rhodes newsletter

December 1977

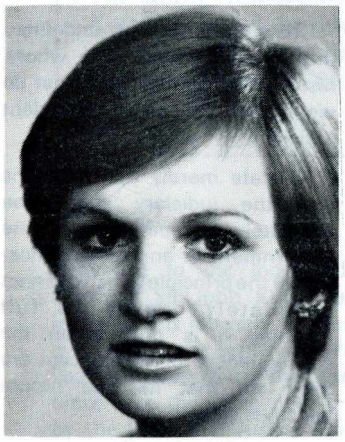
Old Rhodian Union

Move for liaison office

THE RHODES Johannesburg office has moved from the city centre to Rosebank, where visitors will have no parking problems and Old Rhodians will have a place to meet.

One of the reasons for the move was to make the office more easily accessible to prospective students and their parents.

Miss June Bahlmann, Johannesburg liaison officer since 1974, will be joined in January by Miss Candy Miller, who studied journalism at Rhodes. Miss Miller is the daughter of Mr and Mrs E.G.W. Miller of Pretoria. She was Rhodes Rag Queen in 1976.



Miss Candy Miller

The Johannesburg liaison officers' tasks include liaison with donors and schools, arranging Old Rhodian activities and contact with the Press, radio and television. Several activities are planned for 1978, and more information about them may be had from Miss Bahlmann or Miss Miller at First Floor, The Mews, Oxford Road, Rosebank 2196, telephone 788-5543.

- Rhodian pharmacists' meeting: An association has been formed to keep not only practising pharmacists but all pharmacy graduates in the Transvaal in touch with each other and with the School of Pharmaceutical Sciences. Meetings will be held in the Johannesburg office during 1978.

- African languages seminar: Primary and secondary school teachers of African languages in the Transvaal will be invited to a series of seminars conducted by Professor D. Fivaz, head of the Department of African Languages. These start in February.

- Old Rhodian accountants will be invited to meet Professor Keith Black, new head of the Department of Accounting, and hear about developments in his department.

- Business ethics seminar: The Rev. Alan Maker, a Rhodes theology graduate and minister of St Columba's Presbyterian Church, Parkview, is to conduct a six-week business ethics course in the office. The lunch-hour series starts at 12.45 pm on January 18. Rhodians are invited to telephone the office to register.

- Rhodian women's club: Women from the university such as Mrs Thelma Henderson, wife of the Vice-Chancellor, and Mrs M.M. Smith, director of the J.L.B. Smith Institute of Ichthyology, will be available to address morning gatherings of Old Rhodian women in the office.

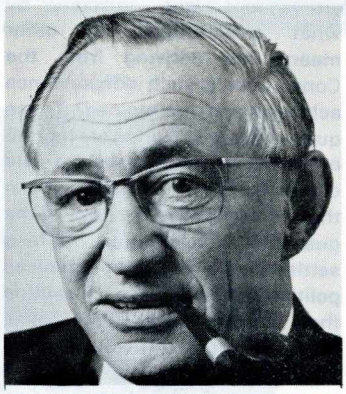
- Rhodian Golf Club: Seven tournaments were held in 1976, ending with the South African intervarsity for past students (Rhodes came third of 18). Fixtures for 1978 are: February 11, Old Rhodian golf day; March 4 Rhodes vs Wits; April 29, Rhodes vs Natal; June 10, Rhodes vs Ikeys; July 1, Rhodes vs Tukkies; August 12, Rhodes vs Maties; September 23, intervarsity; November 11, Old Rhodian golf day and end-of-year party.

- Rhodian Bridge Club: Every Thursday at 7.30 pm, starting on January 12, Old Rhodians and friends are invited to a bridge evening at the Johannesburg office. Enquiries should be made to the office or to Mr Ian Lowden, telephone 33-6861 (bus.) or 54-0664 (home).

Convocation

IN TERMS of the Rhodes University Statute, notice of any motion or matter for discussion at the annual meeting of Convocation on Saturday April 8 1978 must be submitted in writing to the secretary of Convocation by February 15 1978.

Convocation meets in the Major Arts Lecture Theatre, in the newly-completed fourth side of the quadrangle, at 5.15 pm on April 8. Members are asked to send their written notices of motion to the Registrar, Mr W.J. Askew, Rhodes University, P.O.Box 94, Grahamstown 6140, before February 15.



Professor J.W. Brommert

Choir seeks to keep in touch

TO MARK its 25th anniversary next year, the Rhodes Chamber Choir would like to get in touch with former members and compile a complete list of their whereabouts.

'The idea is to keep former members informed about choir activities and perhaps hold get-togethers and establish local groups,' said Professor Rupert Mayr, head of the Department of Music and Musicology.

'We are now touring extensively, and we could visit smaller places if we knew there were interested Old Rhodians there. We may also send out a news-sheet.'

Former Chamber Choir members are asked to send their names and addresses, voice group, the dates they were in the choir, details of tours in which they took part and any other information to Professor Mayr, Department of Music, Rhodes University, P.O.Box 94, Grahamstown 6140.

The choir visited the Transvaal on its winter tour this year, and also recorded three full-length programmes for television. The tour repertoire included songs in eight languages, ranging from sacred music to folk songs.

Rhodes Review

RHODES REVIEW will in future appear once a year instead of twice, in June. It will continue to be distributed to Old Rhodians and friends of the university, and will carry news and features about the university. In addition, alumni will receive a *Rhodes Newsletter* twice a year, in June and December.

Appointments: Vice-Principal takes up post

THE NEW Rhodes Vice-Principal, Professor J.W. Brommert, took up his post at mid-year after the retirement of Professor E.S. Twyman, Vice-Principal since 1973.

Professor Twyman served the university for 26 years, 22 of them as head of the Department of Botany. He and Mrs Twyman have retired in Grahamstown

Professor Brommert was Professor of Physics Education and full-time Dean of Education at the University of the Witwatersrand before coming to Rhodes. He sat on a large number of Witwatersrand University committees, and non-university committees on which he sits range from the Joint Matriculation Board to the Associated Scientific and Technical Societies of South Africa.

Three new professors appointed this year are Professor J.K. Black, head of the Accounting Department, Professor Raymond Tunmer, a Professor of Education, and Professor M.H. Williams, Professor of Computer Science.

Professor Tunmer was Director of Teacher Training at the University of the Witwatersrand before joining Rhodes Education Department. Professor Black was a senior lecturer in accounting, and Professor Williams a senior lecturer in computer science.

Dr Robert Mason took up an appointment as Associate Professor of Exploration Geology in October. He will run a new post-graduate course for professional geologists. He came to Rhodes from a position as exploration manager for the Johannesburg Consolidated Investment Company.

Mr Len Smit, formerly the university staffing and personnel officer, has been made Deputy Registrar (Staffing).

Dr D.W. Welz of the University of Stellenbosch, a graduate of the University of Hamburg, will take up an appointment as head of the Department of German on January 1 1978.

On February 14 1890 James Rose Innes (Junior) (later Sir James Rose Innes) addressed the following letter to Cecil Rhodes: 'My dear Rhodes, I received a circular the other day stating that 750 (150?) shares in the Chartered Company had been allotted to me.

'I must thank you for bearing me in mind, but at the same time I hope you will not take it amiss if I decide not to take them. Since our conversation when you were down here I have thought much and anxiously on the subject, and I have come to the conclusion that it would be better not to become a shareholder in your Company. I shall occupy a sounder political position if I hold no shares. You know my views and you know that in most matters we are likely to be found on the same side, but my support will (?) be much discounted if I am known to be interested in the Company. On every ground I would rather keep aloof from any pecuniary connection with the Company. I hope you see my position and reasons and will not resent my refusal of your very kind offer. Yours faithfully,

J. Rose Innes Jr.'

At this time Rose Innes was not yet a judge. He was to become Attorney-General in the Cape Colonial Government a few months later in July 1890. Rhodes was a far-seeing man, and it can be taken as reasonably certain that he had recognised in Rose Innes a rising star in the comparatively small but influential legal fraternity at the time who was marked out for a great future.

Rose Innes with astuteness and insight foresaw the difficulties in which he could find himself and with the frankness and courtesy which characterised that great man at once placed himself in the right. The sentiments were expressed by him as a politician but also by him as a lawyer, and bear the mark of independence of thought and action that the trained lawyer is taught to cherish and at all times to uphold. This independence, which is inculcated in every practising lawyer from his early days, is one of the fundamental tenets of our democratic political philosophy. It is this philosophy which is the basis of an independent judiciary and the maintenance of the highest standards of independence of the judiciary.

