysstuk AF. 40, daar 'n kort strepie voorkom.

Vierdens dat die drukking en breedte van die kasregister van lisensie, Bewysstuk AF. 125, is ligter en smaller dan die op lisensie, Bewysstuk AF. 40.

En vyfde dat op die keersy van die lisensie, Bewysstuk AF. 125, is na die kasregister 'n persagtige skynsel agterna, terwyl daar geen tekens van so 'n skynsel voorkom op Bewysstuk AF. 40 nie.

En dan sesdens, die tikskrif op lisensie AF. 125 verskil van die tikskrif op lisensie AF. 40.

Verder het ek 'n persoonskaart, 331/239862 W in die naam van Black. D., Bewysstuk AF. 39, ook ondersoek, en hier het ek vasgestel dat die papier van die persoonskaart, Bewysstuk AF. 39, dieselfde tipe papier is wat tans in besit was van die Departement van Binnelandse Sake. Tweedens is dit vasgestel dat die tikskrif op die persoonskaart, AF. 39, verskil met tikskrif van vier tikmasjiene wat ek ondersoek het in die masjien kamer van die Departement van Binnelandse Sake en ook met tikmasjiene wat van te vore in daardie selfde masjien kamer in gebruik was. En dat dit ook verskil van sewentien ander tikmasjiene wat in die kantoor

van die tiksters afdeling van Binnelandse Sake gehou word.

Dan het ek vasgestel dat die foto op die persoonskaart, Bewysstuk AF. 39, is van dieselfde negatief gedruk as die wat voorkom op Bewysstuk AF. 40.

Dan het ek gedurende die loop van my ondersoek 'n aantal briewe van Kaptein Broodryk ontvang wat aan my uitgeken was as die handskrif van die beskuldigde. Sommige van hierdie briewe, oorspronklike skrif, ander fotostatiese afdrucke, sommige geteken 'Braam', ander geteken 'Braam Fischer' en 'Abram Fischer.' Al hierdie briewe het ek gebruik as monster skrif, en ek het dit vergelyk met bewysstukke wat ook van Kaptein Broodryk ontvang is.

In die eerste plek het ek vasgestel dat die skrywer verantwoordelik is vir die naam tekening op Bewysstuk AF. 73 en 72. AF. 72 is drie monster naamtekeninge wat gehou word deur die Allied Bou Vereniging. AF. 73 is 'n aansoek vorm om 'n spaarbank rekening te open by Allied Bou Vereniging.

STAATSAANKLAER: In watter naam? ---- In die naam C. Thompson.
GETUIE (VERVOLG) Al die plekke waar C. Thompson voorkom is dit deur die skrywer van die monsterskrif gedoen, die vorm is ook ingevul deur dieselfde persoon.

AF. 74 is 'n deposito strokie by die spaar afdeling in die naam van C. Thompson, en waar die naamtekening voorkom met die adres daarop is ingevul deur die skrywer van die monsters.

AF. 75 is die naamtekening C. Thompson, en die spaarbank boekie nommer 11899 wat ingevul is, deur dieselfde skrywer gedoen.

So AF. 76, AF. 77. Dan AF. 78 kom die naam D. Black en Douglas Black en ook die adres 75, Knoxstraat, Waverley, voor en al hierdie skrif is deur dieselfde persoon gedoen, Edelaagbare.

STAATSAANKLAER: Wat is AF. 78? ---- Jammer. A.78 is 'n applikasie vorm om 'n spaarbank rekening te open by Johannesburg Bougenootskap.

79? ----- Edelagbare, ek is jammer, ek het nie 'n bevinding gelwer oor 79 nog nie.

GETUIE (VERVOLG) AF. 80 is 'n onttreking vorm van die Johannesburg Bougenootskap, en dit is ingevul en onderteken D. Black, deur dieselfde persoon.

Bewysstuk AF. 82 is ook 'n opvraging strokie van die Johannesburg Bougenootskap, en ook is die besonderhede hier deur dieselfde persoon ingevul.

