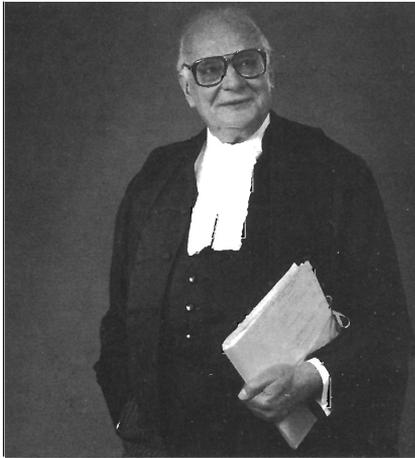


Bar news



Aaron Mendelow QC

ADVOCATE Aaron Mendelow QC recently celebrated his 50th year as an advocate and a member of the Johannesburg Bar. Advocate Dennis Fine SC, chairman of the Johannesburg Bar Council, held a reception in his honour and paid tribute to him as doyen of the Johannesburg Bar.

The function was attended by some two hundred members of the Bar, almost all the judges of both the Witwatersrand Local and the Transvaal Provincial Divisions of the Supreme Court, as well as the president and some five members of the Constitutional Court.

Judge Eloff, the Judge President of the Transvaal Provision, made an inspiring toast to Aaron and referred to the fact that his name had appeared some two hundred times in the South African Law Reports. The Honourable Judge President referred to Aaron as a formidable opponent and went on to tell several stories about his illustrious career.

Aaron, not well known for his modesty, was clearly moved by the event. He thanked the Bar Council for accordng him the honour. The only other occasion that he could recall when fifty years of continuous service at the Bar was honoured in a similar fashion was in the early seventies when the late Oscar Rathouse was given a Bar dinner. It was an honour of deep significance for him because it was the ultimate mark of acceptance that can be bestowed upon an

advocate by his own peers and he was deeply conscious of that fact. He also expressed his appreciation to the Bar Council for inviting members of his family to attend. A rare honour indeed.

In the course of his reply, Aaron mentioned many interesting characters that he had come across during his practice at the Bar. In his normal humorous vein and excelling in his well-known role as raconteur, he went on to delight the audience with his stories. Aaron said that although he was at the Bar for fifty years, his association with the law went back a lot longer than that. It was on 5 April 1927 that he signed articles as an articulated clerk in a law office almost seventy years ago. He gave us some idea of the changes that had taken place. At that time, the Transvaal Provincial Division consisted of eight judges with Judge Curlewis as the Judge President. There were Judges Danie de Waal, Jim Stratford, Ben Tindall, FET Krause, Richard Feetham, Leo Greenberg, Gey Van Pittius, and with Charles Barry acting at some period. He pointed out that today there was a complement of no less than 54 judges. The Witwatersrand Local Division was then a circuit court and the judge would arrive with great pomp and ceremony. The circuit judge would leave Pretoria in an official cape cart drawn by four horses. He would spend the night at Halfway House and the next day would make his way to Johannesburg, where he would stay at a special house in Charlton Terrace, just off Harrow Road, called "The Judge's House", that is still there to this day. He reminded us that fifty years ago the Bar was comfortably housed, initially upon three floors in His Majesty's Buildings – the 7th, 8th and 9th floors. Later there were four floors,

Johannesburg

The Jubilee of Advocate Aaron Mendelow QC

*contributed by Margie Victor
Johannesburg Bar*

when Aaron formed Group G on the 10th floor. Incidentally, Group G on the 9th floor of Innes Chambers also celebrated its 50th anniversary recently.

Aaron pointed out that, man for man (I should imagine he meant person for person), our Bar is every bit as good, if not better, than in those days. The Johannesburg Bar in his view has grown in stature, in competence and in international recognition.

There were several aspects that he commented on. He regretted the abolition of the compulsory two-counsel rule. He recalled how much he himself had learnt from having been junior to the "greats" like Harry Morris, Norman Rosenberg, Maurice Franks, Archie Shaksnovis, and others. He viewed the restoration of the rule requiring silks to have juniors as an essential step in the education of junior advocates. He suggested that the abolition of the senior/junior rule was inspired by a desire to reduce the costs of litigation, but no survey had been done to learn whether there had, in fact, been a reduction in litigation costs.

Aaron also commented on the future of the Roman Dutch law. It was a bare 60 years ago that Lord Tomlin stated in the last case that went to the Privy Council from South Africa – *Pearl Assurance Co v Union Government* 1934 AD at p 563:

"... the questions to be resolved are questions of Roman Dutch law. That law is a virile living system of law, ever seeking, as every such system must, to adapt itself consistently with its inherent basic principles to deal effectively with the increasing complexities of modern organised society. That those principles are capable of such adaptation cannot be doubted, and,

while it would be idle to assert that the development of the Roman Dutch law in the territories now constituting the union has not been affected appreciably by the English law, yet in their Lordships' judgment, approach should be made to any question governed by Roman Dutch law without any fetter imposed by the recollections of other systems, and through the principles of Roman Dutch law alone.