In this lecture, I wish to examine some of the aspects relevant to the legal notion of an independent judiciary. There are certain questions which arise and which we must attempt to answer. We ask, for example, what is meant by the independence of the judiciary? Why is it necessary in a modern democratic state to have an independent judiciary? By what constitutional or other means not deriving from the Constitution is such independence achieved and maintained? These questions and the answers thereto are known to lawyers, but, in spite of their fundamental importance to the average citizen because of the guarantee which they provide for a settled way of life in an organised political state, few stop to examine their implications or fully realise their importance. Even lawyers could profitably again examine the importance and implications of an independent judiciary.

Let me begin by referring to the historical background of the subject.

Since the earliest days of the Cape of Good Hope settlement of the Dutch East India Company there have been courts of justice. The first superior court, the Raad van Justitie, was established at Cape Town in 1656. It was not at first formally separate from the Raad van Politie, was of variable composition and consisted of a body of laymen unskilled and untrained in the law. It combined legislative, executive and judicial functions, and was therefore the very negation of the notion of independence as we know it in modern civilized states.

This tribunal continued under the First British Occupation (1795-1803), the period of retrocession to the Netherlands (1803-1806) and the early part of the permanent British occupation thereafter.

In 1821 Henry Ellis, Deputy Colonial Secretary, had according to Theal submitted a scathing indictment of the administration of justice in the Cape. Among other criticisms he reported that there was a complete absence of confidence in the members of the court, who were mostly persons elevated (if that is the correct phrase) from the humbler unprofessional ranks, such as wharfmaster and member of the Commissariat Department. As Hahlo and Kahn put it:

'The Court gave no grounds for confidence, what with its failure to give reasons for judgment, nepotism, local partiality, procrastination resulting from continental procedure, the non-orality of evidence making the judgment of demeanour of witnesses impossible and the prohibition of legal representation on circuit.'

Reform was imperative, and it was logical and inevitable that reform measures would be based on the British precedent. The old order which had mouldered on for 170 years was supplanted by this new order, which according to Mr Justice E.F. Watermeyer, the Chief Justice, writing in the *Cambridge History of the British Empire,* 'was to influence the legal structure of all future European settlement in Southern Africa' and to leave, happily as subsequent history has demonstrated, an unmistakably English impress upon the procedural institutions of this country.

By letters patent of August 24 1827, the so-called First Charter of Justice, a new structure of superior courts was established. This was superseded and modified by the second Charter of Justice on May 4 1832. The judges were appointed *quamdiu se bene gesserint,* that is for as long as they behaved themselves well. This in the history of the superior courts in South Africa marks the birth of an independent judiciary.

This precedent set by the Cape Colony was followed by the establishment of independent superior court judiciaries in Natal in 1857 (Law No. 10 of 1857), in the Orange Free State in 1875 (Law No. 2 of 1875), and in Transvaal in 1877. It is a happy coincidence that the year 1977 is 150 years after the first establishment of an independent judiciary in the Cape, 120 years after the date of establishment in Natal and 100 years after the Transvaal date. This principle of constitutional law was maintained after the Anglo-Boer War, and after Union it remained the fundamental principle on which the whole structure of the Supreme Court rested. The position continues under the Supreme Court Act of 1959.

While it is true to say that some of the principles which derive from the notion of the independence of the judiciary in South Africa are to be found fully expounded in the writings of some Roman-Dutch law authorities, the historical and juridical origin of the principles in South Africa is in the English law. For precedent in the application and interpretation of the meaning of that concept, therefore, we are entitled to look to the English law sources which must have great persuasive value.

The surprising fact is that in the grand saga of the evolution of the British Constitution this principle of the independence of the judiciary was a comparatively late development. After James II had given up the throne he was succeeded by William of Orange, whose advent marked the establishment of the independence of the judges, which was enshrined in the Act of Settlement of 1700. Before this the courts were historically the king's courts and the judges were appointed by the king, who could remove them at pleasure.

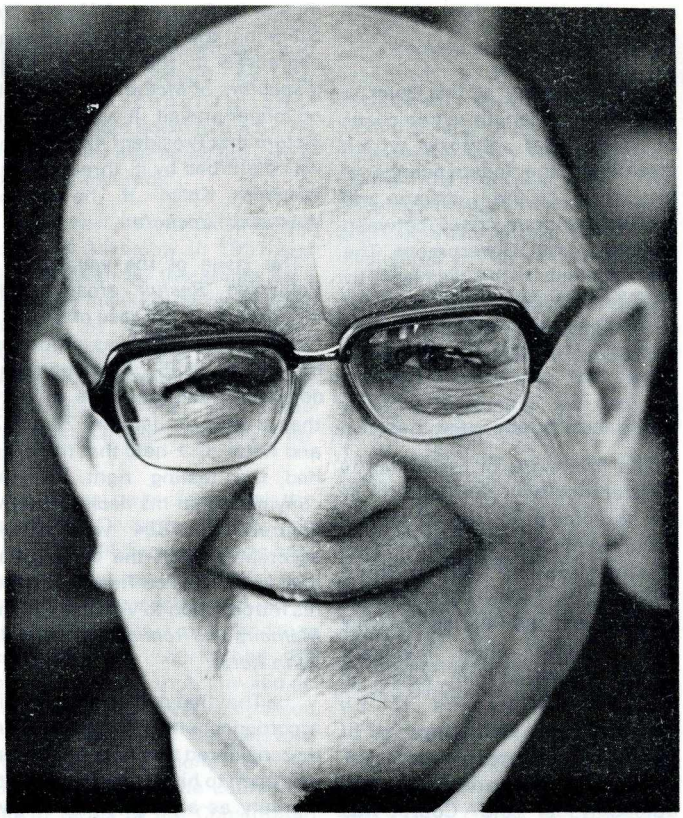
This is not the place to review the long, almost agonising, constitutional struggle which preceded the passing of the Act of Settlement. This event is however relevant to the notion of an independent judiciary as we understand it in the South African context.

I have until now left undefined the meaning of the term whose history we have traced. What do we mean by an independent judiciary?

To state merely that it means that the judiciary should be absolutely independent of the Government is an oversimplification of the principle which does not adequately convey its full meaning. It is only when the consequences of the concept are spelt out that its true nature becomes clear.

It is a concept which is perhaps more easily described than defined. It is of course axiomatic that an independent judiciary is one which is completely separated in its functions from the legislature and the executive. This means that no member of the Government, no member of Parliament, no departmental Government official and in fact nobody directly or indirectly connected with the legislature or executive has any right or power to direct, influence or interfere with the decisions of any of the judges. Indeed, any overt act or attempt to do so would constitute a contempt of court and could be punishable by the courts in summary manner.

Much has been written and said both judicially and extra-judicially about the matter, and it is useful in the context of definition or description to refer to some of these authoritative pronouncements. In the case of In re *Willem*



THE independence of the South African judiciary was the subject of the eighth annual Cecil Rhodes Commemoration Lecture, delivered on August 9 1977 by Mr Justice Cloete (above), Judge President of the Eastern Cape Division of the Supreme Court.

Anchoring the ship of State

Kok and Nathaniel Balie v The Queen, 1879 Buch. 45, the petitioners were prisoners detained in prison in Cape Town. They had been arrested with others in Griqualand East for taking up arms and joining in a disturbance against the Colonial Government. They were taken from Durban to Cape Town where they had been incarcerated from June 1878 until February 24 1879, the date on which they petitioned the Supreme Court for their release. They complained that they had not been charged with the commission of any offence or crime and that their detention was unlawful and without warrant or authority. At page 66 de Villiers, C.J. said:

'. . . it is said the country is in such an unsettled state, and the applicants are reputed to be of such a dangerous character, that the Court ought not to exercise a power which under ordinary circumstances might be usefully and properly exercised. The disturbed state of the country ought not in my opinion to influence the Court, for its first and most sacred duty is to administer justice to those who seek it, and not to preserve the peace of the country. If a different argument were to prevail, it might so happen that injustice towards individual natives has disturbed and unsettled a whole tribe, and the Court would be prevented from removing the very cause which produced the disturbance.'

and again:

'The Civil Courts have but one duty to perform, and that is to administer the laws of the country without fear, favour or prejudice, independently of the consequences which ensue. In the case of *Nehemiah Moshesh,* who was tried before me at King William's Town for sedition at the instance of the late Government, I told the jury that their sole duty was to decide upon the evidence whether or not his guilt had been established, and that they ought not to inquire what effect his liberation might have been on the minds of the natives generally.'

In discharging this duty the judges are subject to one overriding controlling factor, and that is that they are bound by the provisions of the law. They have to stand aloof from all outside pressures and influences, from the prevailing popularity or unpopularity of any cause to be judged, free from influences of the mass media and from political or economic pressures and free from the policies or views held by the Government in power. This is not easy and calls for the highest skill and integrity.

The position was expressed as follows by Mr Justice Hathorn, former Judge President of Natal, in a letter to the Press in 1955:

'By far the most powerful litigant . . . which appears before the courts is the Government. Naturally, with its enormous and widespread interests, it is also the litigant which has more cases before the courts than any other. Now it is literally true that if there is a case in which the Government is on the one side and the humblest native labourer is on the other, the court will pay just as much attention to the case of the Native labourer as it will to the case of the Government.