Bewysstuk AF. 85, gedateer 24 Junie 1965, en al die skrif op hierdie brief is deur dieselfde persoon gedoen, Edelagbare.

STAATSAANKLAER: Kan ek vir u help, kan u begin by 67, 68, 69, 70 en 71. Handtekenings van D. Black? ---- AF. 67 is ses inlê strokies van die Natal Bou Vereniging, waar die naamtekening in elke geval D Black voorkom, en ook die adres, 57, Knoxstraat, en al hierdie skrif is ook gedoen deur dieselfde persoon. Dan AF. 68, ook die naamtekening D. Black, by die Natal Bougenootskap, ek dink dit het gedien as 'n monster naamtekening vir die Bougenootskap. AF 69 is 'n applikasie vorm om 'n spaar rekening te open by die Natal Bougenootskap, en die skrif is deur dieselfde persoon. Bewysstuk AF. 70, tjek No. 30258, gedateer 18 Junie 1965, is op die keersy geïndoseer D. Black, en dit is ook dieselfde persoon. Dan bewysstuk AF. 71 is 'n onttreking vorms, ses van hulle, by die Natal Bouvereniging, in die naam van D. Black. Ook in hierdie geval is al die skrif deur dieselfde persoon. Dan Bewysstuk AF. 62, 'n brief gedateer 12 April 1965, gerig aan 'Geagte Ds. Naudé', drie bladsye, is ook geskryf deur dieselfde persoon, Edelagbare.

GETUIE (VERVOLG) Edelagbare, dan is daar Bewysstuk AF. 101, is 'n Scottish Union & National Insurance Company vorm, dit is 'n applikasie vorm vir die assuransie van motor voertuie, en hierdie vorm is ingevul en onderteken 'Ann Getcliffe or niece (not available)' en dit is ook deur dieselfde persoon gedoen.

Terloops, ek het hier 'n dubbele ondersoek gedoen, ek het ook die monsterskrif van Ann Getcliffe, Bewysstuk AF. 164 en 177, vergelyk en vasgestel dat sy nie hierdie vorm kon voltooi het nie, daar daar geen eienskappe is wat haar met die skrif kan verbind nie, Edelagbare.

STAATSAANKLAER: Ja, maar het u haar handskrif weer vergelyk met daardie aansoek by die Rosebank Standard Bank? Dit begin by AF. 113 na 116 toe. ---- Ek het dit vergelyk, Edelagbare, met bewysstukke AF. 113, 114, 115, maar ek is nie bereid om hier enige bevinding te lewer ten opsigte van die beskuldigde nie. Ek sal die voordeel van die twyfel daar gee.

Nee, nee, wat ek bedoel is, het u daardie monsterskrif ...---- Van Ann Getcliffe?

Ja. ---- Dis ook hiermee vergelyk. Ek vind niks om haar te verbind met die skrif nie, Edelagbare, maar ek vind ook nie om aan die beskuldigde iets te verbind nie.

Ja, die nota boekies? ----- AF. 24. Op die tweede blaaie kom daar tweekeer die naam P. West voor, en dit is vergelyk en ook vasgestel dat dit deur dieselfde skrywer gedoen is. Ook waar 'n deposito gemaak is op bewysstuk AF. 117 en waar die naamtekening P. West voorkom, Edelagbare. Dan het ek ook 'n aantal nota boekies, bewysstukke AF. 24, 41, 42 en 182 ondersoek, en hierdie skrif is alles ook deur dieselfde persoon uitgevoer. Edelagbare, dan het ek 'n dokument ondersoek wat ek van Luitenant Burger ontvang het, Bewysstuk AF. 182.....

Voor ons daar kom, het u AF. 62 ondersoek, die brief aan Beyers Naude? ---- Ek het dit genoem, Edelagbare.