The fact that the solution of a particular problem reached by the Roman Dutch law bears a similarity to the solution provided by another system does not necessarily indicate any imposition of the rules of one system upon the other, but may be cogent evidence of a resemblance be-

tween the basic principles of the two systems."

And speaking of similarities, Aaron also quoted Judge Toon Van Den Heever in *Pahad v Director of Food Supplies & Distributions* 1949 (3) SA 711 (A):

"If one wishes to stress superficial similarities and ignore essential differences, one might as well say that a ship is a very special kind of bicycle and silence all doubt by means of the reminder that, of course, the latter was designed to travel on land."

He cautioned against the danger in our present dispensation of jettisoning too many of the principles that have served the country so well for 350 years, and

added that our law may become eroded by statute or novel judicial interpretation, in a resort to, as yet not entirely developed, systems of law.

He also commented on the future of the Bench. The strength of the Bench obviously depends on the strength of the Bar, and he cautioned against the overhasty appointments to the Bench of persons who have not yet had the essential experience of adequate practical and personal involvement.

Advocate Fine made a suitable presentation to Aaron on behalf of the Johannesburg Bar, and the congratulations and good wishes kept pace with the wine for some time. 

The Bench

PM Meskin SC and VM Niles-Dunér SC were appointed to the Natal Provincial Division on 1 August 1996. SS Ngcobo was appointed to the Cape Provincial Division.

(See also p 96 of this issue)

Acting appointments

Three natal advocates held acting appointments during the last quarter:

FG Richings SC in the Northern Cape Division, YN Moodley SC in the Natal Provincial Division and SS Ngcobo in the Cape Provincial Division.

Members

WF Bezuidenhout, MW Collins, G Morley, RG Mossop, T Mukadam, R PUNCHOO and A Stewart joined the Natal Bar after successfully completing their pupillage in July 1996. We wish them all every success in practice at the Bar.

Departures

GG Lotz SC left the Natal Society of Advocates in June 1996 due to ill health. TL Skweyiya SC became the first inspector-general of the Department of Intelligence Services, and M Jacobs again left the Bar after a brief return, to focus on the provision of quicker and better access to the electronic media by the profession.

Pupils

Twelve pupils in Durban and two pupils in Pietermaritzburg commenced

pupillage on 1 August 1996 in preparation for the National Bar Examination in November 1996.

In addition to their ordinary curriculum, a structured series of lectures is being provided by certain members of the Natal Bar in a concerted effort to improve the results of Natal candidates. The pupils are also to undergo an advocacy training course which was introduced in South Africa in February 1996.

Bar Council

The AGM of the Natal Society of Advocates was held at the Edward Hotel in Durban on 31 August 1996. The meeting was well attended notwithstanding the competition provided by the third rugby test against the All Blacks at Ellis Park on the same day. The following members were appointed to the Council –

In Durban: DA Gordon SC (chairman), CJ Pammenter SC, JA Ploos van Amstel SC, VI Gajoo, S Gyanda, AWM Harcourt, D Phillips and RAK Vahed.

In Pietermaritzburg: JA Booyens SC (vice-chairman), FM Moola, RJ Seggie and C Snyman.

Sport Athletics

On 13 April 1996, a team comprising M Bingham, T Seery, PD Quinlan, C van Vuuren, GS Vos and C Walker, sponsored by the Durban members of the Natal Society of Advocates completed the annual

Natal

contributed by Anne Gordon
Durban

Durban Business Challenge Relay 1996, and earned themselves a silver medal in the legal category. I am informed that the team is committed to continued success!

Soccer

After a slow start to the year, Advocates Group 7 indoor soccer team – TN Aboobaker SC, S Gyanda, AN Jappie, AE Motala, T Mukadam, R Reddy and M Vahed, assisted by a few "imports" from the side bar, and G Lopes of the 8th Floor – after holding the all-comers record for the past two years, and having thrashed the Durban articulated clerks' side and beaten the Chatsworth attorneys' side by three matches to one, finally succumbed to I Topping and the entire Stella Football Club team, masquerading as the 8th Floor Group. The 7th Floor Group, ever gracious in defeat, hereby challenge all other groups of advocates to test their skills against them.

Maritzburg Athletics

On 5 September two teams of advocates, supplemented by Judge RP McLaren and two secretaries, competed in the annual Business Relay. At the time of going to press, no results were yet available. 