This is the third of a series of articles written by MD Southwood SC of the Pietermaritzburg Bar on fathers and their children on the Bench. The first article appeared in (1988) 1(2) Consultus 21 and the second one in (1990) 3 Consultus 28.

Last year, Madam Justice Leonora van den Heever, who appeared in the first article, was appointed to the Appellate Division Bench. In taking her place in that Division she became the second person, after Mr Justice GG Hoexter, to follow a father there, and the first daughter to do it. That of the only two people to do this, one is a son and one is a daughter is not proof of the absence of male chauvinism in our legal system, or even proof of the terminal decline of male chauvinism, but an extraordinary, and well deserved, achievement by an extraordinary person, and goes to show that you can’t keep a good person down.

In the first two of these articles, six of the eight judges of appeal and their children who followed them on to the Bench have appeared. The remaining two families of this kind are the Williamson and the Galguts.

The Williamson

Arthur: concentrated on ideal of justice

Mr Justice Arthur Faure Williamson was born at Johannesburg in 1899. He matriculated at St John's College and obtained his LLB at the University of Cape Town. During the First World War he served in France as an officer of the City of London Regiment. He was admitted to the Cape Bar in 1922 and practised there until 1940 when he moved to the Johannesburg Bar where he took Silk in 1944. He was said to be a popular member of the Bar partly because of his attachment to it as an institution with high ethics and ideals, but also because every advocate was his friend. Race, religion, political affiliation and status were never barriers to his friendship with colleagues and he was always ready to assist juniors, seeing it not only as his duty to be helpful but something which he enjoyed. He acted as a judge in 1948, 1952 and 1953 and was appointed to the Transvaal Provincial Division Bench in 1954. In January 1961 he was appointed Judge-President of the Natal Provincial Division and in December of the same year he was appointed to the Appeal Court. He retired in 1968 and died in the same year. He was perceptive and energetic and his forthright judgments show incisive reasoning, clarity of expression and frank expression of whatever doubts he had, with no displays of erudition. It was said of him, when he died, that he concentrated his life pre-eminently on the ideal of justice, which was to him not a remote abstraction but something touching the daily lives of men and women, that he was intolerant of all that was spurious, pretentious, cruel or unjust, that he enjoyed books of all kind, that he enjoyed cricket and rugby and that above all he enjoyed people, the human scene being an unfailing interest and delight to him.

Denys: keen mountaineer

His son, Mr Justice Denys Molteno Williamson was born at Cape Town in 1927. He matriculated at Bishops in 1945, obtained his BA degree at the University of Cape Town in 1948 and his LLB there in 1950. Admitted to the Bar in Cape Town in 1951, he soon after went to practise in Johannesburg where he took Silk in 1974. He is remembered at the Johannesburg Bar as having had a big general practice with quite a lot of insurance work in it; as having been a very keen hiker and mountaineer enjoying the physical effort involved and as being humorous, able to laugh at himself, and, therefore, popular. He was appointed to the Bench in the Cape Provincial Division in 1979. There he is said to preside in a kindly and courteous way, though being equal to the task of controlling fractious accused and noisy spectators. In the Cape he is able to, and does, indulge his love of hiking and mountaineering.
The Galguts
Oscar: natural vigour

The older Galgut, Mr Justice Oscar Galgut, was born at Pretoria in 1906. He matriculated at Pretoria Boys High School in 1923, then obtained his BA and LLB at the Transvaal University College, now Pretoria University, between 1924 and 1928. There he was awarded colours for cricket, tennis, hockey and athletics. He represented Combined Transvaal at athletics, but was unable to go to Canada with the Springbok team as a 110 yards high hurdler, due to study commitments - and hockey, being Vice Captain of the South African Hockey Union Team to Kenya in 1938. First admitted as an attorney in 1928 and having to take six months away from an attorney's office before going to the Bar in 1935, he was employed as a sport and court reporter. As a Lieutenant Colonel in the second World War, he commanded the SAAF's 24 Squadron, serving in West and East Africa, receiving an OBE for his military services, twice being mentioned in dispatches, and acting three times as commanding officer of the SAAF's "Three Wing" set of squadrons. After the war, he was President, for a while, of the Military Pensions Appeal Board and active in Zionist circles, being at one stage Pretoria Chairman of the Young Israel Zionist Movement. He took Silk in 1950 and was appointed to the Transvaal Bench in 1957 and, in 1975, to the Appeal Court from which he retired in 1976 although continuing as a vigorous acting member until 1986. He still sits as Judge of Appeal of the Bophuthatswana and Ciskei Appeal Courts, and, daily, in arbitrations and company enquiries in Johannesburg, where he drives himself from Pretoria every day. His career has been the embodiment of vigour coupled with a lucid mind. In 1976 he conducted a one-man commission of inquiry into ways of decreasing the length and expense of the Supreme Court litigation and from 1977 to 1984 he was Chairman of the Press Council. From 1985 he has been President of the Advertising Standards Authority for South Africa. His natural vigour and lucidity have made, and make, for testing appearances, and for speedy and accurate resolution of litigation before him. At least one Judge speaks, almost with awe, of witnessing, as a junior, titanic arguments between Galgut J and DJ Curlewis QC. At one Pretoria Bar dinner he was likened, some feel fairly, to a machine, into one side of which are fed problems and from the other side of which, after the machine has steamed and thumped, issue the answers.