'If the court is of the opinion that the Native labourer is right, it will not hesitate to give judgment in his favour, while if it is of opinion that he is wrong, it will not hesitate to give judgment in favour of the Government. Whence springs this perfection of impartiality? It springs from the independence of the judges. Every judge sits confidently and firmly in his seat upon the Bench. He knows that he cannot be removed from office except for misconduct and a vote of both Houses of Parliament, and he knows, too, that this never happens in practice.'

I refer next to a statement by Sir Winston Churchill in the House of Commons in 1954 when he said:

'The principle of the complete independence of the judiciary from the executive is the foundation of many things in our island life. It has been widely imitated in varying degrees throughout the free world. It is perhaps one of the deepest gulfs between us and all forms of totalitarian rule. The only subordination which a judge knows in his judicial capacity is that which he owes to the existing body of legal doctrine enunciated in years past by his brethren on the bench, past and present, and upon the laws passed by Parliament which have received the royal assent. The judge has not only to do justice between man and man. He also — and this is one of his most important functions considered incomprehensible in some large parts of the world — has to do justice between the citizens and the State . . . The British judiciary, with its traditions and record, is one of the greatest living assets of our race and people and the independence of the judiciary is a part of our message to the ever-growing world which is rising so swiftly around us.'

Again we note the emphasis on three features, namely independence from the executive, the duty of the courts to do justice between man and man and between citizens and the State, and the definition of the only subordination of the judiciary which is to the existing law.

Finally on this aspect I quote an extract from a judgment of a former Judge of Appeal, and an honorary graduate of this university, which again brings out the independent character of the judiciary. In *Minister of the Interior and Another v Harris and Others,* 1952 (4) S.A. 796 at p. 789 Schreiner, J.A. said:

'The Superior Courts of South Africa have at least for many generations had characteristics which, rooted in the world's experience, are calculated to ensure, within the limits of human frailty, the efficient and honest administration of justice according to law. Our Courts are manned by full-time judges trained in the law, who are outside party politics and have no personal interest in the cases which come before them, whose tenure of office and emoluments are protected by law and whose independence is a major source of the security and well-being of the State. The jurisdiction of these Courts is general as to subject matter, they are available to all disputants who claim that they have legal rights to maintain and before them all interested parties are entitled to present their evidence and their arguments.'

The features I have seen fit to stress cannot be overstressed. Their importance in the administration of justice in a multi-racial country such as South Africa is obvious. In the face of the gathering storms of international censure and the ever-increasing threats of international pressure, the independent judiciary of this

country stands steadfast and still commands universal acclaim even from our severest critics. Fifty years ago Sir James Rose Innes, in paying tribute to Sir William Solomon, also a Chief Justice of the Union, said:

'The work of the judge does not catch the public eye like the work of the Statesman, but it is of supreme importance to the community. For the character, the integrity, and the efficiency of its judiciary are a priceless asset to any country, and especially to a young nation like ours. The confidence of all races and all sections of the people in the Bench is a sheet anchor, equipped with which the ship of State may safely ride out storms which might overwhelm it.'

How is this sheet anchor made fast? How is the independence of the judiciary ensured and safeguarded? How are the judges removed from pressures or undue influence from the executive and administrative institutions of the State — and others? In order to achieve and maintain these ideals the law provides a number of measures which need to be examined.

Perhaps the principle of judicial independence is more clearly manifested in the rules as to removal of judges from office than in any other respect. South African law is again based on the English rule and provides that:

'The Chief Justice, a judge of appeal or any other judge of the Supreme Court shall not be removed from office except by the State President upon the address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.'

This ensures permanence of tenure up to the retiring age of 70 years.

Since the Act of Settlement in 1700 there has been only one case when a judge has been removed for misconduct by petition of both Houses of Parliament in England. This was an Irish, not an English, judge, who was removed for corruption. In the Cape Colony an attempt was made to remove Mr Justice James Coleman Fitzpatrick (father of Sir Percy Fitzpatrick, the author of *Jock of the Bushveld*) in 1878. The Articles of Charge alleged against him incompetence, intemperance, physical debility and mental incapacity. A Select Committee of the House reported that in the main, the charges had not been established.

It is necessary at this point to refer at some length to two crises in our legal history which threatened the independence of the fabric of the judiciary and provoked serious crises between judiciary and Government. The first resulted in the dismissal by President Kruger in the Transvaal of Sir John Kotze, Chief Justice of the South African Republic, in 1897.

The facts briefly were these:

The first signs of resistance to interference with the judiciary by the executive in the Transvaal occurred in the case of Alois Hugo Nellmapius, a well-known concessionary who was convicted of theft in 1886. His appeal was still pending when President Kruger reprieved him. Kotze, J. caused Nellmapius to be rearrested and then disposed of the appeal. The appeal succeeded, but the independence and autonomy of the Court was maintained and affirmed.

This historic dispute between the Bench and the Government relating to the right and power of the court under the Constitution to test the validity of legislation flared up in 1897, but its origins hark back to an earlier point.

The Volksraad attempted to legislate by means of informal *'Besluiten'* in addition to the normal legislative acts. In two important judgments delivered by Kotze himself in 1884 and in 1887 he had recognised the fact that a *'Besluit'* had the force of law, that the Grondwet held no more privileged position than any other law, and that the High Court had no power to test the validity of a *'Besluit'* in terms of the Grondwet. A minority judgment by S.G. Jorissen in the latest of these cases, the case of *Dom's Trustees,* held that a *'Besluit'* which did not follow the prescribed legislative pattern was invalid.

In spite of the fact that it was a minority judgment the Volksraad took cognizance of it and in Law 4 of 1890 provided that the validity of a *'Besluit'* could not be disputed by the court.

After the decision in *Dom's* case Kotze devoted much further study and thought to the difficult questions involved, and ultimately came to the conclusion that he had erred on the two previous occasions and that Jorissen had been right. In May 1895 he gave a *dictum* in the case of *Hess v The State* that the views which he had expressed in the case in 1884 *(Executors of McCorkindale)* could no longer prevail. It was after this *dictum* that President Kruger, who was disturbed by it, threatened to suspend Kotze if he tested Volksraad *'Besluiten.'*

The issue of the validity of a Volksraad *'Besluit'* arose crisply for decision in the case of *Brown v Leyds N.O.,* which was argued in November 1895. Judgment was delivered after the lapse of more than a year on January 22 1897, and Kotze, C.J. held that the court had the testing right. He was convinced that his decision to the contrary in 1884 was not in accordance with the constitution and, as Mr Justice Tindall puts it in his introduction to Volume 2 of the *Memoirs and Reminiscences of Sir John Kotze:*

'... That that decision was not in accordance with the Constitution, he considered that no other course was open to him, consistently with his duty as a judge, than to give effect to his conviction and not to follow his previous judgment.'

The Chief Justice, in coming to this conclusion that the High Court had the testing right, was, according to Mr Justice Tindall (*supra*), 'greatly influenced by the decisions of the Supreme Court of the United States of America, a republic which also has a written Constitution. In that country, he said, where the testing right is accepted, it does not owe its existence to any direct provision in the Constitution but is a tacit and necessary outcome of popular government under a Constitution.' It was to be expected that President Kruger would react at once, since Volksraad *'Besluiten'* had been treated as valid legislation for nearly 40 years, and this method of legislation had received the judicial approval of the High Court in the two earlier decisions. He laid before the Volksraad the famous Law 1 of 1897, which provided *inter alia* as follows:

'Section 1. That the judiciary shall not have the competency, nor did it ever have the the competency, either by the Grondwet or by any other law, to arrogate to itself the so-called testing right.' Section 2 prescribed the form of an oath, to be taken by every judge in future before assuming duty, which included an oath not to arrogate to himself the co-called testing right. Section 3 enacted that a judge who did not act in accordance with Section 1 should be regarded as having been guilty of misconduct in his office, within the meaning of article 86 of the Grondwet of 1896. And Section 4 empowered the president to put to the present judges the question 'whether they regard it to be in accordance with their oath and their duty to administer justice in accordance with the existing laws and Volksraad resolutions and those to be passed in the future and not to claim the testing right.' This section further charged the president with the duty of dismissing members of the judiciary 'from whom he receives a negative answer or an answer which he considers insufficient or no answer at all within the time specified.'

The judges in a written statement expressed the unanimous opinion that the Bill assailed the independence of the High Court, and requested a postponement of consideration of it until the usual sitting of the Volksraad later in the year in order that the People might express their opinion. The Volksraad however enacted the law, and thereafter the State Secretary, on the direction of the president, put to each of the judges the question prescribed by section 4. Before they could answer Sir Henry de Villiers, the Chief Justice of the Cape, offered his services as a mediator. He saw the president, and on the following day Chief Justice Kotze sent a reply to the president. The crux of the reply was:

'Considering that conflicting decisions have been given by the High Court concerning the exercise of the testing right and that some of the members of the court consider that the court does not possess this right, the judges will, especially after the decision of the Honourable First Volksraad on this point, not test the existing or future laws or Volksraad resolutions by reference to the Grondwet.'

