

IN THE SUPREME COURT OF SOUTH AFRICA

EASTERN CAPE DIVISION.

In the matter:

TOMMY CHARLIMAN VERSUS THE STATE.

JENNETT. J.P.

The appellant was convicted on four counts, namely being a member of an unlawful organisation, the African National Congress, contributing or soliciting subscriptions for the benefit of such organisation, taking part in the activities of the organisation and knowingly allowing his house to be used for meetings of the organisation.

A sentence of two years imprisonment was imposed on each count.

In the notice of appeal on which the appeal was argued only the validity of the conviction on the second count was attacked. That attack was based on three grounds. It was contended that the evidence did not establish <sup>that</sup> any funds subscribed or collected by appellant were for the benefit of the organisation. In our view the evidence shewed that the subscriptions were designed for one purpose only namely that of assisting the organisation. Then it

/was.....

Part of Judgments file

was argued that only one of the two witnesses present at the meeting when the subscriptions had been collected mentioned the payment of moneys. It is, however, apparent that both witnesses dealt with the whole concept of raising money by means of parties and concerts and the failure by one of them to mention specifically the collection of money at the meeting was not material. Finally it was said that the Magistrate's questions of the witness who had mentioned the collection of money at the meeting were improper in that he introduced the term subscriptions whereas the witness had not referred to the payments as subscriptions. As the earlier evidence of the witness shewed that the payments were in the nature of subscriptions there is no substance in this argument.

As to the appeal against the sentences the only argument of substance for appellant was that the cumulative effect of the sentences made them excessive. Because that was the Court's view the sentences on the second, third and fourth counts were reduced to one year's imprisonment in each case.

These are the reasons for the Court's decision given on 28th January, 1966.

I agree.

A.G. JENNETT.  
JUDGE PRESIDENT, EASTERN CAPE DIVISION.

P.F. O'HAGAN.  
JUDGE OF THE SUPREME COURT OF SOUTH AFRICA.



**Collection Number: AD1901**

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

***PUBLISHER:***

*Publisher:*- Historical Papers, University of the Witwatersrand

*Location:*- Johannesburg

©2012

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.