

MCH911-5a-12-1

# In the Supreme Court of South Africa.

CAPE OF GOOD HOPE PROVINCIAL  
DIVISION.

Division

On the 31<sup>st</sup> day of October 1962

IN RE

*Julius Ham*

Plaintiff  
Applicant  
Appellant  
Consultant

versus

*Minister of Justice*

Defendant  
Respondent

**Brief.** *On Declaration*

Mr. Adv. *A. J. Joffe*

with you

Mr. Adv. \_\_\_\_\_

Fee:

Guineas.

## Memorandum:

*Not proceeded with.*

**FRANK, BERNADT & JOFFE.**

Per *[Signature]*

Attorneys for *[Signature]*

516, Netherlands Bank Building,  
85, St. George's Street  
CAPE TOWN.

SMUB 59/11

INSTRUCTIONS TO COUNSEL

1. Plaintiff is GILBERT HANI of 121, Special Quarters, Langa, Cape Province.
2. Defendant is the MINISTER OF JUSTICE, Union Buildings, Pretoria, Transvaal.
3. On the 17th March 1962 Plaintiff was arrested at his home at Langa by Sgt. van Dyk and an officer of the Security Police, taken to Langa Police Station after his home had been searched, and was kept in prison until the 2nd April 1962 when he was released without any charge being preferred against him.
4. Through our offices application for bail was unsuccessfully made during the period of Plaintiff's detention, nor did our request for particulars of the charge against him meet with any response.
5. On the 17th May 1962 we wrote to the Station Commander, Langa Police Station, requesting an explanation justifying Plaintiff's arrest and detention. A copy of this letter was also sent to the Officer in Charge, Security Police, Caledon Square, Cape Town.
6. On the 24th June 1962 the Divisional Commissioner of Police, Western Province Division, wrote to us advising that the matter was being investigated and that in the meanwhile the Deputy State Attorney had been furnished with a copy of our letter.
7. Having heard nothing further by the 2nd July 1962 we demanded payment from the Defendant of the sum of R2000-00 for damages, our letter containing all the abovementioned facts and allegations.
8. The Defendant's Private Secretary acknowledged our letter on the 12th July 1962, and on the 24th August 1962 we wrote to the latter advising that Summons was being prepared and would be issued and served

unless/.....

unless we receive either a satisfactory explanation justifying Plaintiff's arrest and detention or alternatively the payment of the sum of R2000-00 by the 31st August 1962. Our letter was acknowledged by the Defendant's Private Secretary on the 30th August 1962.

9. As neither the requested explanation nor the payment of R2000-00 has been received from the Defendant, Summons was issued against him on or about the 6th September 1962 in which the following claim was made :-

(a) The sum of R2000-00 being as and for damages sustained by Plaintiff as a result of being wrongfully, unlawfully and falsely arrested, searched and imprisoned by the said Defendant's servants acting in the course of their employment.

(b) Alternative relief.

(c) Costs of suit.

10. The Summons was duly served on Defendant on the 10th September 1962 and an Appearance to Defend was entered on the 2nd October 1962.

11. Counsel is required to draft Plaintiff's Declaration.

DATED at CAPE TOWN this 30th day of OCTOBER 1962.

FRANK, BERNADT & JOFFE

per:

Plaintiff's Attorneys,  
85, St. George's Street,  
CAPE TOWN