GETUIE (VERVOLG) Dan AF. 182. "Programme South African Communist Party." Dit is in boekvorm, ek verstaan die bewysstuk is nie op die oomblik hier nie, Edelagbare. 'n Gedeelte, die eerste helfte van die boek gedeelte is ook deur die beskuldigde geskryf. Ek sal die bladsye noem. Daar is agt bladsye betrokke wat deur die persoon geskryf is, Edelagbare.

STAATSAANKLAER: Die eerste agt bladsye van daardie dokument is deur die persoon wat die monsterskrif geskrywe het? ----- Wat die monsterskrif geskrywe het, ja.

GETUIE (VERVOLG) Dan, Edelagbare, is daar Bewysstuk AF. 185, en Bewysstuk AF. 186. Die een is 'n oorspronklike brief en die ander is 'n afskrif van die oorspronklike, gedateer 17 Junie 1965, 'Dear Mr. Miller', en onderteken deur D. Black. Al hierdie skrif in hierdie brief is ook deur dieselfde persoon geskryf wat die monsterskrif uitgevoer het, Edelagbare.

STAATSAANKLAER: Die monsterskrif van...---- Van die beskuldigde ja.

Aan wie is AF. 185 geskryf? ---- AF. 185 is geskryf aan "Dear Mr. Miller." en onderteken D. Black.

186? ---- Dit is 'n afskrif van die oorspronklike brief, Edelagbare. 'n Deurslag afdruk.

Wat is AF. 184? ---- 184 Is 'n getike dokument "Defence & Aid Fund." Van L.J. Collins.

STAATSAANKLAER: GEEN VERDERE VRAE.

MR. BIZOS RESERVES CROSS-EXAMINATION.

STATE PROSECUTOR: May it please your Worship, I think my learned friend, Mr. Kriegler wants to address your Worship on some matter.

ADV. KRIEGLER: As your Worship pleases. Sir, I must apologise for interrupting the proceedings, but with the kind consent of my learned friend for the State, I wish to draw your Worship's attention to certain Press statement of the proceedings before you yesterday. And on behalf of the Rev. Naude and the Christian Institute, sir, to make a statement to you as being the only person to whom such a statement can be made, briefly, sir, there was reported in the Press that my learned friend in his opening address had stated that the Christian Institute had been a party to money being brought into South Africa for the purposes of subversion. To a certain extent this erroneous report has been corrected, I say erroneous as my learned friend had not referred to the Christian Institute, but had in fact referred to an organisation called Christian Action, and I say to some extent remedied, because as your Worship will appreciate a small apology in a square, somewhere at the bottom of a page does not suffice.

It is therefore that I wish to mention this matter to you in open court, so that it can be beyond any doubt that my learned friend did not say that it was the Christian Institute.

Secondly, sir, it has been reported and hinted in the Press that there was evidence before you that a certain letter emanating from the accused found its way into the files of the Christian Institute, there was no evidence to that effect, and, your Worship, with respect, no such letter was ever in the possession of either the Rev. Naude or any member of the staff of the Christian Institute.

I am indebted to your Worship for this opportunity.

STATE PROSECUTOR CALLS MRS. LESLIE SCHERMBRUCKER:

LESLIE SCHERMBRUCKER: I do not wish to give evidence, your Worship. But before making up my mind finally I would like to consult a legal representative. I do not think I want to give evidence.

BY THE COURT: Yes, you would like your question of giving evidence then to stand down until you have discussed the matter with your legal representative.

MRS. SCHERMBRUCKER STANDS DOWN.

RAGABAN MOODLEY, (s.s.)

EXAMINATION BY STATE PROSECUTOR: Your name is Ragaban Moodley? ----- That's right.

And you live at 9, Charles Lane, Fordsburg? -----
That's right.

And you are employed at Vulcan Rubber Worsk, 41, Frost Avenue, Auckland Park? ----- That's right.

And your sister, Miss D. Pillay, was the tenant of a house, situated at 17(a) Wolhuter Street, Ferreirastown? ---
That's right.

