

The world of that particular branch of the aristocracy known as the legal articled clerk was neither a wide one nor an elevating one - it vacillated between the "Tin Temple" where he attended his lectures daily in the early morning and late afternoon, the Deeds Office, which, in those days, was on the first floor of the Supreme Court Building with the entrance in Von Brandis Street, the office of the clerk of the court at the Magistrate's Office, which, in those days was in what had previously been the French Club but which is now the site of the Vanderbyl bus terminus at the south end of Joubert Street and bounded, at that time, on the west by Rissik Street, on the east by Eloff Street, on the north by New Street and on the south by New Street South, the Messenger of the Court's office, then in Marlborough House in Eloff Street, and his own office, which, if he was fortunate enough to be articled in a large firm, would be slightly bigger than a broomcupboard.

His responsibilities were as varied as his ports of call - oscillating between licking and affixing postage stamps to letters, delivering letters by hand, lodging deeds for registration, uplifting deeds from the Deeds Office that had been duly registered, or, as was more usual, that had been rejected, issuing summonses for debt, taking such summonses to the Messenger of the Court for service, and, persuading such attorneys as were conscientious enough to attend the Civil Imprisonment court, to handle the civil imprisonment applications of their own firm, to handle those of *his firm as well*.

It was only after he had been able to demonstrate his sense of responsibility and dependability that he was entrusted with the highly complicated task of interviewing such debtors as required time or terms within which to pacify their impatient creditors, who, themselves, were often being hounded by their suppliers, who, in turn, were also being harassed by their own manufacturers who, in turn, were also being pressed by their so-called "shippers", who were often rapacious money-lenders, charging exorbitant rates of interest.

In my own case, my progress was much more rapid - within a fortnight of becoming articled in a one-man firm, occupying merely two offices, I was appointed the head of the Supreme Court department; the head of the Magistrate's Court department; the head of the Collections department; the head of the Conveyancing department; the head of the Company Incorporations department; the head of the Notarial department; the head of the Accounting department; and also the head of the production and typing department. This imposing catalogue of titles only meant that I sat in the one office and my employer sat in the other, jointly bewailing the fact that the head of the accounting department had found that the firm was not able financially to sustain the employment of a typist.

The extent of the library matched the extent of the practice - an early edition of Wille and Millin, an early edition of Buckle and Jones, a somewhat attenuated edition of the Deeds Registries Act and Regulations, and sundry unrelated volumes of the Cape Law Journal, useful only for the light that they shed on the state of the law in the Cape Colony in the 1890's!

In the quarter of a century between 1925 and 1950, seven gentlemen occupied the position of Chief Magistrate of Johannesburg. Up to 1929 it was Jimmy Young; up to 1933 it was Henry Britten; up to 1941 it was Major Maynard Page; up to 1944 it was Mr Elliot; up to 1946 it was Mr Plewman; in 1946 it was Mr Williston; and between 1946 up to 1950 it was Mr Ryle Masson, who had previously been the senior public prosecutor at Johannesburg. All these were extremely capable and competent gentlemen, but in my recollection, two

The Mendelow Tales

stand out, each as a *primus inter partes* - Major Maynard Page and Ryle Masson - the former for his dignity and erudition; the latter for his dignity and accessibility. But of course, there were many additional magistrates - in the criminal courts there were Freddy Neale; W C Lawrence who was a great tennis fan, Guy Preston, the two Johnson brothers, Syd Gutsche, Maurice Bovill, and others. On the civil bench there were Charlie Fraser, M J Streak, Mr Fannin (father of the Hon Mr Justice Denis Fannin), W A Stanford, and others. The most picturesque of these was, possibly, Charlie Fraser, who, added to a very considerable erudition, had a very marked and wry sense of humour. Added to his other duties, he would preside over the Civil Imprisonment court - a court to which were summoned to appear unfortunates against whom civil judgments had been entered and warrants of execution against property had yielded nothing but stamp duty to the State and a modest fee to an attorney and the Messenger of the Court. Such a person would then be summoned to appear before the Civil Imprisonment court where the presiding magistrate would enquire into his financial position and, if the facts warranted it, impose a term of civil imprisonment, usually a period of three months, suspended for so long as the unfortunate debtor regularly maintained the payments which the magistrate found were within his financial compass - usually 5 shillings (50 cents) per month.

Charlie Fraser would take his seat on the Bench armed with a handful of files, facing a court, crowded with attorneys at counsels' bench, and filled to capacity with debtors in the public section. He would then call out the name of the debtor concerned who would enter the witness box, take the prescribed oath and submit to an interrogation by the attorney appearing for the judgment creditor, into his financial and domestic affairs.

On this particular morning Charlie Fraser began the customary routine and called the name of a debtor: "Van Tonder".

He received no response. He called again:

"Van Tonder".

Again there was no response. He called a third time: "Van Tonder".

For the third time there was no response. He looked around the court and noticed right at the back of the court leaning up against the wall was a person paying scant attention to the proceedings. Whereupon Charlie Fraser said to him:

"Are you Van Tonder?"

"No sir," he said "I am not Van Tonder - I am Jones." "Well" demanded Charlie Fraser, "why do you stand there looking like Van Tonder?" ■