

KwaZulu-Natal

Writing with a difference

Chris Marnewick SC is a member of the KwaZulu-Natal Bar and is actively involved in the national and regional pupillage programmes. He has once again turned to writing, albeit of a different nature. His recently launched novel, *Shepherds & Butchers*, has been receiving good reviews from its readers. In keeping with our ongoing theme of how our colleagues occupy themselves in their spare time, Chris explains the conceptualisation of the project and his motivation for indulging in this particular past time:



Chris Marnewick SC in his chambers at Durban Club Place.

Shepherds & Butchers is the product of a series of apparently unconnected events going back

a long time which prompted my interest in the death penalty and its effect on persons other than the condemned prisoner. I read in a Sunday paper in 1957 that a young man by the name of Clarence van Buuren had been sentenced to death. A photograph showed him leaving the court. Less than 15 years later I was prosecuting in the same court, and while I was doing a *pro deo* in E Court in Durban in about 1977, one of my colleagues - Mark Harcourt - showed me where Van Buuren had scratched out his name in the dock during his trial. In 1994 when I was an acting judge, one of my assessors told me that he had been the prosecutor at the preparatory examination in Van Buuren's matter and he lent me his original notes of the case. The notes disclosed that two schoolboys had given crucial evidence against Van Buuren, linking him to the type of bullets found in the deceased's body. At a book signing in June this year, a woman came up to me and told me that her husband - recently murdered during a hi-jacking - had been one of those two boys. How could all of this be coincidence? I believe that I was destined to write this book.

I started writing *Shepherds & Butchers* in August 2002 while I was teaching litigation skills in New Zealand. My nephew Etienne Botha - then a law student but now an advocate at the Pretoria Bar - did the basic research for me by obtaining the details of the men hanged between 26 November 1987 and 10 December 1987 and collecting their case records from around the country. I conducted

interviews with a man who had worked in Maximum Security Prison as a gallows escort and read widely on the subject. I was interrupted midway through the project when I was commissioned by the GCB to design and write the *Workbook Course* for the training of pupil advocates. Two years later I could start writing again. I submitted the manuscript to Umuzi Random House in 2006 and spent six months revising the text according to the editorial advice I received from them.

The main characters in the book are fictitious. I took an advocate from the comfort of a commercial maritime practice in Durban and plunged him into the unfamiliar role of defence counsel in a capital murder case, in another town and before an unfamiliar judge. And I took a prison warder from the comfort zone of legitimised killings and plunged him into the unfamiliar world of an unlawful killing and the courtroom. The interaction between these two characters was used to convey the facts of the execution process and the bureaucracy of the death penalty. Various landmarks of Pretoria are described through the eyes of a Durbanite who sees beauty in things and places Pretorians may take for granted - the Palace of Justice, Court C and Cell 6 within it, the National Zoo, the Voortrekker Monument, Church Square, and so on. Most of all, I have tried to depict as accurately as possible the anguish of an advocate struggling with a difficult case.

The book is selling well, but I am not giving up my day job!



Cape

More **cricket**: A snippet of Cape Bar history



Joel Krige, Cape Bar

On display in the Cape Bar library is a photographic essay depicting cricket games played between the Bar and the Navy, beginning with *Bar.Navy Match Xmas 1904* and ending with *Bar vs Navy 1928*. Who were these Bar cricketing talents, bastions of law and cricket - two powerful colonial institutions; and what was the meaning of cricket in colonial South Africa?

A pictorial essay

Unfortunately, there are no captions to accompany the 1904 photograph. My guess is that Murray Bisset is in the front row left and Percy

Twentyman Jones in the front row third from the left. Jones, co-author of *Jones and Buckle*, was the only judge to have played cricket and rugby in international tests¹. Two rugby tests were against the British Isles in 1896, and the

cricket test against the Australians at Newlands in 1902. He was, it seems, the star of the day, with the good looks to fit the image. Schultze's book *SA's Cricketing Lawyers*, has a photograph of Jones playing in a social game at the age of 65, driving off the front foot with a straight bat.²

The *Bar - Navy: January 1923* photograph is worthy of close attention. Taken in front of the Oaks and the old Members' stand at Newlands, Jones (far left in the back row), who had not yet taken silk, is ready to open the batting with Bisset KC (far left in the front row), the most illustrious of all the cricketing lawyers.

Bisset captained SA against Lord Hawkes' English team at the age of 22, and played three tests, the last in 1910. Jones and Bisset were old team mates, winning the 1897/98 Currie Cup for Western Province, with Jones sharing a crucial partnership of 55 in the first innings and captain Bisset scoring 63 n.o. in the second innings to win the final. Bisset left the Bar to become Governor of Rhodesia and was knighted. As Sir Murray Bisset, he was Chief Justice of Rhodesia.³

Frank Reid (third from the left in the back row), who took silk in 1935, played for Western Province. Two of his brothers, both attor-