

Explanation of Charge

- 1. THE MAIN AND 1ST ALTERNATIVE CHARGE are both framed under the criminal Law Amendment Act of 1953.

The essence of these charges is that the accused incited persons to commit certain offences by way of protest against the Republic of South Africa Constitution Act of 1961.

The 2nd Alternative Charge is framed under the Riotous Assemblies Act of 1956 which makes it an offence to incite persons to commit an offence.

- 2. The offences which it is alleged the accused incited persons to commit all relate to statutes governing the employment of persons:-

- (a) Act 17 of 1956, The Riotous Assemblies Act makes it an offence for persons engaged in transport and other essential industries to absent themselves from work.
- (b) Act 15 of 1911, the Mines and Works Act, similarly makes this an offence for mineworkers, and
- (c) Law 13 of 1880 (Transvaal), The Master and Servants Act, similarly makes this an offence for domestic servants.

- 3. The charge therefore is that the accused incited workers in essential undertakings, mineworkers and domestic servants to absent themselves from work or to strike.

In order to prove this incitement and that, in the case of the Main and 1st Alternative Charge, it was in protest against the Constitution Act, the State relies on the documents set out on page 3 of the Charge.

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