

# *FUNDAMINA*

## Guidelines for authors

### 1 General

- *Fundamina* uses UK English. For example, legalisation and NOT legalization. Exceptions include quoted material and names/titles (eg World Health Organization).
- The text must be justified, and in Times New Roman, font size 12. Footnotes must be justified, and in single spacing in font size 10.
- All headings are in bold font, in sentence case and are numbered consecutively with Arabic numerals. No full stops are used after headings. For example:

**5 General legal practices**

**5 1 Formalities, implementation and enforcement of the division**

**5 1 1 Oath clause**

- All foreign words are italicised (eg *Grundgesetz*, *fait accompli* and *dolus*), **except for**:
  - proper nouns (eg, name of countries or institutions, eg, Zuid-Afrikaansche Republiek, Bundesgerichtshof)
  - titles of codes or laws (eg Burgerlijke Wetboek, Corpus Iuris Civilis, Code Civil).
- The following are also **italicised**: titles of books or journals; titles of newspapers; names of ships/paintings/movies/music albums; name of a case citation; and for emphasis (please use sparingly).
- In the main text, all words are written out in full; however, in footnotes and in brackets, use abbreviations as far as possible. No full stops are used for abbreviations.
- Quotations:
  - Quotes must be used sparingly and correctly.
  - Quotes must be **identical** to the original source; this includes all punctuation marks, capitalisation and italicisation.
  - Spelling or other errors in the original source may be indicated by inserting [*sic*] in the quote, directly after the error.
  - Any quote must be accompanied by an exact reference (ie p or para number) in a footnote.
  - Short quotes are placed in double quotation marks.
  - Quotes longer than three lines are indented as a separate paragraph and in font size 11. Indented quotes do not take quotation marks. The margins of indented quotes are also justified.
  - If the indented quote starts with a capital letter or is a full sentence, the previous paragraph must end with a colon.

- If the indented quote starts with lower caps or is only part of a sentence, the previous paragraph must end with an n-dash (no space between the last word and the n-dash).
  - Quotes within quotes take single quotation marks. **However**, quotes within indented quotes take double quotation marks.
  - No ellipsis (...) at the start or end of a quote.
  - If part of a quote is omitted, indicate this with an ellipsis (...).
  - Anything inserted into a quote must be indicated by square brackets.
- In the case of text analyses, where longer passages are quoted from the original texts and then translated, please follow the format followed in the article by Laurens Winkel in *Fundamina* (2018) 24(2): 161–173.
- Numbers:
    - Write out numbers of up to one hundred.
    - Use numerals for units of measurement, monetary values and percentages. Examples: Fifty-five sheep, 3 metres, £10, R20, €10, 7 kilograms, 7 per cent.
    - Thirtieth, twenty-fifth, BUT 101st, 346th (Note: Don't use superscript.)
    - For amounts of more than three digits, use only a space (and **not** a comma or full stop) after the seventh or fourth digit. For example: 6 354, 1 098 765
- Dates:
    - Dates are always (except in the case of quoted material) given in the following order: day month year. For example: 2 September 1880
    - In footnotes, the month is abbreviated to the first three letters. For example: 2 Sep 1880
- Money:
    - £10.5s.3d (old British money)
    - US \$300; Aus \$300; Can \$300; €150
    - Rds 380 (and then explain in a footnote that Rds is the abbreviation for Rijksdaalders)
    - For larger amounts, use a full stop to indicate cents. For example: R2 553.98

