

It's Not Nice to Spit (but is it an indictable offence?)

A case of rape, or the attempt thereof, was being heard before a magistrate in Glace Bay (Canada). The accused, in his own defence, took the view that it would be unjust to convict him of the main offence because he had succeeded "only a little tiny bit."

"The issue, obviously, rests on the question of penetration", said the magistrate.

"What's that?" asked the accused.

The magistrate explained in technical terms, but the accused remained bewildered.

"Look at it this way," said the magistrate, "I come to your house and knock on the door. You open the door, but seeing who it is, don't want to let me in, and you try to close the door on my head."

"Now, young man, I am not in the house by any means, but I can certainly spit a hell of a way down the hall."

MacDonald, *P Court Jesters*

Judicial Job Satisfaction

Victorian Bar News (*Spring 1996*) gives us the following quote from court:

Supreme Court of Victoria
Practice Court

Coram: Hampel J

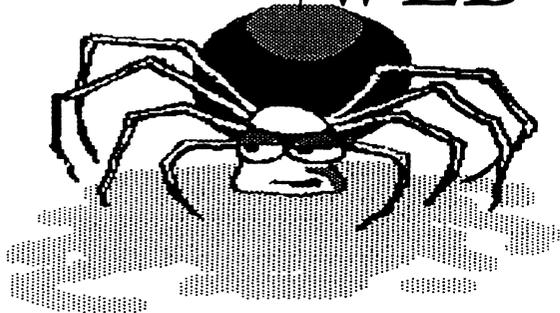
Ms S: One of the issues of this case is the effect of intermeddling executors.

Hampel J: Intermeddling executors? Gosh, last week I had serial caveators. This is an interesting job!

BALANCE

Published by
The Law Society of the NT
GPO Box 2388
DARWIN NT 0801
Ph: (08) 8981 5104 Fax: (08) 89 41 1623

THE SPIDER'S WEB



A(nother) Simple Glossary of Legal Terms

Conspiracy: When the authorities feel sure that someone has done something wrong but are not sure what, they arrest him on a charge of conspiracy. It is the legal embodiment of the English dislike of people who are too clever for their own good.

Costs: The amount of money needed to bankrupt an acquitted person.

Law: Language spoken by lawyers. Also the attempt by Parliament to define the difference between right and wrong, a question which has stumped the greatest philosophers of all time.

Letter of the Law: A document written on thick vellum, with illustrated initial letters, wrapped in best pink ribbon and costing sums of money beyond the Post Office's wildest dreams.

Libel: An uncomfortable home truth, which it is fortunately illegal to publish.

Non volenti fit injuria: No legal glossary would be complete without at least one Latin phrase. This one means: "No-one in the aircraft was hurt".

Res ipsa loquitur: Another Latin phrase, for good measure. It means: "The thing speaks for itself". Anything that speaks for itself is an abomination in the sight of the law. It should pay a lawyer to speak for it.

Yes, my Lord: Witty rejoinder by barrister to judge.

Thanks to Richard Guitt from the Supreme Court for these - source unknown.

And then we'll...

They're a tough lot, these Canadian lawyers. The following was reported in the Professional Conduct Rulings Column in Benchers' Digest (October 1996) from the Law Society of Saskatchewan.

"Mr X complained that he had received a demand letter from Lawyer A which read in part as follows:

"A court action will mean that in addition to paying your debt you must also pay our costs. Once judgment is obtained we will seize your property and garnishee your debts and wages. If necessary, we will sell any land that you own, until the amount is collected in full, plus interest, plus court costs, plus enforcement costs, to the extent that they are allowed by law.

As soon as we get judgment, we will register it against all of your goods and lands. Only a fool would buy from you or give you credit. You would have to pay us extra to remove that lien."

The Ethics Committee, fairly reasonably we thought, ruled the second paragraph "in poor taste" and voiced concern on the implications of direct access by the lawyer and the creditor in the first.

Now, really!

The following quote is attributed to Henry Cecil:

"The public puts great trust in our judges and, on the whole, this trust is not abused. But a few judges do occasionally say wounding and hurtful things to or about witnesses, counsel and solicitors and the person concerned usually has no remedy. Such remarks may have a permanent affect upon a man, who may be so upset by the unfair strictures upon him that he proceeds to take it out on the next person available, probably his wife. It is hardly too far-fetched to say that the possible chain reaction from bad behaviour by a judge could be divorce."