

## Come to think of it...

Gordon Hartford  
Port Elizabeth Bar

### Untouchable phrases?

*'In and during'*. As in 'In and during May the parties ceased to live as man and wife'. What does 'and during' add to 'in'? It is not easy to see how something which occurs in a month might not occur during that month, so are the words 'and during' indispensable or merely habitual?

*'On or about'*. Probably that is a hedging of bets by the pleader, but in one of its usual contexts, that of a date of alleged departure from a common home, it cannot be often that the Plaintiff has mis-stated the date. Now that we ritually plead permanent breakdown it is unlikely that the precise day as opposed to the fact of move-out sets the seal on marital disaster. It's not as though an amendment to correct date would be refused by the Court, which tends to be less churlish than skittish when letting its guard down in these matters. Think of the thousands of 'or about's muted, the keyboards undepressed, the forests spared. So, to boldly go where no man dared (no, not to split an infinitive in cosmic view) before, dare to plead 'on 1st April John left Martha' – it shows a man more decisive than one who simply leaves there or thereabouts.

### Diary of moments in a half year

*Counsel* (brimming with the first of his only two briefs for a long afternoon): The Family Advocate has reported affirmatively.

*Judge*: Really? You have the advantage of me, Mr Hapless.

*Counsel*: That doesn't happen very often, my Lord.

*Judge*: What I meant, Mr Hapless, is that there is no such report in my file.

*Counsel*: Ah, my Lord.

*Judge*: No, Mr Hapless. Perhaps you would like to let this matter stand down.

*Counsel*: As your Lordship pleases.



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[That was at 2.30 p m on the last court day of the year. Hapless's matter was resolved in his client's favour shortly before the divorce court finally rose at 6.40 p m. In the interim his attorney had 'redeemed' his earlier instruction to Hapless about the Family Advocate, by obtaining from the latter's chambers an affirmative report].  
*Judge* (to Hapless during his second matter): Perhaps you might care to explain the source of the handwritten alterations of the pleadings?

*Counsel* (after whispered instruction from his attorney, and with apparently returning confidence): It is the Director of the Legal Aid Clinic, my Lord.  
*Judge*: Is that a plea in mitigation?

*Counsel*: It is a plea for understanding, my Lord.

### Sentences

'A Scotsman named James Nelson has been sentenced to three months' hard labour in the Transvaal for using the expression, "No one gets justice in this country."' [Eastern Province Herald February 1898]

'At the Kimberley criminal sessions last week, Galishwe, the rebel Bechuana chief, was sentenced to ten years' imprisonment. The Langberg campaign cost the Colony the lives of 30 men and 400 000 pounds in money. Galishwe gets off with only ten years' imprisonment.' [Ibid]

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'To my knowledge it has long been well recognised in Natal, both in the Supreme Court and in the former Native High Court, that in murder cases intoxication may, depending on the facts, be taken into account as an extenuating circumstance warranting a lesser sentence than that of death. My Colleagues inform me that this is also the case in other Provinces. Were it otherwise in this country, with most of it introduced to civilisation only last century, the grisly toll of the gallows would mount to awesome proportions.' *S v Ndhlovu* (2) 1965 (4) SA 692 (A) at 696A-B.

### Libraries - not judging cover(t)s by their books?

"At last it can be told" began an article in a British paper last year. "The British Library Reading Room, best known as an academic haven, was in fact a hotbed of lust, passion and romance." There

### Pedant's corner

FOR some, English still lacks a common-gender pronoun for the third person singular. It has been suggested that perhaps the lack has been overcome by the development of the 'singular they'. That looks *prima facie* nonsense, and doubtless you have never said, "If anyone phones, ask them to leave a message." Still, just in case, take comfort from the OED. It records the 'singular they' as early as the fifteenth century, and in writers such as Sir Thomas More, Shakespeare, Richardson, Fielding, Goldsmith and Ruskin – all men who, naturally, foresaw Alitalia pilots' gesticulatingly approaching Rome Airport Control for landing instructions in English, of course, to stay on course. Singular they!

were accompanying pictures, fortunately portrait not graphic, of assorted lovers, such as Malcolm Bradbury and Jean Rook, Angus Wilson and Tony Barrett (enquiring supplicant reader, suppliant librarian?). A film has been made, "Tales from the Reading Room", directed by someone called Minkie Spiro (yes, really, but no relation, I sense and like to feel sure, of the Erwin Spiro of *Law of Parent and Child in South Africa*), who described the Reading Room as "a serious pick-up joint, full of hidden stares and nods." Is there, then, a short story lurking in the pleasant purlois of the Innes Chambers library stacks? The Philip Millin room as the ultimate tryst in good taste for busy practitioners? Might there soon be a case for danger-money for that steely-eyed, horn(y)-rimmed breed, senior librarians? I think we should be told.