The document then stated that the basis of their understanding with the president was that the Grondwet should include a provision prescribing that it could only be altered by special legislation according to the example of the Orange Free State, and that the guarantees for the independence of the judiciary should be inserted in the Grondwet. This portion of the document was the basis for the subsequent dispute between Kotze and the president.

The subsequent correspondence cannot be set out here in full. It discloses fast mounting of tension between the two chief actors, and shows a difference of interpretation between them of the 'verstandhouding' reached in 1897.

The matter reached a climax when Kotze, C.J. in a letter dated February 16 1898, in strong terms restated the judges' position as he saw it, and charged the president with intolerable and unlawful action. Without spelling out the details, he maintained that the president had not fulfilled his undertakings to the judges, and *inter alia* alleged that the president by his conduct had violated the guarantees for the independence of the judiciary and therefore broken the condition on which the republic existed as a civilized and constitutionally governed country.

The result of the impasse was the instant dismissal of Kotze, C.J. I have given but a brief summary of the facts and I would not presume to pass judgment on the merits. The crisis inevitably caused considerable controversy amongst lawyers at the time, and much has been written about it since then. Laymen too have debated it, and the facts are fully recorded by several historians. In *Lord de Villiers and His Times* Professor Walker deals fully with the matter, and likewise does Mr Justice Tindall in the introduction to which I have referred.

It was only after the Anglo-Boer War that the principle of judicial independence was fully restored to the Transvaal judiciary.

Another constitutional crisis involving the courts was to flare up some 50 years later over the so-called entrenched clause relating to the franchise of Coloured people in the Cape Province under the Constitution of the Union of South Africa. Again I set out but briefly the salient facts.

The South Africa Act 1909 had safeguarded the franchise rights of Coloured persons in the Cape by expressly providing that no one should be disqualified in the Cape 'by reason of his race or colour only' unless by a Bill passed by both Houses of Parliament sitting together, and by two-thirds of their members at the third reading. The Government did not in 1951, the commencement of the constitutional struggle, command such a majority. But there was a body of legal opinion, shared by the Government's law advisers, that after the passage of the Statute of Westminster in 1931 the Union Parliament was sovereign and therefore not bound by the prescribed constitutional procedures laid down in the South Africa Act for amending the voting rights of Coloureds.

A bill was introduced into the House of Assembly in 1951 and went through all the stages as a bicameral measure to receive the assent of the Governor-General. Several Coloured voters jointly attacked the validity of the measures before the Cape Provincial Division, where they lost.

An appeal was heard by the Appellate Division, which on March 20 1952 unanimously held that the Statute of Westminster had left the entrenched clauses of the South Africa Act intact and that accordingly the courts had the power to declare an Act invalid on the ground that it was not passed in conformity with the relevant entrenched provisions of the South Africa Act. The court held that in terms of the Constitution Parliament, for the purposes of amending the entrenched clauses, could only function unicamerally as a legislative body. The Act was therefore invalidated.

This first appeal in the trilogy of cases which related to the constitutional crisis created a great deal of interest both in legal and political circles. It was, however, in the political field that feelings began to run high. The cause at stake was a highly emotive one which was not confined to the Coloured people or for that matter to the people of the Cape Province only.

It was inevitable that the whole issue would cause feelings to run high, as politicians of all parties exploited to the full the emotions and prejudices of the voting public. In this context the Appeal Court was criticised openly by politicians and others who disagreed with their decision. The contemporary Press shows that uncomplimentary, severely critical and even insulting remarks were made by some politicians — even by some who held senior rank. This was not calculated to improve the esteem in which the Bench was held by the ordinary citizen of state.

The next step, which was not calculated to improve the Government's relations with the judiciary, was taken almost immediately after the Appeal Court decision was handed down. On April 22 1952 the Minister of the Interior introduced the High Court of Parliament Bill, which sought to establish a High Court of Parliament consisting of all Senators and members of the House of Assembly, with powers to review the decisions of the Appellate Division of the Supreme Court of South Africa which had invalidated an Act of Parliament.

This was heaping Pelion upon Ossa. This Act was passed in accordance with the normal bicameral procedure. The 'High Court of Parliament' sat and set aside the judgment of the Appeal Court. Again the Coloured voters tested the validity of the Act in the Cape Provincial Division successfully. The Minister of the Interior appealed, and the full Bench of the Appeal Court held unanimously that the High Court of Parliament Act infringed the entrenched clauses and, as it was passed bicamerally, was invalid.

The court held further that the High Court of Parliament was not a court of law such as envisaged by the South Africa Act, nor in substance was it a court of law. Each of the five judges handed down his own reasons for judgment, eloquent testimony to the independence of thought and approach of the Bench as it was composed.

I have already cited a passage from the judgment of Schreiner, J.A. in this case in another context above. Without in any way seeming to detract from the profound and lucid reasoning of the other members of the court, I wish to refer to certain passages in the judgment of van der Heever, J.A. who was a master of many languages, classical as well as romantic, and a poet of renown in his own tongue. At page 791 he says:

'I go part of the way with counsel or respondents. As ordinarily constituted Parliament has unlimited powers to reorganise the judiciary. It can create a court or courts superior to the Appellate Division and confer upon them such jurisdiction as it thinks fit. From the second preamble to the South Africa Act it is clear that the authors of our Constitution had n mind the doctrine of the *trias politica* and the existence of some judicial power to enforce the constitutional guarantees. That seems to follow by necessary intendment.

'But I do not think the further inference is justified that they had in contemplation that the judicial power had for ever to be exercised by courts constituted in a manner which satisfies certain criteria to the end that the independence, competence and justness of these tribunals be manifest and secured. I do not think they intended that courts should always be of the kind to which they were accustomed. In this respect the legislature has absolute freedom of action and it is not for the existing courts to criticise the wisdom or equity of a measure passed in the exercise of that power by a comparison of the court established with courts answering to some preconceived standard. All this, however, is subject to one limitation which follows by necessary implication and has no relation to the character or competence of the new creation; it must be a court.

'Since it was conceived as being the arbiter between Parliament as ordinarily constituted or even in joint session and subjects who complain that they have unconstitutionally been deprived of their rights, it must necessarily be a body other than Parliament and capable of passing judgment on that issue. . . Where courts of law have in two instances been exercised by the question whether or not a legislature had exceeded its powers and deprived subjects of their rights and the constituent individuals of that legislative body functioning in a different manner are appointed as a final court of appeal to determine whether they had acted lawfully or otherwise, their newly-acquired capacity and functions cannot by any standard be said to be judicial.'

The Government then attempted twice to pass the Coloured vote legislation, but failed to gain the requisite two-thirds majority. The first attempt was preceded by a statement by the then Prime Minister, Dr Malan, that if the requisite majority were not obtained the Government would legislate to amend the constitution of the Appellate Division.

It was not until 1956 that the constitutional deadlock was resolved by legislation increasing the size of the Senate so as to provide a two-thirds majority for the Government in accordance with the Constitution and the Appellate Division Quorum Act, which raised the number of judges to 11 whenever the court was considering the validity of a statute. Parliament then legislated to re-enact the Separate Representation of Voters Act 1951, which had been judicially invalidated. Again the matter was

tested in the courts. In November 1956 the court upheld the validity of the Act by a majority of 10 to one. The sole dissentient was Mr Justice O.D. Schreiner.

After the lapse of 25 years since the events of this crisis, we are perhaps still too close in time to be able to evaluate the issue objectively. Some of those who were intimately involved are still alive.

It seems to me, however, that seen in perspective the attacks on the courts at the time were calculated to diminish the esteem in which they were held and entitled to be held. During the heat of the crisis some of the legal professional bodies, such as the Bar Councils and the General Council of the Bar of South Africa, publicly defended the courts. It was in this context too that the judges of the Appeal Court met in formal sitting and defended the Bench in a pronoucement by the presiding Chief Justice Centlivres.

In spite of the magnitude of the crisis and the public storm which raged about the courts and especially the Appeal Court, in the words of Sir James Rose Innes, quoted above, they remained and remain still 'the sheet anchor . . . with which the ship of State may safely ride out storms which might overwhelm it.'

But we may well ask: Is the court then above criticism and to function free from criticism? The answer is of course No. It is a settled and old principle of our law that justice must not only be done, but it must manifestly and undoubtedly be seen to be done. I recall the wit of a colleague, not in my division, who in speaking of another colleague said: 'Yes, but in old X's court the doing of justice must be seen to be believed.'

