

# DRAMATIC TURN TODAY IN TREASON TRIAL

B6.43

[29.9.58?]

## Crown's 'Proof Of Conspiracy Only' Astonishes Defence

DEFENCE COUNSEL at the treason trial were amazed and obviously excited by an admission in argument today by the leader of the Crown team, Mr. Oswald Pirow Q.C., that the Crown relied only on proof of conspiracy for a conviction of high treason. There were murmurs far above whispers all round the court and smiles lit the faces of the defence team.

The leader of the defence team, Mr. I. A. Maisels, Q.C., said this had given the trial a completely new complexion. He said the basis on which the Crown had indicated it would argue its case was now quite different from what it was before the adjournment a month ago. The court adjourned for an hour in which the defence considered the new position. Defence counsel said they were amazed at the admission and were not

immediately sure about its implications.

Earlier, as Mr. Pirow, who was arguing against a defence exception to the main charge, said that the Crown relied only on proof of a conspiracy.

"If the Crown fails to prove a conspiracy then all the accused go free."

Mr. Maisels, who had been making notes, looked up suddenly. He stood up and stopped Mr. Pirow in mid-speech.

### SERIOUS

Mr. Maisels asked Mr. Pirow if his statement was made in all seriousness. Mr. Maisels said it affected a large part of what he had been prepared to argue and now much of it seemed to fall away. His argument would have to be recast.

Mr. Pirow replied that his statement was serious. He had conferred with the Attorney-General and he could say that the Crown stood or fell by a conspiracy.

Mr. Maisels then asked for the statement to be recorded. "I know it is being recorded but it has such great importance that I wish to draw specific attention to it."

### ALWAYS THE CASE

Mr. Justice Kennedy: As I have understood it that has always been the Crown case.

Mr. Justice Rumpff: Now that concert and common purpose is done away with you rely entirely on a conspiracy?

Mr. Pirow: The Crown stands or falls by a conspiracy.

Mr. Justice Bekker: Any other allegation, if not proved to support a conspiracy, falls away?

Mr. Pirow: That has always been the Crown case.

Mr. Justice Rumpff: That was not a Crown case before adjournment. As I understood it the Crown claimed that it was entitled to find any accused guilty, conspiracy or no conspiracy.

### ADJOURNMENT

Mr. Justice Rumpff said that "now that we know your attitude we feel argument (on the defence exception) can continue."

Mr. Maisels then asked for the adjournment in the light of Mr. Pirow's admission.

At the start of the treason trial this morning the Crown formally applied to withdraw the second alternative charge of contravening the Suppression of Communism Act.

At the outset of proceedings, Mr. Pirow told the Court he had two applications to make for amendments.

The first concerned a notice served on the Defence on September 15 affecting the alternative in the main charge of concert and

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## Accused Forgot Trial During 'Holiday'

THERE was a "back-from-holiday" atmosphere at the treason trial court this morning. Accused people stood around in groups, shaking hands as they saw colleagues they had not seen for a month.

All the accused agreed that they had given no thought to the trial during the "holiday."

So little did the treason trial worry him that Tennyson Iakiwane, a Johannesburg journalist, became engaged during the adjournment.