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IN THE SPECIAL CRIMINAL COURT CONSTITUTED
IN TERMS OF GOVERNMENT NOTICE NO. 943 OF 1958.

R E G I N A

vs.

ADAMS AND OTHERS.

SECOND REQUEST FOR FURTHER AND BETTER
PARTICULARS TO THE MAIN CHARGE AND THE FURTHER
PARTICULARS THERETO.

On behalf of all the accused in the above proceedings, the following further and better particulars to the Main Charge and the further particulars thereto are requested.

2/....

REQUEST FOR FURTHER AND BETTER PARTICULARS.

1. Ad Schedules 5 and 8 of the Further Particulars:

(a). In every case in which it is alleged in Schedules 5 and 8 that a speech or document advocates, propagates and promotes the adoption and implementation of the Marxist Leninist doctrine in the Union of South Africa, the prosecutor is requested to state:

(i). What precept or principle of the said doctrine was to be adopted or implemented, and,

(ii). in what books or writings constituting the said doctrine such precept or principle is to be found, and

(iii). what expressions in such speech or document are relied on as indicating that the doctrine to be adopted or implemented was the doctrine of Marxian-Leninism.

(b). In every case in which it is alleged in Schedules 5 and 8 that a speech or document advocates and teaches the duty and necessity of establishing a communist state in the form of a so-called People's Democracy or People's Republic or some related form of state, the prosecutor is requested to state

(i). if the phrase "People's Democracy" or "People's Republic" is used in such speech or document, whether the prosecutor

relies/.....

relies only on the use of such phrase to identify the form of state which was advocated,

(ii). if the phrase "People's Democracy" or "People's Republic" does not occur in such speech or document, or if the prosecutor does not rely only on the use of such phrase,

(aa) what form of state was advocated, and

(bb) what expressions in such speech or document are relied upon as indicating that the state advocated was a communist or related form of state.

(c). In every case in which it is alleged in Schedules 5 and 8 that a speech or document incites, encourages, exhorts or is calculated to persuade persons to support a campaign for the establishment of a Communist state in the form of a so-called "People's Democracy" or a related form of state, the prosecutor is requested to state

(i). if the phrase "People's Democracy" is used in such speech or document, whether the prosecutor relies only on the use of such phrase to identify the form of state which was to be established,

(ii). if the phrase "People's Democracy" does not occur in such speech or document or if

the/....

the prosecutor does not rely only on the use of such phrase

- (aa) what form of state was to be established, and
- (bb) what expressions in such speech or document are relied upon as indicating that the state to be established was a communist or related form of state.

2. Ad Schedules 6 and 9 to the Further Particulars.

In every case in which it is alleged in Schedules 6 and 9 that a speech or document contained incitements to or advocacy of the use of illegal methods or illegal means, the prosecutor is requested to specify the offence or offences of which such illegal methods or means were to consist.

3. Ad Schedule 2 to the Further Particulars. read with Schedule 3 and Schedule 1 read with Schedule 4 A and B and the Summary of Facts:

The prosecutor is requested to state

- (a) whether he continues to rely upon those speeches and resolutions which are referred to in Schedule 2 but not in Schedule 3,
- (b). if so, for what purpose he relies on each such speech and resolution,
- (c). whether he continues to rely upon those documents which are referred to in Schedule 1 or in the Summary of Facts, but not in Schedule 4A or B.

(d)./...

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(d). If so, for what purpose he relies on each such document.

4. Ad Part B of the Indictment. read with Schedule 1 to the Further Particulars:

The prosecutor is requested to state which of the terms of the conspiracy set forth in paragraphs 3 and 4 of Part B of the indictment formed part of the conspiracy upon each of the dates set forth in Column (d) of Schedule 1 to the Further Particulars.

DATED at JOHANNESBURG, this 22nd day of SEPTEMBER, 1958.

(sgd) M.W. PARKINGTON.
of A. LIVINGSTONE & CO.
Attorneys for the Accused,
Dunvegan Chambers,
Cor. Joubert & Pritchard Sts.
JOHANNESBURG.

TO:

The Attorney-General for the Transvaal Province,
The Palace of Justice,
PRETORIA.

27/9/58

IN THE SUPREME COURT OF SOUTH AFRICA.

