

Wyle regter J N C de Villiers KC

Huldeblyk deur appèlregter Hennie van Heerden, Bloemfontein

JACOB Nicolaas Carel de Villiers is op 13 Januarie 1909 in Bloemfontein gebore en het in 1926 aan Grey Kollege, Bloemfontein, gematrikuleer. In onderskeidelik 1929 en 1931 het hy die BA- en LLB-grade aan die destydse Grey Universiteitskollège verwerf.

In 1932 het Nic as lid van die Vrystaatse Balie as advokaat in Bloemfontein begin praktiseer. Ondanks die moeilike depressiejare het hy betreklik gou 'n stewige praktyk gehad. Die rede was dat hy onder prokurkurs bekend geword het vir sy deeglikheid, regs-kennis en vernuf.

In 1948, toe Nic nog slegs 39 jaar oud was, het hy KC status verwerf. Slegs vyf jaar later is hy as regter van die Vrystaatse Provinsiale Afdeling aangestel.

In 1972 het hy regter-president van daardie afdeling geword en in 1976 is hy as regter van hierdie hof aangestel. Ongelukkig het sy sig agteruitgegaan met die resultaat dat hy reeds die volgende jaar vroegtydig afgetree het.

Nic was te kort 'n lid van hierdie hof om werklik 'n stempel op die werksaamhede daarvan af te druk. Nietemin het hy as appèlregter bykans al die kwaliteite openbaar waaroor hy as provinsiale regter bekend geword het. Hy

was altyd goed voorbereid en omdat hy 'n goeie juris was, het hy met insig geluister na die argumente wat voor hom geopper is. Sy talle uitsprake getuig daarvan. Ek verwys slegs na 'n enkele voorbeeld. In *Van Zyl v Credit Corporation of SA Ltd* 1960 (4) SA 582 (A) het hierdie hof 'n appèl teen 'n uitspraak van Nic aangehoor. Hy het beslis dat indien 'n verkoper sy regte uit 'n huurkoopkontrak aan 'n derde sedeer het, die koper paaieimente aan die derde betaal het, en daarna die huurkoopkontrak weens 'n wanvoorstelling van die verkoper gekanselleer het, hy nie van die derde terugbetaling van die paaieimente kon vorder nie. Na 'n deurgronding van die gemene reg en algemene beginsels van die kontraktereg het die appèlhof vir Nic gelyk gegee.

Net soos Pierre Rabie was Nic ook 'n ware heer, beide as mens en regter. Onlangs het die huidige regter-president van die Vrystaatse Provinsiale Afdeling tereg die volgende oor Nic se kwaliteite gesê:

“... he always remained the perfect gentleman and exemplary Judge who invariably, and without fail, conducted himself on the Bench with excellent judicial decorum and who held the judicial reins firmly in his capable hands. To put it shortly he was a very good judge and he



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was considered by his peers as such and he was, therefore, greatly respected by his Brother Judges and by the Bar and by the Attorneys”.

Ook Nic se belangstelling was nie net tot die regte beperk nie. Een van sy stokperdjies was die beeldende kunste en hy was dan ook president van die Vrystaatse Kunsvereniging. Sy belangstelling in sport blyk order andere daaruit dat hy vise-president van die Vrystaatse Tennisbond was.

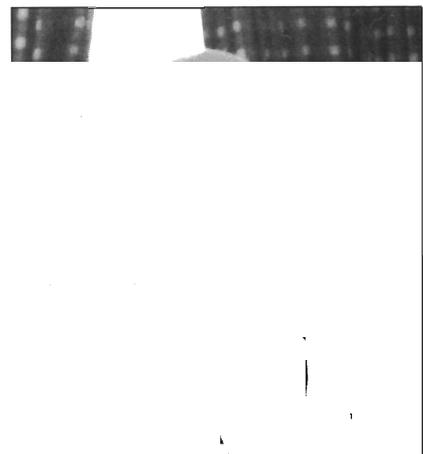
Nic is oorlede op 1 Februarie 1998 in die geseënde leeftyd van 89 jaar. Hy was getroud met Maida Hendrikz, dogter van 'n prokureur van Brandfort, en word oorleef deur haar, 'n dogter en vyf kleinkinders. Ons dra ons diepgaande meegevoel oor aan Maida en die gesin met die groot verlies wat hulle gely het. 