And she died on the 9th April, 1963? ----- That's right.

Then did you take over the tenancy of the house?
----- Yes, I took over the tenancy of the house.

And why did you take over the tenancy? ----- Well, my late sister paid key money of R400.00, so I didn't want to give up.

How much rent did you have to pay monthly? -----
R30.00.

Did you move into the house? ----- Yes, I moved into the house.

In April, 1963? ----- In April, 1963.

And did you experience difficulty in 1964? --- Yes.
Paying the rent? ---- That's right.

Then about September, 1964, were you approached
by anybody? ---- Yes, I was approached by Adelaide Joseph.

Adelaide Joseph, the wife of Paul Joseph? ---- That
is right.

And did she want to take over the house? ---- Yes,
she asked to take over the house.

Were you agreeable? ---- Yes, I was quite agreeable.

What did she pay you? ---- She paid me £75.0.0.,
that is R150.00.

Just for the... ---- To take over the place.

Then in addition had she to pay the R30.00 a month?
----- That's right.

And did she occupy the house? ---- Well, that is
what she told me she was going to do.

Did you move out? ----- Yes, I moved out altogether.

And did you get married in November, 1964? ---
That's right.

To a Miss Barbethe Pillay? ---- That's right.

And in February, 1965, did you have some business
with Paul Joseph? Did he see you? ---- Yes, he came to see
me.

Yes? ---- He told me that his wife left South
Africa and that he was staying on at the place situated
17 Wolhuter Street, and that he will continue paying me the
rent, that I need not worry about that.

Yes, what I want to get clear is, did Paul Joseph
or his wife pay the rent direct to the agents? ---- No.

Did they always pay you? ---- Paid me.

You paid it over to the agents, I think Bendiha? ---
That is right, J.J. Bendiha.

And until when did Paul Joseph pay you the rent? ---
Until the middle of June - I'm not very sure, but somewhere
around June he stopped.

And what happened then? ---- Then he - I think it
was a friend of Paul Joseph, came over to my place, I did not
know his name, and he told me that he was taking over the
place and that he would pay me the rent.

Did you go to the house again? --- No, I had no
reason to go back to the place.

Now, what happened to Paul Joseph? ----- What I
have read in the papers, he left South Africa too.

And his wife, Adelaide? ---- Well, in February
she left.

I want to show you some documents, AF. 175? ----
Well, the first receipt dated....

Are you looking at AF. 175? 157. You say, 157,
are they receipts? ---- That is right.

The first one dated 8th January? ----- No, the
first is dated the 6/3/65.

All right, in favour of? ----- That's my name,
R. Woodley.

And the second one? --- The second one is dated
16/2/65. My late sister, D. Pillay.

Yes? --- The third one is the 8/3/65. D. Pillay
R60.00.

You say those receipts relate to what? ----
Excuse me?

To what do those receipts relate? ---- To the
house at 17(a) Wolhuter Street.

The money being paid by whom? ---- By me.

From whom did you get the money? ---- Well, I
received the money some times from Paul Joseph, some times

from his wife, but after Paul Joseph left the country an Indian came over to my house, told me that he was staying on at the place and he came and paid me the rental himself. He gave me the rent up until October, and in November I haven't seen him after that. I never received the rent of November.

Who was this Indian? ---- I did not know his name, but I described him to the Security Police when they came to visit me.

And you say he paid the rent until November? -----
Until October.

Until October. Did you ever go into the house? ----
After Miss Adelaide Joseph moved in I've never been back into the house.

Did you ever accompany the police to the house? ----
No, I've never accompanied the police to the house.

You see these photographs, AF. 175, AF. 175(b), are they the photographs of this house at 17(a) Wolhuter Street?
----- That's right.

STATE PROSECUTOR: NO FURTHER QUESTIONS.

MR. BIZOS RESERVES CROSS-EXAMINATION.

JEYEMTILEM MORAR, (s.s.) (Indian interpreter Hashim Amien Bulbulia.)

