





There was a large attendance at the party given by the Czech Consul-General in Cape Town last week to celebrate Czechoslovakia's National Day, and our picture shows (from the left) the Consul-General and Mrs. J. Patek, Dr. Lubomir Doruzka, secretary of the Janacek Quartet, and Professor Eric Christolm, Professor of Music at the University of Cape Town. The Quartet delighted the guests with a short recital, after which everybody rose to drink the toast to Czechoslovakia and the Janacek Quartet.

## Law And The Layman

By Jurist

# THE POWERS OF THE POLICE AND THE RIGHTS OF THE PEOPLE

In our last article, we discussed the procedure of criminal courts after a person has been arrested and brought before them. We must now return to the question of arrests, interrogations and searches by the police, which constitutes a subject on its own.

The powers of policemen to make arrests are extremely wide. The following are the most important categories of persons who may be arrested without a warrant:

(a) Any person who commits or attempts to commit any offence in the presence of a policeman.

(b) Any person reasonably suspected of having committed a serious offence such as murder, robbery, housebreaking, theft, fraud or any other offence for which the penalty is imprisonment without the option of a fine for a period of six months or more. All contraventions of the Suppression of Communism Act are included in this category.

(c) Any person found in possession of property reasonably suspected of being stolen.

(e) Any person reasonably suspected of being a prohibited immigrant.

A warrant for arrest may be issued by a judge or magistrate if he is satisfied that there is reason to suspect a person of having committed any offence.

### UNLAWFUL ARREST

If a policeman attempts to arrest anyone under circumstances not justified by law, the person concerned is entitled to resist the attempt, and is also entitled to sue for damages for wrongful arrest. It is, as a general rule, most unwise to adopt the first of these alternatives. Even if you have committed no crime, someone may have laid a false charge against you and a policeman may therefore have reasonable grounds for suspecting you. His arrest is therefore justified and if you resist, you will be guilty of the serious offence of resisting lawful arrest. At the time of the arrest, it is virtually impossible to know what information the police may be acting on, and therefore impossible to be sure that the arrest

does not fall under one of the many categories of lawful arrest. Resistance is therefore a very dangerous gamble. At a later stage, when the details of the case have become known, it will be possible to decide whether the arrest was lawful or not, and if not, to claim compensation.

### NAME AND ADDRESS

Another important power vested in the police is the power to require a person to supply his name and address. This may be done as an alternative to arrest in all cases in which an arrest is justified, and also in all cases where a person may, in the opinion of the policeman, be able to give evidence as to the commission of an offence. This does not simply imply that the person concerned is in any way involved in the crime; he may be an innocent bystander who simply happens to have seen the commission of a crime or some event connected with it. He is nevertheless obliged to supply his name and address and may be arrested if he refuses. It is therefore advisable to give one's name and address whenever asked to do so by a policeman.

It is important to note that this is the only question which one is obliged to answer when interviewed by the police. A person who is suspected of a crime may be invited by the police to give an explanation of the matter, and if he has a complete explanation it may save trouble to give it. **But he is not obliged to say anything, and if the police make any attempt to force him to answer questions, this should be reported to the magistrate when the case comes to trial.** Anything which the accused voluntarily tells the police will be reported to the court in evidence and may count against the accused or in his favour. Any statements which are forced from him, however, cannot be used in evidence.

If the police question a person who is not suspected of a crime, but who is required as a witness, that person may also refuse to answer their questions. If he does, however, he may be summoned before a magistrate and compelled to disclose what he knows about

the crime under investigation. Before the magistrate he must answer all questions which are put to him, unless the answers would tend to incriminate him.

### SEARCHING PREMISES

The police may enter premises and conduct a search in any of the following cases:

(a) If it is reasonably suspected that stolen property, or anything which it is illegal to possess (e.g. illicit liquor or drugs) or anything which has been used in the commission of a crime, or anything which may afford evidence as to the commission of a crime, is to be found on the premises.

(b) If it is reasonably suspected that preparations for the commission of any crime are being made on the premises.

(c) If it is reasonably suspected that a meeting which will be dangerous to law and order or the internal security of the Union is being held on the premises.

In all these cases, a search warrant must normally be obtained, but if a policeman considers that the delay involved in obtaining a warrant would defeat the purposes of the search, he may act without a warrant.

The individual's remedies against an unlawful search are, as in the case of arrest, resistance or a subsequent claim for damages. For the same reasons as were given before, the latter is the wiser course of action.

## The Price Is Seretse's Return

MAFEKENG.

The valuable base mineral, manganese, has been discovered in the Bamangwato reserve in Bechuanaland. A commercial company is eager to exploit the situation but it has to seek a legal concession from the tribe.

