

Mthatha

Tribute to the late Acting Deputy Judge President ZS Peko of the Eastern Cape High Court by **PV Msiwa**, chairperson, Transkei Society of Advocates

The Bar Council has chosen June for this occasion not by coincidence but purposefully. This is a month which marked a great sacrifice by the students and academia in 1976 when advancing the struggle for liberation in South Africa. They faced the blazing gun-barrels of the South African forces of the previous order, resulting in loss of lives. Zibula is one of the sons of soil who strove to improve the lives of all who live in our democratic South Africa.

The Transkei Society of Advocates salutes and applauds the life and times of one of the luminaries of the Transkei for the sterling contribution to the administration of justice to destitute and indigent people of this part of Eastern Cape.

During his time at the Bar he was an inspirational and unifying figure. He was a brother to the peace-lovers and a parent

to newly admitted juniors. His ebullience and humility drew lots many colleagues close to him at the Bar. He was a peace-loving and easygoing person crowned with honest laughter. A laughter you would hear whenever near his office – ‘Isilwane sikhona.’

Nothing would rile ‘Isilwane.’ In fact, he hardly took offence or bore a grudge against any person at the Bar; instead, he cradled the most trouble-making persons.

He was a hard worker, devoting much of his time to his work. Consequently and without any doubt he met the constitutional requirement as a judge. He was qualified, fit and proper to be a judge in all material respects. His appointment indeed reflected the racial composition of South Africa – hence the Bar unreservedly endorsed his judicial appointment.

He was a person of integrity, astute when dealing with judicial issues. He had the requisite capacity and acumen to give expression to the values of the Constitution with adequate experience regarding the needs of the community he served.

He espoused *ubuntu* throughout as an advocate and when on the Bench.. He had the greatest sense humanity. He would listen attentively to arguments in court and smiled

when a practitioner was advancing either a baseless or startling submission. He was large in every way and displayed an impeccable fairness to all advocates and attorneys.

He treated the Bar with aplomb. Not only that was he decorous, but he also understood the culture at the Bar – something which he promoted. He encouraged constructive dialogues between the Bench and the Bar during his time as the Acting Deputy Judge President of this division.

The Practice Manuals were either promulgated or revised to address critical issues which had the potential of hampering the dispensation of justice in our court. As the Acting Deputy Judge President he was always amenable to any constructive suggestions for the good administration of justice in the division. Indeed, his contribution in this regard is commended and shall always be valued by the Bar. He has left a legacy. We are grateful to the Peko family for affording us time to share with them their beloved son Zweledinga during ‘his life and times’ as an advocate with us as well as ADJP of this division. **A**

See also the tribute by Judge LP Pakade ADJP on page 20 of this issue.

North West

By **John Stander**

One of my diary entries for today tells me that this date is the deadline set for our contribution to *Advocate*. That means (for me at any rate) a struggle to find something newsworthy about Mahikeng. I reckon walking on water is easier, but I’m not much good at that either.

Perhaps however a warning and then a short story...

Firstly, the warning. Our local municipality must have recently awarded a tender for the construction of speed humps. Although I do not have the exact terms of the agreement in front of me, it seems that these hazards are to be placed randomly on any road or at any rate, where they are to be least expected. They are to be constructed along avenues only where there is most shade and under no circumstances are they to be painted or any warning given of their presence. Like mushrooms, they appear overnight and not only are they irregularly spaced, but also they vary in height from

BMW/Mercedes exhaust and sump height to a bit higher. Sorry, I mean quite a lot higher. So if you are visiting, beware the bumps. On the roads, I mean.

Now for the story. Once upon a time (all stories start like that) a friend of mine was driving her car along a local street. At a four way intersection controlled by stop signs, she duly stopped, waited for the intersection to clear and then turned left into the main street of the town. Some twenty or so paces down the street, she met a traffic officer who politely indicated that he would like her to pull over and stop – which she did. After the usual exchange of pleasantries, examination of licenses and so forth, the officer explained with some apology, that he had to issue my friend with a ticket for ‘not stopping at the intersection.’

When it was pointed out to the officer, politely, that she had indeed stopped, the officer quickly added that she had not stopped behind the white line. At this

modification, politeness was replaced by firmness and my friend took the officer in hand and marched him to the spot. There she asked him to show her where the line was. You have probably worked out that all traces of the white line had long since disappeared. Then it happened: ‘No,’ said the officer ‘it does not matter. You now have to guess where the line should be, and then stop behind that ...’ The remainder of the conversation, albeit brief, between the officer and my friend, is not really printable. It will suffice to merely say ‘And they all lived happily after’ (all nice stories end like that).

So, a bit like going to the woods and meeting the teddy bears having their picnic, you might get a big surprise here in Mahikeng. Or of course, you can adjust your vehicle speed to a crawl and simply guess where the road markings should have been.

Lawrence Lever acted in the Northern Cape High Court during September. Ken Chwaro is acting in the North West from October 2013 to end December 2013 and Lawrence Lever is going back to Kimberley again until the same date. **A**