A corollary of this principle that justice must be done in open court, in public, is that judges are not only required to be impartial but should be recognised by all the people to be impartial. The courts recognize that it is as valid to have a check upon them by way of fair criticism as indeed it is of all persons in authority. The courts are as open to fair criticism as anyone else, and it is right that this is so, provided it is honest and temperate criticism. However, any reflection upon the integrity of a judicial officer or the judiciary generally constitutes a contempt of court, and may be punished summarily by fine or imprisonment. The classic definition of contempt of court is to be found in the case of *In re Phelan,* 1887-81 Z.A.R. 5, where Kotze, J, said:

'Anything spoken, written or printed imputing corrupt or dishonest motives or conduct to a judge in the discharge of his judicial office, or reflecting in an improper or scandalous manner on the administration of justice, is a contempt quite as much as insult or violence offered to the judge *in facie curiae.* In like manner disobeying the process of the court, interfering with or obstructing the officers of the court in the lawful discharge of their duty, or commenting at public meeting or in public print on proceedings pending in court, amounts to contempt, for which the offender may be summarily dealt with and punished at discretion.'

An interesting case occurred in 1933 and is reported as *In re Mackenzie,* 1933 A.D. 367. *The Friend* published an anonymous letter criticizing the Appeal Court for changing the venue of a trial from Bloemfontein, the seat of the court, to Cape Town, referring to this decision as absurd, based on ulterior motives and on reasons flimsy as a curtain of gossamer. The court had no doubt that a contempt had been committed, ordered the editor to publish a prescribed apology and fined him R100. It was widely stated at the time that the author of the letter was probably a well-known B'oemfontein judge.

In spite, however, of the right to criticise the courts fairly, there is a strong tradition that this should not be done. In regard to Parliamentary criticism the matter was dealt with in a ruling by the Speaker on March 13 1935, as recorded in the official House of Assembly Debates. The Speaker refused to allow a motion which concerned a remark made by Wessels, C.H. during counsel's argument in the case of *Wilken v Brebner,* 1935 A.D. 175. He ruled as follows:

'I desire also to refer to another aspect of the matter which is of importance. It cannot be doubted that Parliament is entitled to enquire into the matter (sic) in which judges fulfil their duties. Such enquiry should, however, not be lightly embarked upon and should in any case be founded upon a clear and definite basis. It is obvious that a member who wishes to move a motion must be certain of his facts which must be properly formulated. If, however, the conduct of the judge which is objected to is not of such a nature that he can be dismissed on the ground of misconduct, then I do not think that it would be in the interest of the administration of justice for the House to entertain it.'

The Speaker then approved a proposition in Todd's *Parliamentary Government in England,* 1,p 196:

'Nothing could be more injurious to the administration of justice than that the House of Commons should . . . tamper with the question whether the judges are on this or that particular assailable, and endeavour to inflict upon them a minor punishment by subjecting their official conduct to hostile criticism.'

In England the *locus classicus* on the matter of contempt of court is that of *Ambard v. the Attorney General for Trinidad and Tobago,* (1936) A.C. 322. This authority has often been cited in England, in this country and indeed elsewhere.

The facts were that in Trinidad the court had held that it was contempt of court to criticize the inequalities of sentences imposed and fined a newspaper. The Privy Council reversed this decision, and in the course of his memorable judgment Lord Atkin said:

'No wrong is done by any member of the public who exercises the ordinary right of criticizing, in good faith, in public or private, the public act done in a seat of justice. The path of criticism is the public way; the wrong-headed are permitted to err therein: provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice . . . they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.'

I now turn to consider some other constitutional devices designed to protect and ensure the impartiality of the judiciary. Thus it is axiomatic that a judge is exempt from liability for acts done or words spoken in his judicial capacity. But he can be held responsible for acts not falling within the limits of a jurisdiction he possesses, or which upon a view of the facts he might possess. He can also be held responsible if it can be shown that he acted not in the proper discharge of his duty but with some wrongful or improper motive. (See McKerron, *The Law of Delict.*) It is unthinkable that judges should be allowed to take part in any private income-producing commercial venture. Indeed they are expressly forbidden to do so by the Supreme Court Act which reads:

'No judge of the Supreme Court shall without the consent of the State President accept, hold or perform any other office of profit or receive in respect of any service any fees, emoluments or other remuneration apart from his salary and any allowances which may be payable to him in his capacity as a judge.'

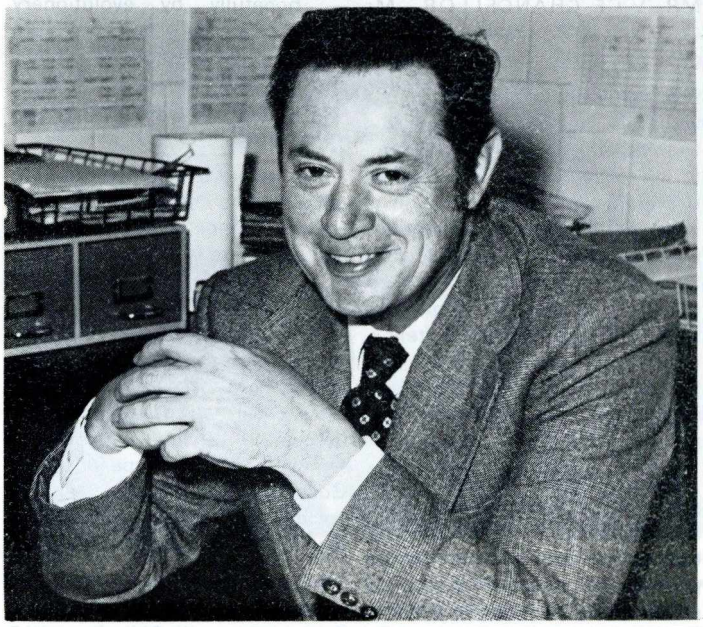
Judges' salaries have been said to be adequate, but are certainly not high, especially by comparison with salaries of other State functionaries and those earned in the private sector. The important factor, however, which helps to underwrite their independence, is that a judge's salary cannot be reduced during his term of office.

In 1929 Mr Justice F.E.T. Krause tested the liability of a judge to pay income tax. His point was that the fiscus, by assessing him as liable to pay tax, was in effect contravening the South Africa Act which provided that a judge's salary could not be reduced. The Appellate Division held that a judge was not immune from paying such tax on his salary because it did not diminish the remuneration of a judge.

There is one further aspect which must be considered, and that is the deportment of the judges themselves. By virtue of their office judges must refrain from taking part in politics at all levels, and indeed in any partisan activity in the community where rival policies are concerned and which might become controversial.

A judge cannot become embroiled in controversial issues, and cannot allow himself to be placed in the position where the impartiality of his office becomes suspect. His function is to adjudicate in disputes between litigants in civil cases and between the State and the accused in criminal cases. For this reason, his conduct must at all times be such that the impression can never be created that he holds certain views, however ill-founded that impression may be, which would preclude him from bringing a fair impartial mind to judgment. For this reason he should not express views in the press or other media on matters of public or even potential controversy, whether political or non-political.

Geneticist opens campus week



A BRITISH geneticist, Professor E.A. Bevan of London University (right), opened a stimulating Arts and Sciences Festival programme on campus in August with a lecture on *'Genetic Engineering: Challenge and Controversy.'*

Professor Bevan is Professor of Genetics and head of the Department of Plant Biology and Microbiology at Queen Mary College.

Other events on the programme included a Chamber Choir concert, a teaching methods seminar, symposia, films and exhibitions.

Senator Anna Scheepers, president of the South African Garment Workers' Union, and Mr Robin Smith, lecturer in industrial relations at Durham University and advisor to the British Conciliation and Arbitration Services, took part in a symposium titled *'Who can Afford to Live?'*

Visiting actor Michael Atkinson, temporarily on the Speech and Drama Department staff, directed a festival production of *'As You Like It.'* Authors P.G. du Plessis and André Brink discussed the Afrikaans literary scene in a live presentation of *'P.G. Gesels Met...'* in The Box.

Professor Bevan, who was guest of the Microbiology Department during his visit to Grahamstown (he was Professor D.R. Woods' supervisor at Oxford) helped judge a heartily supported home brew competition.

The manner in which judges are required to comport themselves has sometimes been criticised. It has even been said that the tradition in our system that judges should be protected from criticism is unjustified. I think this view is wrong. It is not within the scope of this lecture to enter upon a discussion on this topic. I can but mention in passing that there are some who contend that judges ought to take part in criticising the passing of law which some describe as harsh or unjust laws, whether during the legislative process or thereafter. I wholly disagree with this view.

In our system, unlike the system in the United States of America, where sometimes the Supreme Court itself can legislate by giving its interpretation of the American Constitution, the courts must interpret the Acts of the legislature as well as the common law. The judge's personal feelings or desires are entirely irrelevant. In a democratic State the legislature is elected by the people, is the voice of the people, and speaks for the people when it passes legislation. The function of the courts is to interpret such laws in doing justice between litigants in the case before it.