An influential section of the tribesmen are saying that no concession to open a mine must or can be granted to investors until Seretse Khama is restored to the chieftainship.

# BUS BOYCOTT PICKETS WITHDRAWN

## SACPO Preparations For Next Phase

CAPE TOWN.—“The first phase of the campaign against bus apartheid has ended, but the fight against bus apartheid is not finished. It has only begun,” declared a statement issued here last week by the S.A. Coloured People's Organisation.

“Preparations are being made for the next stage of the campaign—a greater and more widespread boycott of the buses should attempts be made to extend apartheid to other routes.”

SACPO declared: “Thousands of people have demonstrated their opposition to bus apartheid by boycotting the buses in the Peninsula, and the Government cannot say with justification that the people of Cape Town are willing to accept apartheid on the buses.

“As a result of the initial demonstrations, the membership of SACPO has increased considerably. Support for its policy has grown among the Coloured people as the result of many meetings and the distribution of thousands of leaflets. Its stand against all forms of apartheid has been acclaimed by all sections of the people.

“SACPO is now withdrawing its pickets from the bus queues. They have performed a wonderful and important task against great odds and despite police intimidation, in arousing the people to the dangers of apartheid.

“SACPO calls upon the people of Cape Town to continue the boycott wherever possible, and to prepare to take part in the next stage. We are confident that with stronger effort and greater determination, the people of Cape Town can defeat bus apartheid.”

## Site And Service Residents Were Washed Out

From Govan Mbeki

PORT ELIZABETH.

After last week-end's cold spell which was accompanied by rain the local press reported that the temperature was 6 degrees above freezing point. It was dreadfully cold and wet. In the pondokkies at the Site and Service area the floors were covered in water. It was pouring outside and the hastily-constructed shanties were leaking.

“Throughout the night we squatted on the wet floor. My wife and I took turns resting our three months old baby on our arms, because we could not lay him anywhere,” Mr. John — told New Age.

Early in the week blankets were spread out to dry. The floors were still wet, and the weather continued to be chilly. The bedding had scarcely dried when the rain poured down again.

At the Site and Service area I found children huddled together in a shanty. The youngest of the three was gnashing its teeth in the name of the PRESERVATION OF CHRISTIAN WESTERN CIVILISATION. The mother was collecting shrubs to make fire for them. The father was attempting to seal some gaping holes in the roof of the shanty.

The Town Council Housing Specialists hail the scheme as a Godsend for “Our Natives.” “They are going to have permanent homes,” is the cry. Can it be true that South Africa, White ruling South Africa, has become so bereft of ordinary human feelings that the misery that this Government is imposing on the African is regarded as a matter of course? How gross is this inhumanity!

## Gaoled For Incitement

PRETORIA.

Mr. P. Mashao, a Congress member, was sentenced to six months imprisonment for incitement to public violence. The magistrate found that at a Congress meeting Mashao had shouted “Let us throw stones at these boere and kill them” referring to members of the Special Branch. An appeal has been noted.

# Private Schools For Africans Worse Off Than Ever

—Jarrett-Kerr

JOHANNESBURG.—With the passing of the Bantu Education Amendment Bill private schools for African children would be in a more precarious plight than ever, commented Father Jarrett-Kerr, chairman of the African Education Movement, last week.

The amending Bill lays down that registration of any school shall be subject to such conditions as the Minister, Dr. Verwoerd, may determine.

“The Minister thinks he is the only one who knows what is in the interests of the African people,” said Father Jarrett-Kerr. “The African people, of course don't!”

He commented that it could be seen from the original Act that the provisions for the running of private schools were extremely hypocritical. “We said so and now it has been proved.

“The Minister wants the control of the Africans from their earliest years: control not only of movement but also of their thoughts and aspirations.”

### FEES

“The Minister will permit no private schools to charge fees—

which in effect undermines the existence of the schools and their possibility of ever starting. Yet the levy on all tenants of 2s. for school building—even tenants who have no children—shows that in fact the Minister is prepared to make the African people pay monies for their education—but only to him (the N.A.D.)”

Father Jarrett-Kerr said the reason why the Minister was not so unfavourable to the Roman Catholic school registration was that the Catholic Church was only claiming the right to give religious instruction and environment. Apart from that the Catholics were conforming to Bantu Education Act requirements and standards.

FIRST GRAND PIANO ever to be produced in China was completed last week.

**Collection Number: AG2887**

**Collection Name: Publications, New Age, 1954-1962**

***PUBLISHER:***

*Publisher:* Historical Papers Research Archive, University of the Witwatersrand

*Location:* Johannesburg

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