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ACCUSED WERE TOLD TO BASE DEFENCE ON DRILL HALL HEARING

THE 91 ACCUSED WERE TOLD to be prepared to defend themselves on the basis of evidence given at the preparatory examination in the light of the summary given in the indictment, said Mr. J. T. Trengove, for the Crown, when the treason trial was resumed yesterday afternoon.

He was replying to an application by the defence to quash the indictment.

When it was argued that the preparatory examination record was bulky, Mr. Trengove said it should be remembered that "at least half of it, if not more" was evidence given under cross examination. "The defence made full use of its right to cross examine."

"A large number of documents were put in at the preparatory examination which might have been unnecessary because the defence, at that stage, were not prepared to admit much."

Mr. Justice Bekker: But does that not strike back at the Crown? Why put them in if they are irrelevant?

Mr. Trengove: They are relevant. But a large number of

documents had to go in because we had to prove membership.

Mr. Trengove said that if the summary of the facts upon which the Crown relied to draw an inference regarding the existence of a conspiracy and a person's adherence to it were perused, then it would be clear to each accused what his position was.

In the summary, the Crown mentioned certain organisations and the dates of their existence. Then the Crown alleged that it was the policy of these organisations to achieve certain aims, objects and purposes.

The policies of these organisations were set out by the Crown, as well as how the organisations and their members endeavoured to implement their policies.

"We say that from these facts, the existence of a conspiracy is to be inferred."

CO-ORDINATION

The Crown had said, in reply to the defence request for further particulars, that after the adoption of the Freedom Charter, certain organisations formed the National Consultative Committee, the functions of which were allegedly directed towards the co-ordination of the activities of those bodies to further their aims, objects and purposes.

The Crown had set out these aims, objects and purposes.

"We say that after the Freedom Charter was adopted, this body co-ordinated all the activities of the various bodies in order to implement the aims of the Freedom Charter to establish a form of Communist state."

ON FACTS

Mr. Justice Kennedy: What I want to know is how you have informed each accused of each one of his or her particular acts of conspiracy?

Mr. Trengove: We are relying on the facts as set out in the indictment and the schedule attached.

Mr. Justice Kennedy: What facts averred to in the indictment are not relevant?

Mr. Trengove: No facts are irrelevant. All the facts are relevant and must be considered as being capable of inference as to the accused being party to conspiracy.

WILL KNOW

"The accused will know from the indictment and schedule how he is alleged to have supported the policies and activities of these organisations.

"The accused will be left in no doubt as to the basis of his or her participation in the conspiracy alleged.

"The Crown will also rely on speeches made and resolutions passed at each of the meetings mentioned in the schedule."

Mr. Trengove said Mr. Maisels had not produced a single authority, nor could he find one, where a judge had quashed an indictment solely by reason of lack of particulars as regards what the Crown intended to prove.

The trial was adjourned until today.

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