The question of the correct judicial approach to criticism of legislation was to some extent ventilated in the case of the *State v van Niekerk* in 1971 and 1972. Professor van Niekerk of Natal, during an attack on the Terrorism Act at a public protest meeting in Durban, in his speech criticized among others the judiciary for their failure to condemn this law. He was charged *inter alia* with that species of contempt of court which is known as 'insulting or scandalizing' the court. Of this he was acquitted by the trial judge, and this decision was confirmed by the Appeal Court. During the course of his judgment the trial judge, Mr Justice Fannin, stated the following:

'I am not unconscious of the warning uttered by Mr Quintin Hogg in his article in *Punch* which led to the famous case of *R v Metropolitan Police Commissioner: Ex Parte Blackburn* No. 2 (1968) 2 All ER. 319, in regard to *obiter dicta,* namely "Silence is always an option," but I feel that I should be doing less than justice to my brother judges and myself if I were not to say why I regard the accused's remarks in this part of his speech as singularly misguided. The functions of a judge include the duty to do justice between man and man "without prejudice," and it is vitally important that all men should know that they can expect that they will be judged without prejudice on the part of judicial officers . . . Judges have to do justice between all sorts and conditions of men, of all political, religious and other points of view. They should never allow themselves to be thought to hold or be heard to give expression to opinions upon controversial matters which may be relevant to any proceedings which may come before them, for if they do, a litigant who holds opposing opinions may well be entitled to doubt whether he will get justice.

'To come nearer home, if I, the judge whose duty it is to attempt impartially to try the issues in this case, were known by the accused to have expressed in public or in private strong opinions in favour of the retention and enforcement of the very legislation which he criticized, would he be able to assure himself "I am, and I know that I am, secure of justice"? The answer is surely, No. This is not to say that, where the merits or demerits of a particular piece of legislation are relevant to an issue in a case he is trying, a judge must keep silent — for judges frequently "speak out" in such circumstances and in many instances with the resultant improvement in the law. The fact that judges avoid embroiling themselves, in their personal capacities, in matters controversial, lends great weight to their views when properly expressed in a proper context. It may be suggested that what I have said would, if valid, excuse acquiescence by judges in the monstrous kind of legislation cited by the accused as extreme examples. Of course, it would not, for, faced with a situation of that sort, the proper way for him to escape his dilemma would then be to resign. He cannot escape that dilemma by throwing his office into public controversy.'

In this lecture I have but touched upon an extensive field, both historical and jurisprudential. I have not been able to elaborate fully the variety of legal concepts which have a bearing on the main theme of the independence of the judiciary. Our judiciary in the Republic of South Africa has a long and proud history of independence and of the maintenance of high standards in the administration of justice. Of this institution and the sound foundations laid by the giants of the judiciary in the past our country and all its citizens may be justly proud. Our fervent hope should be that in the difficult times ahead nothing will happen to loosen or dislodge the sheet anchor of the ship of State.

Mr Vice-Chancellor, on August 12 1870 Cecil John Rhodes for the first time arrived in South Africa. This lecture has been delivered to commemorate that event and to pay tribute, in this university which bears his name, to him, leading statesman of his time, pioneer, financier, visionary, and benefactor whose influence for good and benefaction has persisted for so long — even more than 70 years after his death.

Mr Justice Cloete was born in Lady Grey in 1917 and educated there and at Rhodes University College, where he completed the degrees of B.A. and LI.B. He was admitted to the Eastern Cape Division of the Bar in 1940 and practised at the Johannesburg Bar from 1942 to 1954. He was secretary to the Johannesburg Bar Council from 1947 to 1949, a member of the Johannesburg Bar Council from 1949 to 1952 and secretary to the General Council of the Bar of South Africa from 1948 to 1952. From 1942 to 1946 he was law advisor to the Director General of War Supplies. He returned to the Eastern Cape to practise at the Bar from 1954 to 1962, taking silk in 1955. He was made an acting judge in 1961 and a judge in 1962. In 1976 he was appointed Judge President of the Eastern Cape Division of the Supreme Court of South Africa. He is a former chairman of the Rhodes University Council. The university awarded him an honorary Doctorate of Laws in 1977. Mr Justice Cloete's offices include membership of the Council of the 1820 Settlers National Monument Foundation.

MR VICE-CHANCELLOR, Mr Chairman of Council, ladies and gentlemen:

I greatly appreciate the honour you have bestowed on me this evening in appointing me the fourth Chancellor of Rhodes University and, believe me, it is with a feeling of deep humility that I stand before you especially after the ceremony I have just experienced. As an African — and I use the description deliberately — and as a South African, it was a touching experience for me to hear my praises sung by your Xhosa poet.

Normally when one listens to a poet, and particularly a poet of the standing of Chief Burns-Ncamashe among the Xhosa people, one can only think in terms of describing his work as eloquent and his delivery as euphonious. On the programme before me I have read the summary of what was said about me, but I believe the Xhosa praise-singer reserves the right to form his own conclusions after seeing the person who is the subject of his eulogy, and to amend the salutation accordingly at the moment of delivery. I did not understand all that was said, but from the parts I did manage to understand, I am convinced that these apply to a person I do not know. But I can say this — it was deeply moving to me and I am more certain now than ever before that I am, indeed, of Africa.

Enkosi Kakhulu.

Thank you, Mr Vice-Chancellor, ladies and gentlemen. This is a ceremony I shall always remember.

I venture now into fields which, as a businessman and a banker, some will say I am not qualified to explore, but as Chancellor of this university I have found myself compelled to enter. I refer, of course, to the subject of education. It is a highly specialised area and the investigation on which I embarked during the past few weeks was undertaken with a sense of trepidation. However, the deeper I went the more convinced I became that education, properly applied, could contribute immeasurably to facilitate the adjustment process so essential for the long-term solution of South Africa's complex political situation.

South Africa is a country still with an enormous economic potential. It lacks little in respect of natural and manpower resources and, given acceptable solutions to its complex problems — hopefully by evolutionary change — all ingredients are there for further large-scale development and an increasing growth rate which will benefit all its inhabitants.

The nature of these problems is not simple to define, and depends on the vantage-point from which you choose to view them.

Let me try to illustrate what I mean:

Dr Andreas Wassenaar, in his recent book, *Assault on Private Enterprise* suggests that an immediate problem or crisis is financial, and he appeals to the Government to halt the 'creeping socialism' in South Africa and to stop meddling in the private sector.

Mr Sam Motsuenyane, president of the National African Federation of Chambers of Commerce and chairman of the African Bank, views the future as a black businessman, and points to the lack of opportunity for his people in business and the shortage of training facilities for the black managers or entrepreneurs of the future.

Another banker has recently referred to 'the deliberate underutlisation of our labour resources' and calls for 'a sharing of economic (and political) opportunity, i.e. the elimination of institutionalised apartheid.'

Professor G.R. Bozzoli, Vice-Chancellor of the University of the Witwatersrand, is adamant that the nub of the issue is to be found in the inadequate provision of schooling for blacks in South Africa and the alarming disparity between skilled and unskilled workers.

There are elements of truth in all these points of view, and I could go on quoting other assessments of the problem which have been highlighted in recent months. Fundamentally, however, the 'crisis' is a political one, the solution of which lies not so much with the government in power but with the people who have voted it into power. Until there is a change of emphasis in the prejudices which seem to dominate the thinking of so many people in South Africa, there is little that can or will be done to remedy the situation which almost every speaker today unveils.

As I have indicated, I speak as a businessman, and in studying the subject of education I have tried to bear in mind the needs of the business sector in South Africa. As an outcome of my assessment, another 'crisis' emerges, or at least a glimpse of a problem which business must face not tomorrow, but *today*.

There have been numerous references recently to the serious shortage of skilled workers facing this country. It is estimated that by the year 1990 the economically active population of South Africa would be 13,91 million, comprising 2,33 million whites, 1,26 million Coloureds, 0,29 million Asians and 10,03 million blacks. If a growth rate of five per cent of the Gross Domestic Product in real terms continues — and here let me say that this may be considered an optimistic assumption — then the white population will not be able to meet the demand for skilled workers in 1990. Other population groups will then, by 1990, have to fill about half-a-million white-collar jobs which, in today's labour structure, are filled by whites.

This opinion echoes that of Mr C.S. Barlow, who at this university a year ago, upon receiving an honorary Doctorate of Laws, pointed out that the country was running out of white people of managerial calibre.

Mr Barlow maintained that black people would have to be drawn into the leader group and that 'the potential manager needs to be exposed from an early age to a competitive environment where the right to command rests on ability and personality.'

