

# NO DECISION ON 61 ACCUSED

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# Treason Trial Resumes Soon

**T**HERE HAS BEEN NO DECISION yet on whether or not the 61 people who appeared earlier this year on charges of treason are to be re-indicted, according to the Attorney-General of the Transvaal, Mr. W. J. MacKenzie, Q.C.

Mr. MacKenzie confirmed that the trial at which 30 are appearing and which was the subject of an Appeal Court hearing in Bloemfontein last month would resume in Pretoria on August 3.

The indictment against the 61 was quashed by the special court on April 20 after a surprise application by Mr. I. A. Maisels, Q.C., leader of the defence team. His main argument was that the indictment was bad in that it did not clearly state how the accused were alleged to have agreed to conspire against the State.

## POSTPONED

At that stage, the first trial, involving the 30 other accused, had been postponed until August 3, the defence having appealed against the refusal by the special court of the application to quash that indictment.

The Crown then applied for leave to appeal against the quashing of the indictment against the 61, but by a majority judgment of two to one, the three judges of the special criminal court refused to grant leave. The dissenting judgment was by Mr. Justice Bekker. Mr. Justice Rumpff, president of the court, and Mr. Justice Kennedy were in favour of the refusal.

## OBJECTION

On June 15, five judges of the Appellate Division in Bloemfontein began their hearing of the appeal against the special court's rejection of the defence application for the quashing of the indictment against the 30 accused

The Crown immediately raised an objection to the court's jurisdiction to hear the appeal. It was argued that the Appeal Court had no jurisdiction to consider the questions of law reserved in the lower court before the conclusion of a trial in the lower court.

The objection was upheld, which meant that the trial would continue and no appeal could be heard until it ended.