Brian: adjudicates politely but firmly

The younger Galgut, Mr Justice Brian Galgut, was born at Pretoria in 1937. He matriculated at Pretoria Boys High School in 1954, graduated with a BA from Stellenbosch University in 1958 and obtained his LLB at Pretoria University in 1960. At Stellenbosch University he was awarded colours for cricket (as an opening bat) and golf, missing selection for the South African Universities Golf Team by one place, and was a sometime first team rugby player. Back in the Transvaal, and before beginning to practise at the Bar, he played, as a middle order batsman, for North Eastern Transvaal for a season. Admitted as an advocate in 1961, he gave up cricket, built up a thriving commercial practice and took Silk in 1979. Exercising good judgment, he accepted an appointment to the Bench of the Natal Provincial Division in 1985. He now plays golf regularly on the Durban Country Club course in his leisure time. Carrying on the patrimonial interest in commercial matters he sits often on the Special Income Tax Court in Durban. Looking half his age, he presides over a calm court and adjudicates politely but firmly.

Having up to now featured the Appellate Division Fathers and Children, the Milnes who sat together and were both Judges-President, the three generation judicial families and the Appeal Court Judges whose children became Provincial Division Judges, this survey will focus on the Cape and then go up the East Coast to Natal.

In the Cape Provincial Division, in addition to the families Van den Heever, Watermeyer, Fagan and Williamson, the families Searle and Van Zyl (or Van Zijl) have provided children who have followed their fathers on to the Bench.

The Searles
Malcolm: died in train accident

Mr Justice Malcolm William Searle was born at Blackheath, England, in 1855 and came at the age of five to South Africa where his father was a Cape Town merchant. He was educated at Bishops, where he had to take two years off on account of his illness and was then educated at St Andrew's College in Grahamstown. He was called to the Cape Bar in 1877 and was appointed to the Bench of the Natal Provincial Division in 1894. He died in a train accident in 1898. His son, the younger Galgut, was born at Pretoria in 1937.
mile for both his school and the University. He was admitted to the Cape Bar in 1933. Like his father, he took an active interest in politics. In 1938 he was the National Party candidate for Mowbray. He was also a director of Die Kruithoring and on the committee of the Nationalist Party Central Council. From 1946 to 1948 he was also a part-time lecturer in Civil Procedure at the University of Stellenbosch. He took Silk in 1949. He was appointed a Judge of the Cape Provincial Division in 1950 having resigned his political post after being appointed an acting judge before that. He was a member of the Delimitation Committee in 1952 and chairman of the Press Commission from 1951 to 1963. He was also on the Executive Committee of the Western Province Lawn Tennis Association. During 1967 he changed the spelling of his surname to van Zijl. In 1976 he became Judge-President from which position he retired in 1979.

The Eastern Cape has seen its fair share of sons follow their fathers as judges. The Van der Riets, the Sampsons, the Jennets and the Ludorfs have provided sons who have been elevated after their fathers, the first three families having provided judges appointed in the Eastern Cape, and the last a father in the Transvaal and a son in the Eastern Cape. They will appear in the next article.

Divorce and Family Mediation in the 90s

Reflections, Evaluations, New Directions

5th Annual National Conference of the South African Association of Mediators

The conference will include several papers under the following themes:

**Session 1**
Perspectives on divorce
08h00 – 10h30

**Session 2**
Mediation: A better means to an end
11h00 – 13h00

**Session 3**
The Peace Professionals
Illustrating mediation through roleplays and case studies
14h00 – 15h30

**Session 4**
The future • Mediation evolving in the context of family law
15h30 – 16h30

**Date**
29 October 1992

**Venue**
Old Grand Stand (OGS)
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Yale Road entrance

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