## 2 Referencing

- All articles must be accompanied by a list of **Keywords**, a **Bibliography** and an **Abstract** in English (appr 300 words).
- All research materials (see below for some exceptions) appear in an integrated bibliography.
- A source listed in the bibliography must be cited in at least one footnote.
- Keep punctuation in the bibliography to a minimum.
- As a general rule of thumb, always cite the edition/translation/version of the source consulted. This means that if you cannot read Latin/Greek/German/French/Dutch, you probably consulted a translated version. You should then cite the translated version and not the original text in your bibliography.
- The bibliography contains the complete general citation (see below for the details required), while the footnotes contain only the shortened version, except for old sources, archival material, newspapers and government gazettes.
- The short reference in the footnote must include the exact page/paragraph/column number. For example: McKerron 1971: 58.
- When referring to a source in general, the short reference must indicate this by inserting “passim”. For example: McKerron 1971: *passim*.
- The references cited in the bibliography are listed under one of the following sub-headings: **Books**; **Case law** (divided according to national jurisdiction); **Legislation** (divided according to national jurisdiction); **Treaties and other international documents**
- The following references are cited under the sub-heading “Books”: books, chapters in books, *festschriften*, journal articles, reports, online sources (including online newspapers or media releases), dictionaries and encyclopaedias, theses and dissertations, inaugural lectures and other monographs, as well as book reviews.
- The following references are NOT listed in the bibliography, but are cited in full in the relevant footnote: certain internet sources (eg one-page sources), classical texts; archival material; newspapers and government gazettes.
- Sources listed under each sub-heading in the bibliography must appear alphabetically. In the case of more than once source with the same title (eg, legislation), list these sources chronologically.
- Reference to the volume of a publication: vol 3; vol 5; etc **NOT**: vol II; vol IV.

### 3 Sources to be cited in the bibliography and in footnotes

#### 3 1 Books / journals / reports / online sources

##### 3 1 1 Books / chapters in books / *festschriften*

- Provide at least the following minimum details: surname/s and names/initials of the author/s, date of publication in brackets, title of book italicised and in title case, the place of publication in brackets.

For example: Cundall, Frank (1909) *Bibliography of the West Indies (excluding Jamaica)* (Kingston, Jamaica)

Reference in footnote: Cundall 1909: 107.

- In the case of more than one publication of the same author published during the same year, “a”, “b”, etc are added to the references in the bibliography, and then followed in the footnotes.

For example:

Charpin, Dominique (2010a) *Reading and Writing in Babylon* (London)

Charpin, Dominique (2010b) *Writing, Law and Kingship in OB Mesopotamia* (Chicago)

Reference in footnote: Charpin 2010a: 18–19; Charpin 2010b: 68–75.

- In the case of more than one author, use an ampersand (&) before the last author’s name. Only the first author’s initial/name comes AFTER the surname for purposes of alphabetical ordering. All other authors are cited with their initials/names BEFORE the surname.

For example: Neethling, J & JM Potgieter (2015) *Neethling-Potgieter-Visser Law of Delict* (Durban)

Reference in footnote: Neethling & Potgieter 2015: 4.

- In the case of more than three authors, only the first author’s name is listed, followed by *et al.*

For example: Van Jaarsveld, SR *et al* (1990) *Suid-Afrikaanse Handelsreg* vol 1 3 ed (Johannesburg)

Reference in footnote: Van Jaarsveld *et al* 1990: 39.

- In the case of a reprint, indicate it as follows:

For example: Smith, J (1971) *Contribution à l’histoire des débuts du capitalisme moderne* (1925, repr London)

Reference in footnote: Smith 1971: 15.

- In the case of a **translation** of a work (including classical texts), indicate it as follows:

For example: Dryden, J (tr) (1891) *Aristotle's Constitution of Athens* (London)

- If **more than one edition** of the work is available, please indicate the edition used:

For example: Wright, Philip (ed) (2004) *Lady Nugent's Journal of Her Residence in Jamaica from 1801 to 1805* 4 ed (Kingston, Jamaica)

Reference in footnote: Wright 2004: 21.

- For a **compiled work with an editor:**

For example: Boucher, Maurice & Nigel Penn (eds) (1992) *Britain at the Cape 1795 to 1803* (Houghton)

Short reference: Boucher & Penn 1992: 31–32.

- When referring to a **chapter or essay in a compilation:**

For example: Freund, WM (1989) “The Cape under the transitional governments, 1795–1814” in R Elphick & H Giliomee (eds) *The Shaping of South African Society, 1652–1840* (Cape Town): 324–357

Short reference: Freund 1989: 330–332.