EXAMINATION BY STATE PROSECUTOR: Do you live at 38(a) Betty Street, Jeppe? ---- That's correct, your Worship.

And does this building consist of a shop, bedroom, a kitchen and another shop with an entrance in Betty Street, and numbered 38(b)? ---- That's correct, your Worship.

And the shop at 38 (b) Betty Street was occupied by you as a dry cleaner? ---- That's correct, your Worship.

And did some Indian approach you in April, 1965, and ask you to sub-let the shop to him? ---- That's correct,

your Worship.

Who was the Indian? ---- A man by the name of Ismail.
I only know him by the name of Ismail.

And how much did he have to pay you? ---- £6.0.0.
R12.00.

Did he say why he wanted the shop? ---- He just
told me he wanted the shop and he wanted to do business.

When did he start occupying the shop? ---- April
month.

Until when? ---- April, 1965.

Until when? ---- November month.

Did he say what he wanted to do in the shop? ----
He never told me exactly what he wanted to do, he just
mentioned the word 'business.'

Did he have to pay the rent in advance? ---- He
told me he would come back the following day to pay me the rent.

Did he pay it? ---- Yes, your Worship.

Did you see him bring any goods to the shop? ----
He brought some goods to the shop.

Such as? ---- Some boxes and a duplicating machine.

How did he bring these goods? --- In a car.

Did he come by himself? ---- There were two
people with him.

Do you know their names? ---- I don't know their
names.

Did you become aware of any activity going on in
this shop? ---- He just came and left the goods, I see
nothing going on in the shop.

Is this AF. 176 a photograph of the shop? Where
the cross is? Is there a cross above the door of the shop?
Just look at this one? ---- The one with the cross on it,

your Worship....

Is that the one that Ismail hired from you? ----
That's correct, your Worship.

And what did you do with the money that Ismail paid you from month to month? ---- The money I received from Ismail, I paid the rent into my landlord.

Will you look at AF. 158, are those receipts that you got in respect of the rent of this shop? ----- That's correct, your Worship.

The rent for the months April, May, June, July - skipping August - then again September, October and November, 1965? ---- Yes, everything from April onwards, your Worship.

Will you be able to identify a photograph of Ismail if you see it? --- I think I could, your Worship.

Will you look at AF. 181? ---- I cannot identify him, your Worship.

Did you identify photos of Ismail to Lt. Burger? ---- That's correct, your Worship.

On the 23rd November, 1965? ---- That's correct, your Worship.

Were they loose photographs or were they in a book like that? ---- No, it's not in there, your Worship.

STATE PROSECUTOR: NO FURTHER QUESTIONS.

MR. BIZOS RESERVES CROSS-EXAMINATION.

CAREL PETRUS FREDERICK JANSEN VAN RENSBURG, (b.v.)

VERHOOR DEUR STAATSAANKLAER: Jy is 'n speurder sersant verbonde aan die Veiligheids Tak van die Suid-Afrikaanse Polisie, gestasioneer te Johannesburg? ---- Dit is reg, Edelagbare.

U was behulpsaam met die deursoeking van die huis van die Seppels by 99, Monsweg, Observatory, Johannesburg,

op die 18de November 1965? ---- Dit is reg, Edelagbare.

En was daar 'n krat by die voorportaal van die huis?
---- Daar was.

Was die Seppels by die huis gewees? ----- Die
Seppels was nie by die huis nie.

Weet jy waar hulle is? ---- Op daardie stadium,
Edelagbare, het ek vasgestel dat hulle die land verlaat het.
Die hele Seppel gesin. Ongeveer 'n week tevore die land
verlaat het in alle haas.

In elk geval, het u die krat wat daar gestaan het
ooggemaak? ---- Ek het.

En die inhoud daarvan deursoek? ----- Ek het dit
deursoek.

En kyk na AF. 64, is dit 'n brief aan 'Kim', gedateer
13 Augustus 1965? ---- Dit is reg, Edelagbare.

