

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF EVATON

HELD AT EVATON

CASE NO: 644/1960.

In the matter of:

THE STATE

versus

OBED MAJAKE

Accused No. 1,

VALLANCE NCAMANE

Accused No. 2,

and

ZACHIUS MOLETE

Accused No. 3.

NOTICE OF AMENDMENT

BE PLEASED TO TAKE NOTICE that at the hearing of the appeal in the above matter application will be made on behalf of the three Accused to amend their Notice of Appeal by the deletion of the present Notice and the substitution therefor of the following :

" NOTICE OF APPEAL.

BE PLEASED TO TAKE NOTICE that the three Accused hereby note an appeal to the Transvaal Provincial Division of the Supreme Court of South Africa against their convictions on the 12th. day of December 1960

- by -

by Mr. Gibbens on Counts 1, 2 and 3 of the Indictment and against the sentences imposed upon them on the following grounds :

1. THAT the learned Magistrate erred in finding:
 - (a) That Accused No. 1 addressed the demonstrators;
 - (b) That Accused No. 2 informed Lieutenant Van Eeden that he (Accused No. 2) and Accused No. 3 represented the crowd; X
 - (c) That Accused No. 3 informed Lieutenant Van Eeden that he (Accused No. 3) and Accused No. 2 represented the crowd; X
 - (d) That either Accused No. 2 or Accused No. 3 represented the crowd; X
 - (e) That Accused No. 3 addressed the crowd before he interviewed Lieutenant Van Eeden;
 - (f) That the three Accused or any of them were leaders of the demonstrators;
 - (g) That there was any evidence that the Accused or any one of them advised, encouraged, incited, instigated, commanded, aided or procured any person ✓

or persons in general or used any language
or did any act or thing calculated to
cause any person or persons in general
to commit any offence.

2. THAT the sentence imposed upon each of the
Accused was excessive. "

A N D FURTHER BE PLEASED TO TAKE
NOTICE that the Affidavit of the two Accused
(Nos. 1 and 2) will be used in support of this
Application.

DATED at JOHANNESBURG this 17th day of AUGUST, 1961.

(SOD) R. W. HAYMAN

OF: HAYMAN AND ARONSOHN,
Attorneys for the Accused,
517, S.A. Fire House,
Fox and Rissik Streets,
JOHANNESBURG.

To:

The Attorney General,
Palace of Justice,
P R E T O R I A.

— per Registered post

And To:

The Registrar of the Supreme Court
of South Africa,
(Transvaal Provincial Division),
P R E T O R I A.

— per Registered post

And To:

The ADDITIONAL MAGISTRATE,
E V A T O N,
P. O. RESIDENSIA.

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF EVATON

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In the matter of :

THE STATE

versus

OBED MAJAKE

Accused No. 1

VALLANCE NCAMANE

Accused No. 2

and

ZACHIUS MOLETE

Accused No. 3

A P P I D A V I T

We, the undersigned,

VALLANCE NCAMANE

-and-

ZACHIUS MOLETE

being Accused No. 2 and 3 do hereby
make oath and state :

1. THAT we have searched for OBED MAJAKE
Accused No. 1 but he is not living in the same place
any more, nor is he working.

2. THAT we drafted and typed the original grounds

- of -

of appeal ourselves and did not appreciate that we had to comply with the provisions of Section 63 of the Magistrate's Court Act of 1944.

3. THAT we advised the Magistrate verbally in Court at the time when judgment was given that we wished to appeal and he told us that we must make this appeal in writing within fourteen days. We are ignorant of the law and did not understand that our appeal must take a particular form.

4. THAT we borrowed an old precedent and used it as the basis of our appeal but were not advised that the form had changed and that specific grounds must be alleged.

5. THAT we appeared in person at the trial and were not legally represented. We originally intended appearing in person for our appeal, we therefore did not realize that we should obtain guidance from a lawyer in the drafting of our appeal.

(SGD) V. NCAMANE

(SGD) Z. NOLBTE

THE DEPONENTS HAVE ACKNOWLEDGED THAT THEY KNOW AND UNDERSTAND THE CONTENTS OF THIS AFFIDAVIT WHICH WAS SIGNED AND SWORN TO BEFORE ME AT JOHANNESBURG ON THIS THE 17th DAY OF AUGUST, 1961.

Sgt. Beukens
COMMISSIONER OF OATHS -

Attorney - Transvaal.

Revenue stamps to
the value of
20 cents cancelled.

10/60.

Add. Magistrate,
RESIDENSIA,
21/8/61.

The Registrar,
Transvaal Division of the Supreme Court,
PRETORIA.

STATE vs : OBED MAJAKE AND / 3 OTHERS.

On 24/1/61 the original record of the above case was forwarded to you. I understand the appeal has been set down for hearing on 5/9/61.

I have received a copy of the amended notice of appeal and wish to inform you that I have nothing further to add to my reasons for judgement.

Accused No. 1 was convicted on counts 1, 2 and 3 while accused nos. 2 and 3 were convicted Counts 1, 2, 3 and 4 and not only 3 Counts as set out in the amended notice of appeal.

ADD. MAGISTRATE/ RESIDENSIA.

Messrs. Hayman and Aronsohn,
P. O. Box 7390,
JOHANNES BURG.

For your information

ADD. MAGISTRATE/RESIDENSIA.

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court
Records 1958-1978**

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