- When referring to a **contribution in a festschrift:**

For example: Du Plessis, W & N Olivier (2014) “’n Samevloei van twee regstelsels: Siviele prosesreg in die Kaapse howe: 1806–1828” in M Carnelley *et al* (eds) *De Jure Gentium et Civili. Festschrift in Honour of Eltjo Schrage* (e-publication, Port Elizabeth): 9–44

Short reference: Du Plessis & Olivier 2014: 20–25

- When referring to a **loose-leaf service:**

For example: Dean, OH (2012) *Handbook of South African Copyright Law* Loose-leaf service 14 (Cape Town)

Short reference: Dean 2012: 20

- **More examples and difficult references:**

*Kaapse Plakkaatboek* 6 vols (1944–1961) ed by MK Jeffrey (vols 1–3) and SJ Naudé (vols 4–6) (Cape Town)

Botha, C Graham (1962b) “Some monumental inscriptions Cape of Good Hope” in *General History and Social Life of the Cape of Good Hope* [vol 1 *Collected Works*] (Cape Town): 70–73

Mars, A (2008) *The Law of Insolvency in South Africa* 9 ed by A Bertelsmann, B Mars & C Nagel (London)

Hockly, B (2006) *Insolvency Law* 8 ed by J Sharrock, A Smith & BC van der Linden (Pretoria)

Pollock, C & D Maitland (1969) *History of English Law before the Time of Edward 2* ed re-issued with a new introduction and select bibliography by S Milsom (London)

Windscheid, K (1963) *Lehrbuch des Pandektenrechts* vol 2, 3 ed by B Kipp (London)

Barnard, AL (1994) *The Cape Journals of Lady Anne Barnard 1797–1798* ed by AM Lewin Robinson *et al* [VRS Second Series no 24] (Cape Town)

Kerr, AJ (1999) “Lease” in *The Law of South Africa* vol 14 (Pretoria): 87–102

Theal, George McCall (1897–1905) *Records of the Cape Colony* 34 vols (London)

Short reference: Theal 1897 vol 1: doc 1 at 1–4, esp at 2

Breytenbach, JH & HS Pretorius (eds) (*sd*) *Notule van die Volksraad van die Suid-Afrikaanse Republiek (Volledig met Alle Bylae Daarby) Deel I (1844–1850)* in *South African Archival Records Transvaal No 1* (Cape Town) [short reference: *Volksraadsnotule Deel I*]

Short reference: *Volksraadsnotule Deel I*: 20–21, art 5 of the minutes of the *Volksraad* of 8 Nov 1839

*Hansard Debates of the House of Assembly* no 12 (13 Apr 1973)

Short reference: *Hansard Debates* 13 Apr 1973: cols 4811–4812 per submissions by JJM Stephens

*Debates of the Legislative Council of the Colony of Natal* (First Session – Eleventh Council, 5 Jul to 24 Oct 1883) vol 6 (Pietermaritzburg)

Short reference: *Debates of the Legislative Council of the Colony of Natal* at 30

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### 3 1 2 Journal articles

- All references to journal articles are listed alphabetically according to the surname of the author in the Bibliography under the sub-heading “Books”.
- Provide the following minimum information: surname/s and names/initials of the author/s; date of publication; title of article; name of the journal italicised and written in full (except for *LJ*, *LR* and *Univ*); numbers of volumes and issues; start and ending page numbers. Only the first letter of the title and proper names are written with a capital letter.
- For journals that are ONLY available online, please also provide the url and the date accessed (see 3 4 below).

Example:

Benson, John (1997) "The origins of Roman legal science" *Howard LR* 34(2): 194–220

Short reference: Benson 1997: 196–197.

**3 1 3 Theses and dissertations**

- All references to theses and dissertations are listed alphabetically according to the surname of the author in the Bibliography under the sub-heading "Books".
- Provide the following information: surname and name/initial; year of publication in brackets; title of thesis italicised; in brackets, the abbreviated form of the degree, followed by the name of the University at which the degree was obtained.

Examples:

Moll, HH (1968) *Francis William Reits en die Republiek van die Oranje-Vrystaat* (LLD, University of the Orange Free State)

Van der Merwe, PJ (1984) *Regsinstellings en die Reg aan die Kaap van 1806–1834* (LLD, University of the Western Cape)

**3 1 4 Internet sources**

- All references to online sources are listed alphabetically according to author in the Bibliography under the sub-heading "Books".
- These sources include **newspaper articles or media house** releases that are available online.
- However, journal articles and other documents/books that are available in hard copy are not cited as internet sources, but according to the style of that particular source.
- For internet sources, provide at least the following information: author (this can be an individual, an organ of state, a department, a commission or an institution); year of publication in brackets; title of the document in double quotation marks and in sentence case; any other relevant and important information; the url address and the date this document was last accessed.
- The url is italicised and all hyperlinks are removed.
- The date accessed gives the abbreviated form of the month.

