

with great outspokenness, and the high regard in which he was held, even by those who opposed his views, contributed to some of the regulations being withdrawn or toned down.

Outside the law Louis' interests were wide and varied. He was a lover of the open air and also of the arts. He was a devoted family man. He played an important leadership role in many aspects of community life. Some detail of this was given by Mr Justice Friedman, the Judge President of the Cape Provincial Division in a tribute delivered in court on 21 April 1995. I do not propose to enlarge further upon this aspect, save to say that these interests resulted in Louis and his charming wife, Pat, having a large circle of friends who, together with us in the law, will all feel a great sense of loss at Louis' pass-

ing.

To Pat and their daughters, Juliet, Ingrid and Louise and their respective families we convey our sincere sympathy and our sense of the great contribution which Louis made to the administration of justice in South Africa."

Friend and Yachtsman

In the words of HS McKenzie SC, a personal friend, Louis van Winsen was an outstanding judge who had a wholesome, common-sense approach to the law. In one of his early judgments in the case of *Ntanjana v Vorster and Minister of Justice* 1950 (4) SA 398 (C) at 406 which dealt with the question of self-defence he made the following statement: 'The court must be careful to avoid the role of the armchair critic wise

after the event, weighing the matter in the secluded security of the Court room'. Those of us who were young advocates in the fifties frequently quoted from this case in our pro Deo defences.

Judge Van Winsen was never an armchair critic. He was never aloof and was always able to understand and mix with his fellow man and understand his weaknesses. I had the pleasure of serving with him on many committees in the sailing world and his views were always down-to-earth, practical and respected.

Louis and his wife, Pat, were outstanding as host and hostess and loved being surrounded by family and friends. He was a great gentleman and in the words of Kipling one of those rare individuals who could 'walk with kings nor lose the common touch'." □

JUDGE HAROLD BERMAN

A tribute to the late Judge Harold Berman delivered by Judge Edwin King of the Cape Bench.

"Harold Berman served with distinction in the Second World War. After completing his education at the University of Cape Town he joined the Cape Bar soon establishing himself, mainly in the motion court. His success continued after he took Silk; at the time of his appointment to the Bench he was holding down a substantial practice in commercial and company law.

He took to the judicial office as to the manner born; all the necessary qualities were there. First and perhaps foremost he was a tremendously hard worker. If credence is to be given to the outrageous canard that the Bench is comprised of workaholics and total abstainers, then Harold was pre-eminent in the former category.

He was driven by a powerful sense of duty which in turn was fuelled by his great love for the law. He was the law's master and also its servant. He was endowed with an encyclopaedic memory of case law

together with an instinct for justice and fairness. He had a fine sense not only of the majesty of the law but also of the dignity of the court.

'A JUDGE is an administrator of justice, he is not merely a figurehead, he has not only to direct and control the proceedings according to recognised rules of procedure, but to see that justice is done.'

R v Hepworth 1928 AD 265; 277.

Harold was certainly no figurehead. He lived by the rules and expected similar observance from others because he believed that this was necessary for justice to be done and to be seen to be done.

He was a gregarious soul; he enjoyed the social intercourse between colleagues, presiding over the coffee club which met every morning in his chambers and at which were discussed great affairs of state, such as the inadequacy of judges' salaries and the imperfections of



counsel.

There is so much more that one could say about Harold - he was indeed a man of many parts. This short tribute would be deficient without reference to the number of people in all walks of life who sought and received his advice, for he was a man of worldly wisdom and common sense, always ready to help others, because he cared for people.

Harold was a fine man, an exemplary judge, a revered colleague and a true friend. He will be greatly missed." □