



## MOVEMENT AT THE STATION

### **Dalrymple and Associates**

have moved premises to:  
Unit 38/ 21 Cavenagh St  
Darwin NT 0801  
Tel: 8941 8995  
Fax: 8941 8996  
Email: dalrymple@octa4.net.au

### **Tom Stodulka**

has been appointed:  
Anti Discrimination Commissioner  
LMB 22, GPO  
Darwin NT 0801  
Tel: 8981 5190  
Fax: 8981 3812

### **Bowden Collier and Deane**

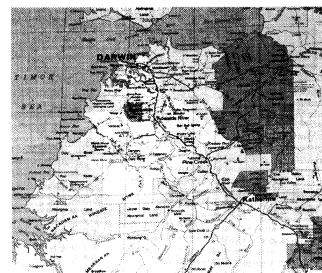
Nardine Collier has been made a  
Partner of the Alice Springs firm  
previously known as Bowden Turner  
and Deane.  
Centrepont Building  
Alice Springs NT 0871  
Tel: 8952 6566  
Fax: 8953 0876  
Email: aslaw@ozemail.com.au

### **Dirk de Zwart**

has moved from Clayton Utz to:  
David de L. Winter

Unit 20, The Rocks  
56 Marina Boulevard  
Cullen Bay NT 0800

### Heading out of town?



Please contact *Balance* and let us  
know your change of address.

## *Misleading Cases* from page 23

above the degree of gentleman'? Does it intend a fixed social rank or a general habit of behaviour? In other words, is a gentleman legally always a gentleman, as a duke or solicitor remains unalterably a duke or solicitor? For if this is the case the defendant's argument must fail. The prosecution says that the word 'degree' is used in the sense of 'rank'. Mr Haddock argues that it is used in the sense of a university examination, and that, like the examiners, the Legislature divides the human race, for the purposes of swearing, into three vague intellectual or moral categories, of which they give certain rough but not infallible examples. Many a first-class man has 'taken a third', and many a day-labourer, according to Mr Haddock, is of so high a character that under Act he should rightly be included in the first 'degree'. There is certainly abundant judicial and a literary authority for the view that by 'gentleman' we mean a personal quality and not a social status. We have all heard of 'Nature's gentlemen'. 'Clothes do not make the gentleman,' said Lord Mildew in *Cook v The Mersey Docks and Harbour Board* (1896) 2

A.C., meaning that a true gentleman might be clad in the foul rags of an author. In the old maxim 'Manners maketh man' (see *Charles v The Great Western Railway*) there is no doubt that by 'man' is meant 'gentleman', and that 'manners' is contrasted with wealth or station. Mr. Thomas, for the prosecution, has quoted against these authorities an observation of the poet Shakespeare that 'The Prince of Darkness is a gentleman', but quotations from Shakespeare (in Court) are generally meaningless and always unsound. This one, in my judgment, is both. I am more impressed by the saying of another author (whose name I forget) that the King can make a nobleman, but he cannot make a gentleman.

I am satisfied therefore that the argument of the defendant has substance. Just as the reasonable man who discovers his consort in the embraces of the supplanter becomes for the moment a raving maniac, so the habitually gentleman may become in a bunker a violent, unmannerly oaf. In each case the ordinary sanctions of the law are suspended; and while it is right that a normally gentle person normal in

normal circumstances suffer a heavier penalty for needless imprecations than a common seaman or cattle-driver, for whom they are part of the tools of his trade, he must not be judged by the standards of the gentle in such special circumstances as provoked the defendant.

That provocation was so exceptional that I cannot think that it was contemplated by the framers of the Act; and had golf at that date been a popular exercise I have no doubt that it would have been dealt with under a special section. I find therefore that this case is not governed by the Act. I find that the defendant at the time was not in law responsible for his action or his speech and I am unable to punish him in any way. For his conduct in the Chasm he will be formally convicted of Attempted Suicide while Temporarily Insane, but he leaves the Court without a stain upon his character. (*Applause*)

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