The late Judge Philip Meskin SC

Tribute by Judge President J A Howard, Durban

PHILIP Maurice Meskin was born on 9 April 1934 and so was only 63 years of age when he died. He leaves his widow, Paddy, and three children – Tamar, Mark and Justine. He was the son of the late Lionel Meskin who for many years was a well-known and respected attorney in this city. Philip matriculated at the Parktown Boys' High School in 1951 and then enrolled at the University of the Witwatersrand, from which he graduated with a BA degree

in 1954 and an LLB in 1957. He was admitted as an advocate in March 1958 and practised at the Bar in Durban for no less than 38 years. He took silk in 1976 but gave up practice as an advocate in 1981 in order to qualify as an attorney. Six months later he returned to the Bar and resumed practice as a very senior junior, specialising in commercial, company and insolvency law. He wanted to resume practice as a silk for the unselfish reason that his previous



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status as senior counsel might give him an unfair advantage over his junior colleagues, but the ruling was that he could not do so. However, he was appointed senior counsel in 1989 and continued in practice until he was elevated to this Bench on 1 August 1996.

In his long career as an advocate Phil Meskin acquired a reputation not only as an expert in company law and insolvency but as a man of absolute honesty and integrity. If he submitted that his application papers were in order, that could be accepted as something akin to an SABS stamp of approval. He was meticulous to a fault, and never failed to apprise the court of possible obstacles to granting any order which he sought. Indeed, one was tempted at times to say "Unless you can restrain me, Mr Meskin, I am going to grant your order."

Philip's expertise in company law and insolvency is reflected in the leading textbooks of which he was the editor or author. He assisted the late Edgar Henochsberg with the second edition of

Henochsberg on the Companies Act, was assistant editor of the third edition, and the editor of the fourth and fifth editions. He was co-ordinating or consulting editor of volumes 1-13 of the *South African Encyclopaedia of Forms and Precedents*, he made substantial contributions to Joubert's *Law of South Africa*, and he was author of *Insolvency Law and its Operation in Winding-Up*. His latest work was *Henochsberg on the Close Corporations Act* which was published earlier this year. I had the privilege of writing the foreword to that work and took the opportunity to refer then to his extraordinary ability to detect problems of interpretation and other pitfalls which the rest of us tend to overlook.

When Philip was appointed a judge last year he was delighted. He had for many years looked up to and revered the judicial arm of government and was proud to become a member of it. He took to the job like a duck to water, and he embarked upon his judicial duties with a degree of enthusiasm that was most refreshing. He

soon proved to be an industrious, conscientious and competent judge and he obviously enjoyed the work. Paddy tells me that his sixteen months on the Bench was the happiest period of his life.

It is not only his family and judicial colleagues who mourn the passing of Philip Meskin. He gave unstintingly of his time and talents to various organisations. He wrote, produced and acted in some twenty-five theatrical plays or sketches for various charities of all races and creeds. Above all, he will be sorely missed by the Durban Progressive Jewish Congregation. He was a member of its council from 1977 to the day he died, and its president from 1984 to 1986. He was an executive member of the Council of Natal Jewry in 1980 and 1981, and vice-president from 1985 to 1987. He was a devout Jew who served his Maker and his people well.

We miss Philip Meskin as a dear friend and colleague who will be difficult to replace. We extend our deepest sympathy to his widow and children. 



Roland Sutherland SC

AFSA enters the labour dispute resolution market place

Roland Sutherland SC of the Johannesburg Bar; chairman of the Arbitration Foundation of South Africa's Labour Panel of Arbitrators and Mediators.

IN the wake of the successful launch of the commercial arbitration service in mid 1996, and the recent launch of the banking arbitration service, AFSA will offer in early 1998 to the litigating public a further service, namely the Labour Relations Dispute Resolution Service.

The legislative programme of the State is giving a new shape and a broader scope for constructive resolution of traditional labour-management conflict.

AFSA, whose vision it is to offer the most comprehensive range of dispute resolution services in South Africa, will now contribute another pillar to the pri-

vate labour relations dispute resolution tradition.

Expertise

There is a substantial pool of labour relations expertise available to AFSA which has hitherto not been marketed. The advent of the AFSA labour relations service will put this expertise at the disposal of business, trade unions, local authorities and other public sector employers, and individual employees.

In designing the system a policy has been pursued of creating ready made and easy to recognise dispute resolution models to cater for the various traditional categories of labour relations disputes. A number of fo-

rum have been established each composed of experienced independent practitioners who will be available to intervene in labour disputes in terms of the latest models of expedited arbitration and of consensus building.

Executive Employment Forum

For example, one of the specialist forums is the *Executive Employment Forum*. It is recognised that there is a dynamic peculiar to the senior managerial echelon in any business and that appropriate specialist skills are required to respond to the demands of that market. Persons who are able to manage and control that dynamic and

Continued on page 48.