These views serve to parallel those of educationists who almost unanimously ask for opportunity to be created first, assuming that the desire for education must follow logically afterwards. I tend to disagree with the order in which educationists place the requirements.I believe that education — equal education — is a priority for all the population groups in South Africa and, once that is achieved, the opportunities will follow logically — provided the prejudices which are prevalent today can be overcome in the next few years. Hopefully, there are signs that the white South African public is readying itself for a process of change — change which should be accelerated through emphasis in the field of education.

Let me give you an example. In the bank which I represent, a man of 30 has usually reached the age when he can be earmarked for promotion to a senior management position. Certainly by the age of 40, after a thorough training in banking, he should be ready to take on any of the highest executive positions in the institution.

Now on the projections for the year 1990 to which I have referred, this means that the men and women who will attain these positions in that year should, one would expect, be working for us now. They probably matriculated more than seven years ago, perhaps joined the bank immediately after leaving school or after completing national service, studied part-time for their banker's professional qualification or maybe took a degree at a university and then joined us. So the critical year as far as our organisation is concerned is 1970 or earlier.

Figures released by the South African Department of Statistics in 1970 are revealing in this respect. Of a total of 832 000 with a Standard 10 education in 1970, 755 000 were whites, 20 000 Coloureds, 19 000 Asians and only 37 000 blacks. Of a total of 109 000 with university degrees or diplomas, merely 1 400 were blacks.

This implies inadequate preparation of human material in the past, particularly with regard to the other population groups. This shortage has left its mark on the pool of skills which we have available for our future economic growth in the years ahead.

This leads me to the inevitable conclusion that those who look for a solution in the future are wasting their time. Ideally that solution should have been sought, discovered and implemented in the past. The fact that it was ignored must turn out to be a tragedy for South Africa. We cannot therefore afford to continue ignoring the facts which are staring us in the face. We must begin massive training programmes to ensure that the demands which this country's growth rate will make on our manpower resources can be met, that the abundance of resources which this country has available to increase the freedom from want of all its people, are not left unused for lack of qualified manpower.

As you all know, control of education in South Africa is in the hands of separate authorities — the provinces for white education, the Department of Coloured Affairs, the Department of Indian Affairs and the Department of Bantu Education. This division of control suggests what many educationists claim, and with good cause, that there are different

Education and change

THE VITAL role of education in helping unravel the complexities of the South African situation was discussed by DR IAN MACKENZIE (right), new Chancellor of Rhodes University, in his installation address. Dr Mackenzie was introduced to the university congregation in a praise poem delivered by Chief S.M. Burns-Ncamashe, a heriditary Xhosa chief and praise-poet who is a 1977 University Fellow in the Rhodes Institute of Social and Economic Research.

standards for the various population groups.

I need do no more than quote expenditure on education to prove this differentiation, and it is most unfortunate. Official statistics for 1975 reveal that the per capita amount spent on education in South Africa was R621 for whites, R177 for Coloured pupils, R230 for Indians and R41 for blacks.

To attain a measure of equality the expenditure per head on black education would have to rise 15 times, on Coloured education 3,5 times and on Indian education 2,7 times. In other words our total education bills would need to be R3 600 million per annum against the 1974/75 expenditure of R921 million.

This implies a fourfold increase, which is not excessive considering that South Africa's expenditure on education as a percentage of the national budget is roughly four per cent, as opposed to France 17,8 per cent, Italy 15,8 per cent, Japan 11,3 per cent, Argentina 11,5 per cent and the United Kingdom 12,4 per cent.

So far I have confined myself to primary and secondary education. The differential standards, regrettably extend to tertiary education, where we find 17 universities, one of which is the University of South Africa, and another the New Medical University of South Africa, MEDUNSA, at Ga-Rankuwa. There are 10 white universities and five ethnic universities.

As long ago as 1955, Dr T.B. Davie, Vice-Chancellor of the University of Cape Town, suggested that the Bantu Education Act proved it was the intention of the authorities that the education of the African child should be different from that of the white. Other educationists argued that the Extension of Universities Act of 1958 had the same intention for black students seeking higher education. The authorities argue that this is not the intention, but I cannot but agree with those critics who claim that separate education implies different standards. In other words, the political concept of 'separate but equal' does not exist in practice. Even if the whole education were to be equal to that offered to whites, there would remain in the minds of the black pupils and students a conviction that what they have been given is different and second-rate.

It is this suggestion that his education is inferior, coupled with the economic, social and recreational limitations imposed by his environment, which makes it difficult for the black person to compete on equal terms with whites in South Africa for the executive positions in commerce and industry. The environment in which he was born, brought up and educated places every black entering the business world today at a serious disadvantage.

Sociologists say that the acculturation of the black urban dweller has been significant during the past two decades, and while I do not wish to question the change, does it not apply primarily to the basic essentials of life — food, housing, clothing?

Certainly the black urban dweller, and to some extent those who live in the homelands, have forsaken many tribal customs in favour of European traditions and values. A different picture emerges, however, when one considers how blacks have adapted to the sophisticated techniques of business followed in South Africa today. What is urgently needed in this country is the development in blacks of management attitudes and skills. If we must rely on blacks to enter into senior executive positions by 1990, then we must also find a way of meeting the challenge for what I like to call 'managerial acculturation.' That challenge will not be entirely met solely by equal education standards in South Africa.

Acculturation is not an instant process, it comes from many years of contact with and exposure to other cultures. You cannot consult a text book on how to run a business enterprise and expect to be successful. It is necessary to develop an awareness of the challenges, the variables, the stresses and strains, over a period of time.

There is no doubt in my mind that we have wasted time in preparing for the management needs of the future and one wonders, when looking at the economic situation in Southern Africa, whether it is not too late to apply the obvious remedy. That remedy is best described as a fundamental change in our political and social way of life. It means granting the black populations in our cities the opportunities which they now lack, the right to have their say in their political, educational and economic development rather than thrusting upon them systems which are proving unacceptable.

This country faces a critical shortage of foreign investment capital. Overseas sources of loans have dried up or are in the process of drying up. To maintain our historic growth rate we desperately need foreign loans, and even the Minister must admit that the unsettled conditions in Southern Africa last year have had an adverse affect on the availability of foreign capital loans. The Western world is anxiously awaiting a change in policies towards the black population groups in South Africa. If that change does not occur, then there is no doubt that overseas confidence in our country will not easily be restored.

Earlier I referred to Dr Andreas Wassenaar's book *Assault on Private Enterprise*. This is what he says: 'I do not think that we can doubt that the RSA is in the middle of a severe economic crisis. Far from agreeing with the view that it is a disservice to the RSA to talk about a depression, I ask, on the contrary, whether it is not unjust to the country and to its people to continue with what is virtually a conspiracy of silence, and to endeavour to hide the fact that a crisis exists and that it is, in fact, a very severe crisis.' Dr Wassenaar has been bold in publishing his viewpoints, and I believe the facts must be stated again and again so that the message is driven home.

What does this mean for South Africa in the 1980's? The projections on the demand for skilled workers I quoted earlier presuppose a continued growth rate on historical patterns. But let us look at a distinct possibility, namely, that this growth rate will not be maintained. I cannot overlook the predictions of economists that the present slowdown in the economy, caused partly by Government overspending at a time when the gold price was soaring to the $200 mark, partly by an adverse balance of payments, and aggravated by the unsettled political situation in Southern Africa, will not be corrected overnight. Even if one adopts the most optimistic view of future developments, South Africa will still take time to recover — time which we can ill afford.

I suggest, therefore, that the demand for skilled workers may not in the short term be as great as we expect for the simple reason that the economy may not move ahead at the pace envisaged. In other words, the supply of potentially economically active people in South Africa may outstrip the demand, and we all know what that will mean — massive unemployment.

What we have really been suffering from is not so much a shortage of skilled manpower, as a lack of imagination about the preparation of manpower in almost every activity in South Africa. We have dissipated 30 vital years. This dissipation of valuable time has affected our education, our economy, our social life, in fact the very fabric of our ability to continue a peaceful existence in this part of the

continent. Therefore we must convert our imagination into action plans for today so that the demands of the future can be adequately met.

I am proud that the Standard Bank, some years ago, took a decision which today is paying handsome dividends. Within the bank there is no lack of opportunity for our staff, which consists of representatives of every population group in South Africa. We do not discriminate on the grounds of race or colour in the salaries we pay, and only last month we took the initiative in opening the first full-service banking branch in Soweto, with a black manager and 11 black staff members. That black manager has the same authority as any white manager of a comparable size branch. Earlier we had set the pace in the Transkei where we have two black managers.

With regard to fringe benefits, we are ready to introduce housing loans to our black staff now that the Government has granted blacks the opportunity to purchase the right to occupy houses in urban townships. This is a significant step towards granting the last outstanding fringe benefit enjoyed by our other employees in South Africa. Pension rights, medical aid and staff loans for other purchases have all been equal for some years. I have mentioned equal opportunities and I mean that because, given the right calibre of black staff, there is — as far as the policy of the bank is concerned — no ceiling to their executive aspirations in the Standard Bank.