Examples:

Vattel, Emerich de (2008) *The Law of Nations* (eds B Kapossy & R Withmore) Part 1, Chapter XVII, §§207–208 available at *<http://oll.libertyfund.org/titles/2246>* (accessed 10 Aug 2017)

Short reference: Vattel 2008: 3–4.

- Williams, George (2013) “Treaty with Australia’s indigenous people long overdue” 15 Nov 2013 *Sydney Morning Herald* available at <http://www.smh.com.au/comment/treaty-with-australias-indigenous-people-long-overdue-20131112-2xcel.html> (accessed 5 Jul 2016)
- Calamur, K (2017) “France’s latest terrorist attack” 20 Apr 2017 *Atlantic* available at <https://www.theatlantic.com/international/archive/2017/04/france-attack/523812> (accessed 6 Oct 2018)
- Joshi, Shashank (2015) “Charlie Hebdo attack: A French intelligence failure?” 10 Jan 2015 *BBC News Online* available at <http://www.bbc.com/news/world-europe-30760656> (accessed 13 Jun 2018)
- Anonymous (2017) “Decolonising the curriculum: Stimulating debate” *CHE Briefly Speaking* 3: 1–12 available at <http://www.che.ac.za/sites/default/files/publications/BrieflySpeaking%20%283%29%20Curriculum%20decolonisation.pdf> (accessed 5 Oct 2019)

### 3 1 5 Reports

- Provide the following information: author (this may be an individual, an organ of state or a commission); year of publication in brackets; title of report italicised; place of publication or, if online available, url and date accessed

#### Examples:

- Pickett (2010) *The LLB Curriculum* (Research report produced for the Advice and Monitoring Directorate of the Council on Higher Education) (Nov 2010)
- Board of Education (1901) *Special Reports on Educational Subjects Vol 5: Educational Systems of the Chief Colonies of the British Empire* Cd 417 (London)
- Cape of Good Hope (1908) *Report of the Select Committee on Education Legislation* (Cape Town)
- South African Law Reform Commission (2004) *A Compensation Fund for Victims of Crime Report* Project 82
- White Paper on South African Land Policy* (Apr 1997) available at <http://www.ruraldevelopment.gov.za/phocadownload/White-Papers/whitepaperlandreform.pdf> (accessed 25 Jan 2019)

### 3 1 6 Inaugural lectures and other presentations

- Provide at least the following information: author; date of the address delivered in brackets; title of the presentation in double quotation marks; details of the seminar/event/workshop and place.

#### Examples:

- Smith, HA (1971) “The Cape vernacular” Inaugural lecture, University of Cape Town

Smith, H (1996) “Namaqualand and challenges to the law: Community resource management and legal frameworks” Conference paper delivered 7 August 1996 at the Voices from the Commons, the Sixth Biennial Conference of the International Association for the Study of Common Property, Cape Town

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### 3 2 Case law

- All references to case law must be listed alphabetically in the Bibliography under the sub-heading “Case law”.
- When reference is made to case law of jurisdictions other than South Africa, please list the citations under a separate heading for that jurisdiction.
- The name of the case is italicised, and words like “and another” or “and others” are omitted.
- References to case law in the footnotes are NOT abbreviated and are given in full. The only exception is where the author indicates the abbreviated reference in brackets in the main text for an otherwise really long-titled case.

For example:

... as decided in *Bhe v Magistrate, Khayelitsha (Commission for Gender Equality as Amicus Curiae); Shibi v Sithole; South African Human Rights Commission v President of the Republic of South Africa*<sup>1</sup> (hereafter “the *Bhe* case”)...

Subsequent footnotes:

Footnotes following the original citation can then be shortened – see the footnote here.<sup>2</sup>

### South Africa

- If a case has more than one citation, only list the one that you consulted. It is not necessary to list all the citations.
- Only give the Saffli citation if the case has NOT been published elsewhere.
- In general, use the citation (including abbreviations, punctuation and capital letters) **as it appears in the database that you consulted.**
- For more information on citing pre-1910 SA case law, see the article by Van Niekerk.<sup>3</sup>

Examples of South African case law citations:

*Smit v Smit* 1977 (2) SA 304 (AD)

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<sup>1</sup> 2005 (1) SA 580 (CC).