(Special Criminal Court constituted in terms of section 112 of Act No. 56 of 1955, as amended).

In re:

REGINA versus ADAMS and OTHERS.

REPLY TO SECOND REQUEST FOR FURTHER AND BETTER PARTICULARS TO THE MAIN CHARGE AND THE FURTHER PARTICULARS THERETO.

The following further particulars are furnished in reply to the Second Request for Further and Better Particulars, dated 22nd. day of September, 1958, namely:

(1) Ad paragraphs 1(a), (b) and (c).

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The Particulars in Schedules 5 and 8 reflect the particulars required by the Order of Court, Paragraph B IV in respect of paragraphs 13(a), 16(a), (b) and (c), 21(a), and 24(a), (b) and (c) of the Request for Further Particulars, dated 4th July, 1958. The Crown is not prepared to supply further particulars thereto, unless so ordered by the Court. The Crown wishes to add, however, that the said speeches and documents should be read in the light of the evidence of Professor Murray at the Preparatory Examination, and the statements of Professor Bochenski, who deal with Communism, the doctrine of Marxism-Leninism, and the concept of a Communist State whether in the form of a People's Democracy or People's Republic or otherwise.

(2) Ad paragraph 2.

The Particulars in Schedules 6 and 9 reflect par-

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particulars required by the Order of Court, Paragraph B IV in respect of paragraphs 14, 17, 22 and 25 of the Request for Further Particulars dated the 4th July, 1958. The Crown is not prepared to supply further particulars thereto, unless so ordered by the Court.

(3) Ad paragraph 3.

(a) The Crown does not rely upon speeches and resolutions which are referred to in Schedule 2 but which are not referred to in Schedule 3.

(b) Save for documents G.475 to G.479 which are set out in column (a) of Schedule No. 1 against the following accused, namely:

P. Beyleveld 4	W.C. Conco 80
R.P. Moretsele 34	M.P. Naicker 86
R. Resha 44	F.H. Simelane 90
J. Slovo 51	M.B. Yengwa 91
T.E. Tshunungwa 79	

as well as documents C27 and C1021, which in the case of J. Slovo No. 51, should be included in Schedule No. 4. Part B. The Crown does not rely upon documents which are referred to in Schedule No. 1. and in paragraphs 11, 12(c) and 15 of the Summary of Facts, but which are not referred to in Schedule No. 4. parts A and B thereof.

(4) Ad paragraph 4.

In view of the fact that the accused have been supplied with the date by which each of the accused and co-conspirators were in the conspiracy and the date upon which each

association was in existence or came into being, the particulars asked for are not reasonably necessary to enable the accused to plead to the indictment or to formulate their defence.

DATED at PRETORIA this 27th day of SEPTEMBER 1958.

M.O. BARKER.
for ATTORNEY-GENERAL.

To:

J. Slovo,
1020 Tenth Floor,
His Majesty's Building,
Joubert Street,
JOHANNESBURG.

M.W. Parkington of A. Livingstone & Co.,
Attorneys for the Accused,
Dunvegan Chambers,
Joubert Street,
JOHANNESBURG.

and to: The Registrar,
Special Criminal Court,
PRETORIA.

1A7

IN THE SPECIAL CRIMINAL COURT CONSTITUTED
IN TERMS OF GOVERNMENT NOTICE NO. 943 OF 1958.

R E G I N A

vs.

ADAMS AND OTHERS.

SECOND NOTICE OF EXCEPTION
AND APPLICATION TO QUASH.

BE PLEASED TO TAKE NOTICE that at the resumption of the above trial, the accused will except to the Main Charge and will, in the alternative, apply to the Court to quash the Main Charge on one or more or all of the following grounds:-

1. The Main Charge does not comply with the provisions of Section 315 of Act 56 of 1955, and is calculated to prejudice or embarrass the accused in the conduct of their defence, in that it does not set forth the offences with which the accused are charged in such a manner and with such particulars as are reasonably sufficient to inform the

accused/....

accused of the nature of the charge, and more ^{and} particularly in that:

- (a). The Crown has failed to furnish a proper and sufficient reply to the Request for Further and Better Particulars which was made on behalf of the accused, and which was dated the 22nd day of September, 1958, and/or
 - (b). The Crown has failed to comply with paragraph B of the order made by the above Honourable Court on the 27th day of August, 1958.
2. The Main Charge is defective on the face of it, and/or bad in law and/or calculated to prejudice or embarrass the accused in the conduct of their defence in that one or more or all of the accused are mis-joined therein.
3. The Main Charge discloses no offence cognisable by the Court. Alternatively, the acts set out in Parts C, D and E of the Main Charge are incapable in law of constituting overt treasonable acts and there are included in Part B alleged conspiracies which are incapable in law of amounting to treasonable conspiracies. In the premises the Main Charge is calculated to prejudice or embarrass the accused in the conduct of their defence.
4. The/....

4. The Main Charge is bad in law and/or defective on the face of it and/or is calculated to embarrass or prejudice the accused in the conduct of their defence, on the grounds set out in paragraph 10 of the Notice of Exception and Application to Quash dated the 5th day of August 1958, and/or on the further ground that the Crown has failed to furnish the particulars requested in Part I of the Request for Further and Better Particulars dated 3rd September, 1958.

5. That the Indictment is bad in law and discloses no offence cognisable by the Court, alternatively is calculated to prejudice and embarrass the accused in the conduct of their defence, in that the allegations contained in the "Summary of Facts" read with Schedules 3 and 4 B to the Further Particulars do not support the allegation contained in Part B of the indictment that the accused adhered to a conspiracy as alleged in the said Part B and in Schedule 1.

6. That the Indictment is bad in law and discloses no offence cognisable by the Court, alternatively is calculated to embarrass or prejudice the accused in the conduct of their defence, in that one or more or all of the speeches, resolutions and documents enumerated in Schedules 5 to 12 inclusive to the Further Particulars, are incapable of bearing the meanings assigned to them in the said schedules.

DATED/.....

DATED at JOHANNESBURG, this 26th day of
SEPTEMBER, 1958.

(sgd) M.W. PARKINGTON.
of A. LIVINGSTONE & CO.
Attorneys for the Accused,
Dunvegan Chambers,
Joubert & Pritchard Sts.,
JOHANNESBURG.

To:

The Registrar of the Special Court,
PRETORIA.

And to:

The Attorney-General for the Transvaal Province,
The Palace of Justice,
PRETORIA.

Mc Intosh, Cross & Fargueson

9.30 am 27th September

The Attorney-General of the Transvaal.

Dear Sir,

re Regina v. Adams & Others

The defence has received your letter of 26th September for which they thank you.

1. In addition to the grounds set out in sub-paragraphs (a) and (b) of Paragraph 1 of the Second Notice, the defence contends that the Indictment and the Particulars, as they now stand, fail to enable each accused to ascertain what the case against him is and fail to inform him properly of the speeches and documents on which the Crown relies for each allegation it prefers.

2. In the event of the Crown on 29th September replying fully and properly to the Second Request for Further and Better Particulars, the Defence will not rely upon Paragraph 1(a) of the Second Notice.

3. (a) Each accused has not been informed fully and properly in respect of which overt acts committed by a co-accused he is not to be held liable.

(b) The Crown has not supplied particulars to each accused in such a manner as to indicate properly to him from which document, from which speech and from which resolution the existence of the conspiracy and his adherence thereto is sought to be inferred.

4. The Defence regrets that the Second Notice was not supplied to the Crown until early on the morning of 26th September. If the particulars ordered by the Court had been furnished to the Defence on 15th September in compliance with the Court Order, the Second Notice would undoubtedly have been served earlier.

It appears that you have adopted the unusual procedure of furnishing copies of your letter under reply to the Registrar. In these circumstances we are sending him copies of this letter.

Yours Faithfully,
McIntosh, Cross & Fergusson.

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We would ask for an order directing the Crown to furnish particulars of two things:

- 1). The precise facts from which the adherence of each of the accused to the conspiracy is inferred, and
 - 2). The terms of the conspiracy as at each of the dates set forth in Column B of Schedule 1. That is the date when each accused is alleged to have joined the conspiracy. I said, the terms of the conspiracy as at each of the dates set forth in Column B of Schedule 1 to the Further Particulars, in regard to the means whereby the aims, purposes and objects of the conspiracy were to be achieved.
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