Deur Paulus. Gedeeltelik ook in kode en gedeeltelik
in Engels? ----- Dit is reg. Die brief word afgesluit,
'love to all, Paulus.' Ek wil net sê, die brief het ek in
die krat in 'n boek gekry, Edelagbare.

STAATSAANKLAER: GEEN VERDERE VRAE.

MR. BIZOS: NO QUESTIONS.

- COURT ADJOURNS -

ON RESUMPTION OF COURT:

STATE PROSECUTOR CALLS MRS. SCHERMBRUCKER AGAIN:

BY THE COURT: (To Mrs. Schermbrucker) Have you decided
whether you are going to give evidence or not?

MRS. SCHERMBRUCKER: Yes, I had the law explained to me by
my advocate, and I've decided that not at this stage or any
other stage will I give evidence. And I'm prepared to face
the consequences.

BY THE COURT: You are fully aware of the legal position?

MRS. SCHERMBRUCKER: I'm fully aware of the legal position.

STATE PROSECUTOR: Your Worship, this matter has rather caught me unexpectedly. I would like to consult a certain decision which was given recently in the Supreme Court on this very question. I was wondering whether I might raise this matter again tomorrow morning, if that suits your Worship?

BY THE COURT: You want it to stand over until tomorrow morning?

STATE PROSECUTOR: Until tomorrow morning.

MRS. SCHERMBRUCKER STANDS DOWN AGAIN.

STATE PROSECUTOR: Your Worship will appreciate that with this witness' refusal to give evidence I am in difficulties, because I had anticipated that her evidence will take all afternoon. I'm sorry that I'm causing the Court inconvenience.

- COURT ADJOURNS -

ON RESUMPTION OF COURT: 28th January, 1966

THE STATE PROSECUTOR calls MITHRASAGRAM NAIDOO

The witness takes the oath and then requests the Court's permission to consult a lawyer. The State Prosecutor is agreeable.

BY THE COURT: Yes, all right, if you feel that way I have no objection.

MOHAMMED ISMAEL DINAT, s.s.

Interpreter M.E. Laher. Language: Gujirate.

EXAMINATION BY THE STATE PROSECUTOR: Now you live at 18a Rockey Street, Doornfontein?

The witness requests an interview with his attorney.

BY THE COURT: Any reason why you haven't been able to have an interview up to now? ---- Your Worship, I have given a statement to the Investigating Officer, and with the permission of the Court, I would like to go through that statement.

My question is this: Any reason why you have not seen your attorney before coming to court. Why you should wait until you come into court and then make the request? ---- Your Worship, I am at the moment serving under 180-days detention, and I had no privilege of interviewing my attorney Your Worship.

In that case you can certainly have an opportunity of seeing your attorney. Witness to stand down.

JOSEPHINA MATIMA, s.s.

EXAMINATION BY THE STATE PROSECUTOR: Is your address Mogocho School, Koringpunt? ---- That is so, your Worship.

Via Naboomspruit? ---- That is so, your Worship.

Your father's name is Amos Matima? ---- That is so, your Worship.

Your Nduna is Dindela Charlie Kekama? ---- That is correct, your Worship.

Your headman is Patrick Kekama? ---- That is the Chief, your Worship.

You fall within the Zebedelia police area? ---- That is so, your Worship.

Now your sister is Francina Matiba? ---- That is so. She worked at 57 Knox Street, Waverly, Johannesburg? ---- That is so, your Worship.

You stayed with her? ---- Yes, your Worship.

Since September '64? ---- That is so, your Worship.

Did you only do washing? ---- That is so, your Worship.

And did the employers of your sister, Mr. and Mrs. Swarts, move away from 57 Knox Street at the end of January, or during January, '65? ---- That is so, your Worship.

And during that month did a European lady approach you? ---- Yes.

And say that she would be the new occupant of the house? ---- She said she would be the new occupant of that house.