<sup>2</sup> The *Bhe* case para 18.

<sup>3</sup> Van Niekerk, JP (2013) “An introduction to South African law reports and reporters, 1828 to 1910” *Fundamina* 19(1): 106–145.

*United Democratic Movement v President of the RSA (1)* 2000 (11) BCLR 1179 (CC)

*Bonugli v Deputy National Director of Public Prosecutions* 2010 (2) SACR 134 (T)

*Central African Examiner (Pvt) Ltd v Howman NNO* 1966 (2) All SA 260 (R)

*Fenton v Fenton* [2006] JOL 17490 (T)

*Madonsela v S* [2014] ZAGPPHC 1013

Examples of old SA case law citations:

*Divisional Council of the Cape Division v De Villiers* [1877] 2 App Cas 567 (PC)<sup>4</sup>

*Barnard v The Colonial Government* (1887) 5 SC 122

*London and South African Exploration Company, Limited, v Kimberley Divisional Council* (1884) 3 HCG 125

*Kimberley Divisional Council v London and South African Exploration Co (Limited)* (1885) 2 Buch AC 84

*Davy v W Walker and Sons* 1902 TH 114

*The Argus Printing and Publishing Co v Dr Van Niekerk* (1895) 2 Off Rep 40

*G Pretoriüs ca JL Steijl* 1879 ORC 38

*Thoppaya v Kynochs, Ltd* (1923) 44 NPD 341

*Ogle v Buchanan* Natal Law Reports Digest, 3 March 1863

Unreported cases:

*A v B* Unreported, GSJ, case no 09/51422, PH 342 (8 Jun 2010). [NB: court and date of judgment]

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**United Kingdom**

- Very important: citation MUST provide the name of the court that decided the case.
- **Old English cases:**<sup>5</sup>
  - Judgments dating to pre-1865 MUST also include the **ER (English Reports) reference.** The reason for this is that the original reports are out of print and now VERY RARE and generally unavailable. Most of these old reports have been reprinted in the ER reports.

Examples:

*Ex parte Lees* (1860) El Bl & El 828, 120 ER 718

<sup>4</sup> This is a judgment by the Privy Council on appeal. Although heard by the Privy Council in London, this case is still cited as a South African judgment. [Please note that the judgment may have been reported locally as well, eg in the Menzies or SC reports.]

<sup>5</sup> For more details on how to cite old English cases, please see Kahn, E (1987) "The law reports of England" *SALJ* 140: 189–192.

*Somerset v Stewart* (1772) Lofft 1, 98 ER 499

Further references to page numbers must include the ER page number:

*Somerset v Stewart* (1772) Lofft 1, 98 ER 499 at 2, 500

➤ **Recent English cases online:**

Examples:

*Burnett's Trustee v Grainger* [2004] UKHL 8

*X v Y* [2008] 2 QB 409 (CA)

*Cadder v HMA* [2010] UKSC 43

*Charterbridge Corporation Ltd v Lloyd's Bank Ltd* [1970] Ch 62 (ChD)

*Prest v Prest* [2013] 1 All ER 795 (CA)

*Jones v Kaney* [2001] UKSC 13, [2001] 2 AC 398

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**United States of America**

➤ **Old American cases:**

Examples:

*Commonwealth v Rogers* 48 Mass (7 Met) 500 (1844)

*Commonwealth v Wilkinson* 33 Mass (16 Pick) 175 (1834)

*State v Pike* 49 NH 399 (1869)

Examples: Supreme Court citations:

*Dred Scott v Sandford* 60 US 393 (1856)

*University of California Regents v Bakke* 438 US 265 (1978)

*Cowan v Montana* 511 US 1005, 114 S Ct 1371, 128 L Ed 2d 48 (1994)

➤ **New American cases:**

Examples:

*United States v Brawner* 471 F 2d 969 (1972, DC Cir)

*United States v X* 86 F Supp 193 (1960, SD NY)

*United States v Y* 444 F 2d 225 (1971, US CA)

*United States v Y* 355 F Supp 683 (1973, DC VI)

*United States v Y* 81 F Supp 2d 176 (1999, DC Mass)

*Pacific Growth SA v Aon Corp* 2000 AMC 152 (SD NY)

