

THAT the said accused are guilty of the offences of contravening

MAIN COUNT:

Section 2(a) of Act No. 8 of 1953 read with Section 15(1)(a) and/or Section 15(1)(c) and/or Section 15(1)(g) of Act No. 67 of 1952 as substituted by Section 24 of Act No. 79 of 1957 and further read with Government Notice No. 1747 of 8th November, 1957, promulgated in Government Gazette No. 5973 of 8th November, 1957.

ALTERNATIVELY:

Section 18(2)(b) of Act No. 17 of 1956 read with Section 15(1)(a) and/or Section 15(1)(c) and/or Section 15(1)(g) of Act No. 67 of 1952, as substituted by Section 24 of Act No. 79 of 1957, and further read with Sections 1, 4 and 5 of Act No. 8 of 1953 and further read with Government Notice No. 1747 of 8th November, 1957, promulgated in Government Gazette No. 5973 of 8th November, 1957.

PARA. 1.

IN THAT WHEREAS at all times and places where it is alleged that the accused did or omitted to do any act, it is alleged that all the accused at all such times were acting together and in concert and in furtherance of a common purpose and were further acting together and in concert with persons who were members of an organisation known as the Pan - Africanist Congress

PARA. 2.

AND WHEREAS at all times relevant to these charges numerous native males in the magisterial districts of the Cape, Worcester and Wynberg (Cape), in the Regional Division of the Cape Peninsula, had been issued with reference books as defined in Sections 1 and 2 of Act No. 67 of 1952.

PARA. 3.

MAIN COUNT:

NOW THEREFORE the said accused, during the period 3rd May, 1959, up to and including 28th March, 1960, and at or near Kwezi Location, Worcester, in the district of Worcester, and at or near Windermere, and The Parade, Cape Town, in the district of the Cape, and at or near Nyanga and Langa, in the district of Wynberg (Cape), all in the Regional Division of the Cape Peninsula, did wrongfully and unlawfully and in any manner whatsoever advise, encourage, incite, command, aid or procure the persons in general, or some of the persons referred to in paragraph 2 supra, to commit the offences of contravening subsections (a) and/or (c) and/or (g) of Section 15(1) of Act No. 67 of 1952, as substituted by Section 24 of Act No. 79 of 1957, by way of protest against a law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or the variation or limitation of the application or administration of any law, to wit the Natives (Abolition of Passes and Co-ordination of Documents) Act No. 67 of 1952.

PARA. 4.

IT IS FURTHER ALLEGED that the manner in which the said accused advised, encouraged, incited, commanded, aided or procured as set out in the main count was by

- (a) addressing gatherings of native males referred to in paragraph 2 supra; and/or
- (b) printing or causing to be printed distributing, assisting in the distribution or causing to be distributed, circulating, assisting in the circulation or causing to be circulated, pamphlets, leaflets, bills, posters, circulars and other documents.

PARA. 5. IT IS FURTHER ALLEGED that the content, purport, meaning and intent of the said addresses, pamphlets, leaflets, bills, posters, circulars and other documents was to advise, encourage, incite, command, aid or procure the native males or some of the native males referred to in paragraph 2 supra to destroy or dispose of or not be in possession of the reference books referred to in paragraph 2 supra in contravention of sub-sections (a) and/or (c) and/or (g) of Section 15(1) of Act No. 67 of 1952 as substituted by Section 24 of Act No. 79 of 1957.

PARA. 6. ALTERNATIVELY:

NOW THEREFORE the said accused, between the dates and at or near the places mentioned in the main count, and, by way of protest or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law, or the variation or limitation of the application or administration of any law, to wit, the Natives (Abolition of Passes and Co-ordination of Documents) Act No. 67 of 1952, did wrongfully and unlawfully incite, instigate, command or procure the persons in general or some of the persons referred to in paragraph 2 supra to commit the offences of contravening sub-sections (a) and/or (c) and/or (g) of Section 15(1) of Act No. 67 of 1952 as substituted by Section 24 of Act No. 79 of 1957.

PARA. 7. IT IS FURTHER ALLEGED that the manner in which the said accused incited, instigated, commanded or procured as set out in the alternative count was by

- (a) addressing gatherings of native males referred to in paragraph 2 supra; and/or
- (b) printing or causing to be printed, distributing, assisting in the distribution or causing to be distributed circulating, assisting in the circulation or causing to be circulated, pamphlets, leaflets, bills, posters, circulars and other documents.

PARA. 8. IT IS FURTHER ALLEGED that the content, purport, meaning and intent of the said addresses, pamphlets, leaflets, bills, posters, circulars and other documents was to incite, instigate, command or procure the native males or some of the native males referred to in paragraph 2 supra to destroy or dispose of or not be in possession of the reference books referred to in paragraph 2 supra in contravention of sub-sections (a) and/or (c) and/or (g) of Section 15(1) of Act No. 67 of 1952 as substituted by Section 24 of Act No. 79 of 1957.

Nature of offence

Did advise, encourage, incite, conspire
aid or procure, OR (all) instigate.

offences alleged to have been instigated etc.

- 15(1) { (a) No possession of Ref. Book.
- A { (b) failure to produce "
- { (c) produce false "

C (a) Allows other person possession

G (c) Forges defaces etc.

These offences must be committed by way of protest
against a law etc in MAIN CHARGE

Not so in ANT. CHARGE