

Feathers fly over 1831 law

The Crown Prosecution Service (CPS) has defended its decision to charge a motorist with breaking a 163 year old law after he ran over a pheasant.

Jason Cooper, 19, was charged under the Game Act 1831 for using an instrument - namely a Ford Escort - to kill a hen pheasant on a Sunday or Christmas Day.

The case was dismissed, however, after the defence argued that under the 1831 law, "instrument" meant guns, snares or traps, and could not possibly have been referring to cars.

Police had spotted Mr Cooper swerving across a road on Sunday morning to hit the pheasant while driving near Lyminton, Hampshire. But counsel for the defence told the court: "Items covered in a law have to be a common parlance on the day after it is passed. Clearly Ford Escorts could not be included in this list."

Magistrates at Lyminton agreed, and dismissed the charges against Mr Cooper, or Pennington, near Lymington.

A CPS spokesman said later: "It was felt that the case satisfied the code for prosecution... However, with the benefit of hindsight, I agree it was a pretty ancient law under which to charge.

*(Commonwealth Law Bulletin
Commonwealth Secretariat
Vol 20, No 3, July 1994)*

Communication difficulties

Slang is a language that rolls up its sleeves, spits on its hand and goes to work.

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Bette Davis: I always make it a point to speak grammatically. Who knows? It might become popular again.

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We have been using bad grammar for so long that good grammar sounds wrong

THE SPIDER'S WEB



A Council Meeting like no other

The Gist, a column from the Law Institute of Victoria's publication regularly holds competitions. The most recent competition required members of the Institute to send a letter on the topic of: *The Day I attended the Meeting From Hell*. The following letter is the winner, and well deserved after surviving this little fiasco.

One day in the early 1970's I agreed to attend, as a proxy delegate, a monthly meeting of the ACT Council of the Administrative and Clerical Officers Association, the main Commonwealth Public Service Union.

The ACT Branch was heavily factionalised, on the Balkanised pattern that would be familiar to students of the Victorian ALP. This was reflected in proceedings of the Council, held in the Theatre of the Institute of Anatomy.

To a non-factional person, the meeting of a hundred or so delegates was a revelation. It was a sea of ill-feeling and emotion. People I had known for years as calm and rational clerical types were transformed into raging furies.

The most trivial procedural issues (such as the order of the agenda items) were contested without restraint.

After a succession of increasingly bitter votes, a crisis point was reached when the majority carried a motion which was anathema to the minority.

Having maintained a running calculation of the numbers, the minority (including some of the officers) then

walked out of the Theatre, calling a challenge to the quorum as they did so. Anxious counting disclosed that a quorum remained - by a margin of just one person.

With the minority clustered in the hall outside the door, a majority delegate began walking up and down just inside, catcalling and gesturing provocatively to those outside.

One remark finally triggered a reaction, and several of the minority charged him, trying to drag him through the door (and the quorum with him). He responded with punches and kicks as majority comrades sprang to his aid and sought to hold him inside. The resulting maul surged back and forth in the doorway for a short period, and then broke up with the relevant delegate bloodied but still safely inside.

Quorum intact, the majority continued with the meeting and the minority dispersed, presumably to regroup for the fray the next meeting. I did not seek to continue my proxy role.

*(The Gist,
The Law Institute Journal
The Law Institute of Victoria
Vol 69, No 9, September 1995)*

For God's Sake

The Dog came across an amazing snippet the other day. It seems that a South African gentleman is suing his doctor for removing his soul without consent during surgery. The distraught plaintiff has claimed that before he had surgery he was an extremely religious chap but, since he went under the knife, his feelings about God and the whole religion thing just aren't what they used to be. Obvious conclusion: the doctor removed his soul. The evidence should be interesting. Maybe he'll commit a few sins in front of the jury to show just how irreligious he's become.

The Dog was wondering what sort of lawyer would take on a case like this. Presumably it would be a sole practitioner.

*(Drover's Dog, Brief
Law Society of WA
Vol 22, No 7, August 1995)*