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## Canada

### Examples:

*R v Swain* [1991] 1 SCR 933

*Connolly v Woolrich* (1867) 11 LCJ 197; 3 UCLJ 14; 1 Lower Can LJ 253

*R v Nan-E-Quis-A-Ka* (1889) 1 Terr LR 211, 1889 Carswell NWT 14 (WL Can) (NWT CA)

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## Australia

### Examples:

*AWA Ltd v Daniels t/a Deloitte Haskins & Sells* (1992) 7 ACSR 759 (Austl)

*Liwszyc v Smolarek* (2005) 55 ACSR 38 (Austl)

*Massey v Wales* (2003) 177 FLR 1 (Austl)

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## 3 3 Legislation

- All references to main legislation (**excluding** Proclamations, Ordinances, Government Notices, etc) must be listed alphabetically in the Bibliography under the sub-heading “Legislation”.
- When reference is made to legislation of jurisdictions other than South Africa, please list the citations under a separate heading for that jurisdiction.
- The title of the Act/Code/Regulation/Constitution/Bill/Edict/Ordinance/Proclamation is **never** italicised. This includes legislation of which the title is in a foreign language such as Latin, German, French, etc.
- SA legislation: Provide the title of the Act, the number and the year promulgated.
- For SA legislation pre-1910, also include the name of the territory in brackets.
- For legislation from other jurisdictions: Please follow the prescribed style of that jurisdiction, but provide at least the title and the year promulgated.

### Examples:

Instructie voor den Commissaris General naar de Kaap de Goede Hoop, 1803

Provisionele instructie voor de commissarissen van de desolate boedelkamer, 1804

Concept ordonnantie op de gerechtelijke beheering van boedels en op de executie van civiele vonnissen,  
1804

lex Poetelia (only first word after “lex” and names are caps, everything else lc

lex Cornelia de falsis

lex Iulia de bonis cedendis of AD 17

Placaet of 1658 not italics because it is a specific piece of legislation. [BUT: reference to *Groot placaetboek* part 2 cols 2515-2520 italics because it is a book which contains *placaeten*.]

**Examples of South African legislation:**

Procl of 6 Aug 1813 (Cape)

Ord 24 of 1846 (Natal)

Insolvency Act 13 of 1895 (ZAR)

Reg 9 GN 161 GG of 20 Mar 1888

Procl R138 GG 8331 of 6 Aug 1982

Reglement van de Ingelijfde Orde van Procureurs en Notarissen (GN 371 of 13 Oct 1892 *Staatscourant* of 19 Oct 1892)

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**Old English legislation:**

Examples:

Slave Trade Abolition Consolidation Act, 1824 (46 Geo III c 52)

Act for the Assurances of Lands, 1558-1559 (1 Eliz c 34)

Act 50 (51) "Of the Pardons and Graces", 1367-1368 (50 (51) Edw III c 6)

**Recent English legislation:**

- Criminal Procedure (Insanity) Act, 1964 (c 106)

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**American legislation:**

- Example: The Civil Rights Act of 1964, 42 USC 2000

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## 4 Sources to be listed in footnotes only (and NOT in the Bibliography)

### 4.1 Old sources

- *Deo Auctore* 2; *Omnem* 22; *Tanta* 11; *Tanta/Dedoken* 22; *Imperatoriam* 3.

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#### Latin texts: Corpus Iuris Civilis:

- Digest:
  - D 19 2 13 11, *Ulpianus libro trigesimo secundo ad edictum*: “Qui impleto tempore conductionis remansit in conductione, non solum reconduxisse videbitur ... quod autem diximus taciturnitate utriusque partis colonum reconduxisse videri, ita accipiendum est, ut in ipso anno, quo tacuerunt, videantur eandem locationem renovasse, non etiam in sequentibus annis, etsi lustrum forte ab initio fuerat conductioni praestitutum.”
- Where there is no title or praefatio:
  - Nov 124 c II: “Si autem criminalis sit accusatio, confiscationem propriae substantiae patiatur et mittatur in exilium, qui propter acceptionem alienum crimen in se transponi festinavit ... Si autem a litigatore manifestata persona memoratum refutaverit iusiurandum, tam in criminalibus quam in pecuniariis causis memoratis subiaceat poenis.”
  - C 7 64 7 (Imp Diocletianus et Maximianus AA Nicagorae, 285): “Venales sententiae, quae in mercedem a corruptis iudicibus proferuntur, et citra interpositae provocationis auxilium iam pridem a divinis principibus infirmas esse decretum est.”
- Codex:
  - C 7 49, *De poena iudicis, qui male iudicavit, vel eius, qui iudicem vel adversarium corrumpere curavit*<sup>6</sup> (1 Imp Antoninus A ad Gaudium, 212): “Constitit in quacumque causa sive privata sive publica sive fiscali, ut, cuicumque data fuerit pecunia, vel iudici vel adversario, amittat actionem is, qui diffidentia iustae sententiae in pecunia corruptela spem negotii reposuerit.”