Did she ask you to work for her? ---- Yes, your Worship.

And did you agree? ---- Yes.

What was she prepared to pay you? ---- R15.00.

If I show you a photograph, do you think you will recognise this lady? ---- Yes, your Worship.

Will you go through AF 181 and see? ---- I don't see any more Europeans in the book, your Worship. I point out photo No. 28, your Worship.

Can you remember on what date you started working for that lady? ---- I started working for this lady on the 15th February.

For how long did you work for her? ---- I worked

for her from the 15th. On the 18th she said that she had received a telegram. She said that her mother was very ill.

Did she say where? ---- In England.

What was she going to do? ---- She said she was going home to England.

Was she living in this house alone? ---- No, your Worship.

Who was there with her? ---- There was another European male living there. I don't know if it was her husband or not.

What was his age? ---- I couldn't say how old he was.

Was he an old man or a young man? ---- Young, your Worship.

And you were saying you only worked for this lady for three days? ---- Just 3 days.

Where did you stay then from the 1st February? ---- I lived in that yard, and she said I had to do the washing for her.

I see. Was this lady there from the first of the month? ---- Yes, and I was doing her washing.

Did you see her furniture arrive? ---- On my arrival there the furniture was already in the house.

Did they have a car? ---- Yes.

What kind? ---- It was a small light-blue car.

Now did these people go out during the day? ---- Yes, your Worship.

Did you make up the beds and so on in the house? ---- Yes.

Were there more than one bedroom? ---- There were 3 bedrooms.

Do you know whether this lady and the man occupied the same room, or different rooms? ---- No, they were not

sleeping in the same room.

Each had his own room? ----- Each had his own separate room.

You made up the beds every morning? ----- Yes.

Now after the lady left on the 18th February, what happened to the man? ----- He remained.

Until when? ----- To the 15th March, when he told me he was also leaving. He said he was going to Cape Town.

And who paid your wages? ----- Yes, he paid me up until he left.

Now did you see any other person arrive at the house before the man left? ----- When he left he told me that I must remain there and that his uncle would come there.

His uncle? What about his uncle? ----- He said I would have to remain on the premises and his uncle would remain there too until he returned.

Until he returned? ----- He said he would return, and the woman too, I don't know if it is his wife.

Now when the man left did he say what he was going to Cape Town for? ----- No, he did not tell me.

And who had the keys of the house? ----- It was given to the elderly man that remained in the house.

Yes, now did the elderly man arrive from the day that the other man left, or not? ----- When I got up on the morning of the 15th, I found him already in the house.

Who was he? ----- I don't know.

Would you look at the album again and see if there is anybody there who resembles him? ----- Photo No. 13.

Did you know his name? ----- No, I did not know what his name was, but I saw a letter that arrived there with the name D. Black on.

Did you then work for him? ----- That is so.

From the 15th March until when? ---- Until November, when I left. I left work on the end of October.

Yes, but until when did you stay on at 57 Knox Street? ---- To the 18th July.

And did you do the cooking? ---- Yes, I was cooking for him.

Was there any change in the furniture of the house? ---- Nothing was changed.

And the motor-car that the other man had driven? Did that remain on the premises? ---- Yes.

And who used it? ---- The old man that remained in the house used this car.

And what did the old man do? ---- I don't know what this old man was doing. I see him reading the newspaper in the house, and sometimes he used to go out.

Did he have any visitors? ---- I only saw one come to that address - 57.

Male or female? ---- It was a female.

White? ---- White.

What age roughly? ---- It was an adult person.

How many times? ---- I think it was for two days I have seen her there and then I did not see her again.

Did she stay there for two days? ---- No, she just came to visit and then left again.

And you say you left on the 18th July? ---- That was when we shifted - myself and the old man.

Where did you shift? ---- Corlett Drive, 215.

And did you shift to 215 Corlett Drive on the 18th July? ---- That is correct, your Worship.

And was all the furniture taken out of the house? ---- Yes.

