

Mount Ayliff CRIMINAL CASE NO. _____/1948.

REX VS. ISAAC TABATA, N/M., Age 38.

In that upon or about the 16th. day of September, 1948, and at or near DUNDEE LOCATION, in the district of MOUNT AYLIFF the said accused did wrongfully and unlawfully comprise an unlawful assembly of five or more persons with the common object to resist the execution of any law, or any legal process to wit, by saying to an assembly of about 400 Natives, "YOU SHOULD NOT AGREE TO THE CULLING OF YOUR STOCK BY THE EUROPEANS OR BY THE MAGISTRATE, OR BY THE CHIEF MAGISTRATE, UMTATA"; and did thereby resist the execution of any law or any legal process; to wit, The Control and Improvement of Live Stock in Native Areas in terms of Proclamation 31 of 1939 of the 24th. February 1939 as amended by proclamation No.76 of 1947 of the 11th. of April 1947, and read with Govt. Notice No.926 of 1947 of the 9th. of May 1947 and Govt. Notice No.1352 of 1947 of the 4th. of July 1947; and did thereby contravene Section 91(2) of Act No.24 of 1886 (Penal Code of the Transkeian Territories):

ALTERNATIVELY:

In that upon or about the same time date and place as alleged in the main Charge, as above, the said accused did wrongfully and unlawfully incite, instigate, command or procure any other person to commit any crime or offence whether at common law or against a statute or statutory regulation; to wit, by saying to an assembly of about 400 natives, "YOU SHOULD NOT AGREE TO THE CULLING OF YOUR STOCK BY THE EUROPEANS, OR BY THE MAGISTRATE, OR BY THE CHIEF MAGISTRATE, UMTATA"; and did thereby incite, instigate, command or procure the said persons or any of them to commit any crime or offence: to wit, The Control and Improvement of Livestock in Native Areas in terms of Proclamation No.31 of 1939, as amended by Proclamation No. 76 of 1947 and read with Govt. Notice No.926 of 1947, and Govt. Notice No. 1352 of 1947; and did thereby contravene Section 15(2) of Act No.27 of 1914, as amended by Section 4 of Act No.39 of 1926 (Riotous Assemblies Act).