## This England, that England

### 'On a Great Election'

The accursed power which stands on Privilege  
(And goes with Women, and Champagne, and Bridge)  
Broke – and Democracy resumed her reign:  
(Which goes with Bridge, and Women, and Champagne.)  
[Hilaire Belloc, on the 1906 election in Britain, not the 1994 in South Africa]

### Others on the law or lawyers

'A good equerry does not make me sit up straight in the saddle as much as the sight of a lawyer or a Venetian out riding, and a bad use of language corrects my own better than a good one.  
[Montaigne]

'A Churchill courtier anxious to avoid political damage reported to Winston that a conservative MP had been arrested in a London park at midnight for indecent exposure. With that wicked twinkle in his eye the PM observed, "At midnight, you say, in this weather? It makes you proud to be British.'" (Letter to *The Spectator*)

### Charivari

'Mr Justice Harman resigned after an Appeal Court commented adversely on the twenty months he had taken to give judgment in one case, saying that 'delays on this scale cannot and will not be tolerated'. Mr Jack Straw, the Home Secretary, said that a register of freemasons in the judiciary, police and prosecution service would be compiled, with those already employed supplying their names voluntarily and new employees being obliged to.'  
[*The Spectator* February 1998]

Oscar Wilde's mother, Lady Jane Wilde, was a character in her own right. She abandoned her family's Unionist politics to write vehement poetry supporting the Irish nationalist movement. She took the pen name of 'Speranza', 'because', we are told, 'of a highflown genealogical fantasy that her family, the Elgees, were related to Dante's family, the Alighieris'. To Longfellow, one of Dante's many translators, she signed herself 'Francesca Speranza Wilde'. In her Dublin and, later, London salons she cut a figure, festooned with headdresses and heavy jewelry, and was given to extravagant statements. Possibly in defence of both his own and his mother's conscious rhetoric her son remarked. 'Where there is no extravagance there is no love, and where there is no love there is no understanding.' In London when asked to receive a young woman who was 'respectable' Lady Jane replied, 'You must never employ that description in this house. Only tradespeople are respectable.' There might be a trace of that in *The Importance of Being Earnest: Lady Bracknell*:  
Is this Miss Prism a female of repellent aspect, remotely connected with education?  
*Canon Chasuble* (indignantly):  
She is the most cultivated of ladies, and the very picture of respectability.  
*Lady Bracknell*: It is obviously the same person. 

## LEGAL EDUCATION

### University of Pretoria

#### New LLB degree

From January 1998 students are able to complete the LLB degree at the University of Pretoria in only four years. Special attention is given to language skills in a new course called Legal Skills. Furthermore the degree programme has been designed to address contemporary needs.

#### Telematic teaching programme

The Faculty of Law at the University of Pretoria is launching its telematic teaching programme in July 1998. In July 1998 the Law Faculty will be launching its country-wide programme for the upgrading of the current BLuris and BProc degrees to the new four year LLB degree. Registrations for the programme will commence in May or June 1998. With effect from January 1999 the Faculty of Law will be introducing a paper-based distance education programme for the new four year LLB.

Mr David Burdette of the Department of Mercantile and Labour Law can be contacted by prospective students at (012) 420-3859.

### University of the Western Cape

#### New LLB degree

The Law Faculty of the University of the Western Cape has introduced a new four-year LLB degree in 1998. The new programme will present a uniform programme for students intending to qualify for the different branches of the profession (attorney, advocate, prosecutor and legal adviser).

#### LLM – International and Human Rights Law

The programme has also been structured for foreign law students to gain firsthand experience and knowledge of legal issues surrounding the South African transition to democracy. Students will also have the option of completing one module at the University of Stellenbosch or the University of Cape Town or at any foreign university with which UWC or its Law Faculty have co-operation agreements.

Further information is available from: the Faculty Officer, tel 021-959 3292/1 or fax 021-959 2960.