And the car, was that also taken to the new address?

---- Yes.

Now did you know a Bantu by the name of Johannes Maweshi? ---- It is the father of the child which I have now on my back, your Worship.

Did he also stay with you at 57 Knox Street and then move to 215 Corlett Drive? ---- That is correct.

Now tell me, during the time from the 15th March to the 18th July, did the old man ever go away from the house for any number of days? ---- He left for 3 days.

While you were still at 57 Knox Street? ---- When we were at Corlett Drive.

Did he say where he was going? ---- No, he did not tell me. He only told me he was leaving for 3 days.

Did he take the car? ---- Yes.

Can you remember in what month that took place? ---- I have forgotten.

You say by the end of October you were going home? ---- Yes.

And did you write the old man a letter from home? ---- I wrote the old man a letter when I saw the photo of my sister in the newspaper.

I want to show you AF 112. ---- I can't read, your Worship, and it was not written by me. This is the letter, your Worship, Exhibit 112.

Did you write that letter yourself or did you get somebody else to do it? ---- I did not write it, I got somebody to write it for me.

But now there you make reference to the madam or a lady and asked whether she had given birth. I want you to elaborate on that. ---- I mentioned in the letter that I had not got a baby yet.

Let me have a look at the letter. You see, this

is how it reads: "I have heard, is the missus back from holiday?" ---- They have written it wrong there. I did not ask if the sister had returned to the yard already... I asked in the letter if the old man's sister had arrived already from Durban, to come and live with him.

Yes, now why did you ask that? ---- The old man told me that his sister would come and live in the yard with him, and Francina had to remain in the yard and work for them.

So, about whom were you enquiring when you asked whether anybody had given birth? ---- I mentioned about myself that I had not got a baby yet.

I see, your own writer made a mistake? ---- Yes, he wrote wrong.

STATE PROSECUTOR: NO FURTHER QUESTIONS.

MR. BIZOS RESERVES CROSS-EXAMINATION.

-: oOo :-

FRANCINA MATIBA, s.s. Language Tsepedi.

EXAMINATION BY STATE PROSECUTOR:

What is your address? ---- Zebedelia.

Yes, but give us some details. ---- Mogocho School, P.O. Koringpunt.

Via Naboomspruit? ---- That is correct, your Worship.

Are you the sister of Josephina? ---- That is so.

Do you live at the same kraal as she does? --- Yes.

Now did you work at 57 Knox Street? ---- Yes.

For a Mrs. Swarts? ---- That is correct.

Until the end of January, '65? ---- That is so.

When your employers moved out? ---- Yes.

And did you return to the house after you had left with your employers? ---- We left Knox Street and went to Irene. That was with my employers. After I had left this young man shifted his furniture and that. The next morning

I got on a train and went home. On a Thursday.

And did you return to Johannesburg after that?

---- I returned during the month of October.

Where did you go? ---- I went to Corlett Drive, Bramley.

Was that where your sister worked? ---- Yes.

Did you take your sister's place there? ---- Yes.

When she went home for her confinement? ---- That is so, your Worship.

Did she leave at the end of October? ---- She left on the 4th November.

But were you already at this house when she left?

---- Yes.

And who occupied the house? ---- It was an old man.

Can you look through the photo album and see if you can identify him? ---- I point out photo No. 13, your Worship.

And for how long did you work for this gentleman?

---- I started there on the 4th. My sister was with me, and she left on the 4th and went home. Then on the 11th I saw Europeans enter the premises.

How many? ---- I saw two men come when I was on my way to the post.

Were they the police? ---- They were in civilian clothes, your Worship, but I thought perhaps it might be the police.

Did they take the old man away? ---- The old man wasn't there, I was there alone.

Now apart from those two people, did you see any visitors at the house? ---- No, I saw no visitors come to the house, your Worship.

STATE PROSECUTOR: NO FURTHER QUESTIONS.

DEFENCE RESERVES CROSS-EXAMINATION.

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