

result would be chaos. Why then should there be separate representation for the Natives? No doubt, the ethnological distinction between European and Bantu constitutes a wider separation than exists between any of the classes which have been mentioned. But that does not alter the fact that both races are interested in the welfare of the whole country; and that the economic position of the one reacts upon the other. The part of statesmanship is not to stress racial differences, but to emphasise the interests which exist in common.'") A second objection was that the representation allotted to Natives was intended to be final. He warned in one of his last public utterances, more than 50 years ago:

"In a comparatively short time, we shall have to deal with a great body of Natives whose education has enabled them to appreciate the value of the political status denied them, and has stimulated their determination to obtain it, and they will be embittered by the grievances, economic and administrative which are bound to accumulate when one section of the people is deprived of those voting rights which its fellow citizens enjoy. Is it seriously contemplated, may I ask, to repress these aspirations, to hold this aggrieved and angry multitude down by force? Because – let us make no mistake – it will come to that in the end. This is not a mere denial of liberty; it is a case of taking away liberty which has been long enjoyed. That process, however disguised, is an act of spoliation dependent on force but force is not solvent of human problems. One would think that in South Africa there would be no need to press home that truth. And yet we are apt to forget, in dealing with this problem, that you cannot kill the soul of the people; and that the spirit of man will not tamely submit to the loss of rights which materially and spiritually he values

"I end where I began. South Africa stands at the parting of the ways. She may take the path of repression, easy at first with its downward grade, but it leads to the abyss – not in our time,

but in the time of our descendants, whose interests it is our sacred duty to guard."

Innes died on 16 January 1942. He had never really recovered from the loss of his daughter, Dorothy. He was spared the death of her son, Count Helmuth James von Moltke, a leading figure in the Kreisau Circle of young Protestant idealists, who was convicted of hostility to National Socialism in Freisler's People's Court, and executed three months before the end of World War II.

Innes did, indeed, end where he began. His steady adherence to constitutionalism endured. His wisdom encompassed a luminous intellect, clarity of expression, great scholarship and a balance between detachment and commitment to liberal values. He believed in "duty, for duty's sake", and in "intellectual and spiritual honesty". He adhered to each in his own life.

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Etiese vrae

LESERS word uitgenooi om probleme van 'n etiese aard wat hulle mag ondervind, in hierdie rubriek te stel. Die geval sal bespreek word sonder openbaring van identiteit en so 'n wyse dat dit nie verleentheid sal veroorsaak nie. Dit sal ook waardeur word as Balierade interessante probleme wat onder hulle aandag gekom het, tot die kennis van die redaksie bring.

'n Balieraad het onlangs geleentheid gehad om Reël 7.2.1 te oorweeg. Daarvolgens moet iedere opdrag by die vroegste redelike geleentheid na afhandeling van die werk ten opsigte waarvan die gelde gedebiteer word, gemerk word. In die betrokke geval het 'n advokaat verskyn in 'n siviele verhoor wat 'n week of wat geduur het en toe deelsverhoor *sine die* uitgestel is. 'n Nuwe datum is toe vir etlike maande

later gereël. Die advokaat het nie sy gelde vir die eerste been van die verhoor gemerk nie, maar dit agterweë gehou. Eers toe die hele verhoor, maande later, beëindig is, het hy sy volledige gelde gemerk. Volgens 'n letterlike vertolking van die reël moes die advokaat natuurlik toe die saak uitgestel is, sy brevet gemerk en teruggestuur het. Die Balieraad het egter besluit dat die reël (in elk geval by dié Balie) nie letterlik toegepas word nie. So gebeur dit dikwels dat daar nie dadelik gelde gemerk word vir konsultasies wat met die oog op 'n verhoor gevoer word nie. Die indruk het ook bestaan dat dit in strafsake nie gebruiklik is om by elke uitstel dadelik gelde te merk nie. Gevolglik is daar beslis dat die betrokke lid die reël nie oortree het nie. Dit sal interessant wees om te verneem wat die praktyk by die verskillende balies is.

'n Ander probleem wat onlangs by 'n balie opgeduik het, is dié van reistyd. 'n Advokaat moes in 'n siviele saak op 'n afgeleë plattelandse dorp verskyn. Die reistyd daarheen het iets soos vier uur beloop. Benewens sy konsultasiegelde, verhoorgelde en reiskoste, het hy gelde vir reistyd gedebiteer. Dit is bereken per uur teen 'n betreklik lae tarief, sê R20,00 tot R30,00 per uur. Die Balieraad het besluit dat die item nie toelaatbaar is nie. Al word hoeveel tyd deur reis in beslag geneem, kan 'n advokaat nie geld daarvoor vra nie. Wat hy wel kan doen, is om sy verhoorgelde aan te pas om voorsiening te maak vir die feit dat hy tyd moet bestee om die plek te bereik waar hy sy opdrag moet uitvoer. CB