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#### Old Authors/ Roman-Dutch law sources:

- In general, use small letters; try NOT to use Roman numerals.

#### Examples:

- *Hollandsche consultatien* 4 34 (example of a book)
- Voet 19 2 32
- Huber *Heedensdaegse rechtsgeleertheyt* ... (tr P Gane *The Jurisprudence of my Time (Heedensdaegse rechtsgeleertheyt)* vol 2, London, 1939) at 4 17 1. [Subsequent reference: Huber (n 35) at 4 17 3]

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<sup>6</sup> This is the title of the book and therefore in italics.

- Voet *Commentarius ad Pandectas* (tr P Gane *The Selective Voet being the Commentary on the Pandects* vol 1, London, 1955) at 3 1 1.
- Van der Linden *Verhandeling over de judicieele practijc, of form van procedeeren, voor de hoven van juftitie in Holland gebruikelijk* part 1 (Leiden, 1794) at 1 8 §5;
- Leeuwen *Het Rooms Hollands-regt* (Leiden, 1732) at 5 4 Preamble
- Merula *Manier van procederen, in de provintien van Hollandt, Zeelandt en West-Vrieslandt, belangende civile zaken ...* (Leiden, 1750) at 4 18 cap I 3
- Lactantius *De morte persecutorum* (tr Greed *English title* London, 1984)
- Eusebius *Vita Constantini* (tr Cameron & Hall *Life of Constantine* London, 1999)

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## 4 2 Archival material

### South African Archives:

- When a source is referred to for the first time:

NAB (Pietermaritzburg Archives Repository) CSO (Colonial Secretary's Office, Natal) 317/2580:  
Resident Magistrate Pietermaritzburg to Colonial Secretary, 21 Nov 1868.

- Subsequent references:

NAB CSO 317/2580: Resident Magistrate Pietermaritzburg to Colonial Secretary, 21 Nov 1868

### Other examples:

KAB GH 8/10 at 193–196 (reference is to the Cape Town Archives Repository, followed by the relevant document series)

VAB OSS 5 1-26 at 11-12 (reference is to the Free State Archives Repository followed by the relevant document series)

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### Archival material from other jurisdictions:

- Please use a consistent reference style throughout.
- Please follow the accepted style for that archive database.
- Where necessary, please provide full details of abbreviations used.

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### 4 3 Newspapers and *government gazettes*

#### Newspapers and magazines:

19 Apr 1920 *Cape Times*

12 Sep 1979 *Die Huisgenoot* 67 at 69

#### Old Government Notices:

GN 360 *GG* of 2 Aug 1887

GN 1744 *GG* 6557 of 3 Apr 1960

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### 4 4 Dictionaries and encyclopaedias

- All references to dictionaries and encyclopaedias are **NOT** cited in the bibliography, but full details must be provided in the relevant footnote.

#### Examples:

Smith, A (1988) *sv* “Lord Henry de Villiers” in *Dictionary of South African Biography* vol 2 (East London): 226

Gauci, Perry (2004) *sv* “Malynes” in *Oxford Dictionary of National Biography* (online ed 2008) available at <https://www.oxforddnb.com/search?q=malynes&searchBtn=Search&isQuickSearch=true> (accessed 26 Oct 2010)

Roberts, AA (1942) *sv* “Menziés, William” in *A South African Bibliography* (Pretoria): 371–372  
*Britannica* (online ed) *sv* “The pre-World War II sound era” available at <https://www.britannica.com/art/history-of-the-motion-picture/The-pre-World-War-II-sound-era> (accessed 23 Feb 2020)

*The Concise Oxford Dictionary* (1990) 8 ed *sv* “ecumenicalism”