

Case No.

STATE VERSUS N. MANDELA

MAIN COUNT

THAT the said accused, is guilty of contravening section 2(a) of Act 8 of 1953 read with section 5 of the said Act, and further read with section 14(1) of Act 17 of 1956 and section 14 of Act 13 of 1911 and section 8(2) of Chapter V of Law 13 of 1880 (Tvl.)

IN THAT the said accused did upon or about the period from the 1st April 1961 to the 31st May 1961 and at Johannesburg in the Regional Division of South Transvaal, wrongfully and unlawfully in any manner whatsoever advise, encourage, incite, command or aid persons in general to commit the offences of (a) Contravening section 14(1) of Act 17 of 1956 and/or (b) Contravening section 14 of Act 15 of 1911 and/or (c) Contravening Section 8(2) of Chapter V of Law 13 of 1880 (Tvl.) by way of pretest against a law, to wit, the Republic of South Africa Constitution Act 1961 (Act No. 32 of 1961) or in support of a campaign for the repeal or modification of the said Law or the variation or limitation of the application or administration of the said Law.

STATE VS. N. MANDELAPARTICULARS TO CHARGE

Please take notice that in relation to the Main Count the State alleges, inter alia, that the accused committed one or more or all of the following acts, to wit,

(a) Did distribute, assist in the distribution or cause to be distributed one or more or all of the publications or pamphlets set out under items 1 to 8 of the attached list.

(b) Did cause to be printed or did assist in the printing of one or more or all of the publications, documents or pamphlets set out under items 1 to 8 of the attached list for the purpose of circulation or distribution publicly.

Please take notice further that if it should be held that the acts set forth under paragraph (b) above does not constitute the offence as charged, the State will contend that it amounts to an attempt.

STATE PROSECUTOR: REGIONAL
COURT JOHANNESBURG

THE STATE VERSUS N. MANDELALIST OF PUBLICATIONS, DOCUMENTS OR PAMPHLETS

1. Pamphlet entitled - "Information notes for the Campaign".
2. Pamphlet entitled - "Guide to organisers".
3. Small sticker - in red print containing inter alia the words "Freedom Now".
4. Small sticker - in black print containing inter alia the words "No White Republic - demand national convention".
5. Small poster - in black print containing the words "No White Republic - one man, one vote - Strike!"
May 29, 30, 31."
6. Long poster - in black print containing the words "General Strike May 29, 30, 31"
7. Large poster in red print containing inter alia the words "Demand a National Convention - Freedom Now".
8. Pamphlet entitled - "People of South Africa - Citizens of all Races".
9. Letter - To member of the Transkei Territorial Authority.
10. Pamphlet - An appeal to the people of South West Africa.
11. Pamphlet - An appeal to students and scholars.

Copies of these documents are attached for your information.

STATE PROSECUTOR: REGIONAL
COURT JOHANNESBURG

1ST ALTERNATIVE CHARGE

THAT the said accused, is guilty of contravening section 2(b) of Act 8 of 1853 read with section 5 of the said Act, and further read with section 14(1) of Act 17 of 1956 and section 14 of Act 15 of 1911 and section 8(2) of Chapter V of Law 13 of 1880 (Tvl).

IN THAT the said accused did upon or about the period 1st April 1961 to the 31st May 1961 and at Johannesburg and/or other places in the Regional Division of South Transvaal, wrongfully and unlawfully use any language or did any act or thing calculated to cause persons in general to commit the offences of (a) contravening section 14(1) of Act 17 of 1956 and/or (b) contravening section 14 of Act 15 of 1911 and/or (c) contravening section 8(2) of Chapter V of Law 13 of 1880 (Tvl.) by way of protest against a Law, to wit, the Republic of South Africa Constitution Act 1961 (Ad No. 32 of 1961) or in support of a campaign for the repeal or modification of the said Law or the variation or limitation of the application or administration of the said Law.

Particulars: Same as furnished to the Main Count.

2ND ALTERNATIVE CHARGE

THAT the said accused is guilty of contravening section 18(2)(b) of Act 17 of 1956 read with Section 14(1) of Act 17 of 1956 and Section 14 of Act 15 of 1911 and Section 8(2) of Chapter V of Law 13 of 1880 (Tvl.)

IN THAT the said accused did upon or about the period 1st April 1961 to the 31st May 1961 and at Johannesburg and/or other places in the Regional Division of South Transvaal, wrongfully and unlawfully, incite, instigate, command or procure persons in general to commit any offence whether at common law or against a statute or statutory regulation, to wit, to commit the offence of
(a) contravening section 14(1) of Act 17 of 1956 and/or
(b) contravening Section 14 of Act 15 of 1911 and/or
(c) contravening section 8(2) of Chapter V of Law 13 of 1880 (Tvl.)

Particulars: Same as furnished to the Main Count.

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