

High Court Capers

By Eric Bult

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The court house at Lilongwe was a circular building of sun-dried earth brick with thatched roof. There were no windows between the numerous pillars surrounding the extremity, between which was a low wall with an entrance on one side. This inauspicious centre for the dispensation of justice was undergoing much-needed renovation and a temporary construction of poles and thatch had been provided for the annual sitting of the High Court. A low fence of reeds affixed to substantial poles enclosed the perimeter and provided a convenient

arm rest for enraptured onlookers who had assembled to watch the event. As in the High Court at Blantyre, the Judge, Counsel and Court Officials were attired in full regalia, their light grey wigs contrasting with their black gowns. His Honour especially was a source of delight in his scarlet robe and long wig.

The case being tried was motor-manslaughter: two fatalities and several serious injuries had resulted from a collision between a heavy goods vehicle and panel van on the road between Lilongwe and Salima. The prosecution case hinged on the relative positions of the two vehicles, and the visibility of the one from the other as they approached the crash site from opposite directions. These factors provided a rich source of submission and counter-submission by opposing counsel as the trial unfolded.

My recollection of events is punctuated by the enduring memory of the Chief Justice, sweating profusely within his robes and headgear, holding to his nose a scented handkerchief. As the cut and thrust of legal argument reached a crescendo, counsel for the defence took from his briefcase a couple of Dinky Toys representing the two vehicles. With a ruler he described in the sand floor of the court a double line indicating a curve in the road and, placing the toys on the floor, continued his submissions.



Prosecuting counsel then altered the position of the toys, more accurately, he claimed, to show the true state of affairs at the time of the collision. When the Chief Justice himself rose from the Bench and joined in the discussion around the toys on the same floor the delight of the Africans surrounding the Court knew no bounds.

Eric Bult