This goes a long way towards meeting the plea of educationists for 'opportunity.' We, I must add, are not the only concern in South Africa to have created these 'opportunities.' There are others equally advanced in this respect. But 'opportunity,' as I have said, presupposes proper educational and managerial acculturation. This can only be achieved by rapid training programmes for existing black adult workers, equal standards of education at primary and seconday schools, and open universities in South Africa.

The universities of South Africa are the training grounds for the senior executives of tomorrow, and if we have to rely on all the population groups, then I believe that managerial acculturation can to some extent be hastened by allowing those students affected to move from their own restricted society to an integrated academic society with all the benefits that implies. This will go a long way towards removing that inevitable feeling that the education blacks, in particular, receive today is different and second-rate.

Let them at least compete on equal terms with whites in an academic atmosphere where performance, merit and intellect are the only deciding factors. Then they will be partly prepared for business life where the competition for promotion and advancement is fiercest.

My address to you has ranged over some of the problems of education and business. It has been, I regret, merely a superficial glimpse of what is a vast and complex subject. However, just as I was struck by certain aspects and also alarmed at the possible consequences of our 30-year history of complacency, so, too, I trust that you have been given some food for thought. If I have revealed another 'crisis' — that of what we should do with the ever-increasing numbers of economically-active people in South Africa — then I have achieved a little of what I set out to do.

As a businessman I say to this university and to others in South Africa: give us the men and women who are the future executives in business, and commerce and industry will create the opportunities for them. Unless we find these men and women, unless you educate them equally, unless we train them efficiently in the ways of business, unless we use them economically and productively, then many of the 14 million people in the year 1990 will look for jobs in vain.

Perhaps I can do no better than to conclude this address by allying myself to the philosophy expressed by the late Professor Desmond Hobart Houghton in the last sentence of his book *The South African Economy*:

'It is the task of our political leaders of all racial groups to devise a social and political structure which will guarantee to each group and to every individual the safety of his person and family, freedom to work at the calling of his choice, the right to enjoy the fruits of his labours, the opportunity to contribute to the wealth of his nation to the limit of his powers, and the right of each individual to his inner integrity and of each group to maintain its own identity, if it so wishes, without any imputation of inferiority towards any other group or person, so that all South Africans, whatever their race, colour, language, culture or creed, can feel a common loyalty to a common homeland, and be drawn both by self-interest and by patriotism to work for the common good.'

As Chancellor of Rhodes, I pledge my support in upholding the high academic standards of this university, in helping you in your demands for equality in educational standards in this country, in striving with you for the right to admit whomsoever you wish, of whatever race or creed, to the facilities for learning which you have here on this campus in Grahamstown, in fighting for the basic rights to which every individual, no matter what his race, creed or colour may be, in this country is entitled as a human being.

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Miss Judy Forword

Miss Judy Forword of Queenstown, a final-year Bachelor of Journalism student, will take up the post of Rhodes University Information Officer early in 1978. She replaces Mrs Anita Temple, who is leaving Grahamstown to go to West Germany. Miss Forword has worked as a reporter on the Queenstown Daily Representative, the Daily Dispatch and the Cape Times in her university vacations.

Our English

DR JEAN Branford's *Dictionary of South African Words and Phrases in English* is to be published shortly by Oxford University Press Southern Africa. Spanning the vocabulary from *Aandag* to *zut,* backed by seven years of research and liberally illustrated with quotations, this is likely to become a standard reference work and a source of both information and pleasurable amusement to a wide range of readers.

Black English, e.g. *scale, blackjack,* the recently-formed *makgotla* of the Johannesburg townships, and the now famous aphrodisiac *bangalala,* is covered in some detail, and particular care has been taken with emotionally charged items such as *Azania, Bantu, boy, homeland, apartheid* and *verkramp.*

A lengthy introduction surveys the South African English vocabulary and explains the methodology of the text, which includes phonetic transcriptions, items originating from languages other than English, and detailed information on the origins and 'grammatical behaviour' of words.

The illustrative quotations range from the works of early travellers and settler diaries down to contemporary newspaper material, both national and local.

Old Rhodian News

Please send entries to Rhodes
Newsletter, P.O.Box 94, Grahamstown 6140

Mr A.H. (Adie) Arnott (1967) has been promoted to financial manager and public officer of the Guarantee Life Assurance Company.

Mr D.F. Alexander (1927) has retired from practice as a chartered accountant in London, where he is still living.

Mr Tom H. Ansley (1961) has been appointed group managing director of Frasers International.

The Rev. R.G. Attwell (1961) left South Africa in October to take up an appointment in the United Church of Canada. He and Mrs Attwell are living in Mill Bay, British Columbia.

Mr James Ballantine (1955) was awarded the World President's Citation for his address at a convention of the South African Toastmasters in Port Elizabeth in October. Mr Ballantine is a member of the Pretoria Forum and President's clubs.

Dr Alan Bishop (1960) is an Associate Professor of English at McMaster University in Hamilton, Ontario. He spent the last Canadian academic year on sabbatical leave working on Joyce Cary at Oxford. He has already edited and published a book of Cary's letters. Dr Bishop went up to Oxford as a Rhodes Scholar after graduating.

Mr Dennis Bouwer (1954) has been elected director-at-large of the Financial Analysts' Federation, an American professional organisation of investment managers and securities analysts. Mr Bouwer went up to Oxford on a Rhodes Scholarship after graduating. He joined Capital Research Company in Los Angeles in 1963 after working as an assistant to the president of American General Tire and Rubber. He is now assistant to the board chairman of Capital Research and vice-president of Endowments Incorporated in Los Angeles. He lives in Pacific Palisades.

Several Old Rhodians are on the staff of Herschel School in Claremont, Cape. They are **Mrs Emily Joy Boyes (née Symons, 1930), Mrs Heather Montgomery (Walters, 1947), Mrs Ann Thompson (Myburgh, 1950), Mrs Colleen Meinert (Keevy, 1963), Mrs Fenya Clark (Mulock-Houwer, 1963), Mrs Bernice Mallett (McWilliams, 1966), Miss Ann Cleghorn (1974) and Miss Penny Barnett (1975).**

Mrs N.S. Boynton (Audrey Thompson, 1954), her husband and their five children have left Bulawayo and are living in Pinelands, Cape. Mr Boynton is lecturing in cost accountancy at the University of the Western Cape. Other Old Rhodians they have met are **Mrs Anne Bean (Taylor, 1951)** and **Mrs Liz Pugh (Hawkridge, 1961).** Mrs Bean works at the Cape Town Herbarium and her husband lectures in accountancy at the University of the Western Cape. Mrs Pugh and her husband, a lecturer in accountancy at the University of Cape Town, also live in Pinelands.

Miss Margaret Britz (1970) is the only woman and the only South African to have won a prize in an international drawing biennial in Britain. Her drawing 'Trees' won one of seven prizes in the biennial, which drew 3 000 entries. The exhibition went on tour in Europe after opening in England. Miss Britz is lecturing in fine art at Rhodes.

Among delegates to the biennial National Scientific Congress of the South African Veterinary Association at the Settlers Monument in August were **Dr G.C. Dent (1946), Dr John Adams (1956), Dr Charles Deacon (1958)** and **Dr John Welton (1963).** Dr Dent, an assistant director of veterinary services, was accompanied by his wife **Joan (Walker, 1940).**

Mr Ron Exelby (1968) and his wife Lynne moved to Marandellas from Bulawayo two years ago. They have a four-year-old daughter and a son of two. Mr Exelby is head of geography at Peterhouse.

Mr W.S. (Buster) Farrer (1955) was selected for the Border golf team this year, bringing to five the number of sports at which he has played for Border. The others are cricket, hockey, tennis and squash. He has also worn Springbok colours for cricket (he was vice-captain at one point) and hockey, and is a former South African junior tennis champion. He is married to the former **Miss Maureen Fullarton (1956).**

Dr E. Desmond Goddard (1948) has been promoted to research associate in the chemical and plastic research department of Union Carbide Corporation in the United States. After completing a B.Sc. and a master's degree in chemistry at Rhodes Dr Goddard did a Ph.D. in surface chemistry at Cambridge. He joined Union Carbide in 1974.

The new head of the Department of Classics at the University of Natal, Maritzburg, is **Professor Magnus Miller Henderson (1959).** Professor Henderson entered Rhodes after matriculating at Gilbert Rennie School, Lusaka, with seven distinctions. He did a B.A. in Latin and Greek, and then went up to Oxford as a Rhodes Scholar. He was awarded a Commonwealth Scholarship to continue in the final Honour School of *literae humaniores.* He has lectured at Rhodes, the University of Natal and British universities. Next year he will be a visiting lecturer at the University of St Andrew's in Scotland, where he will continue research into the Greek orators of the Fourth Century B.C. Professor Henderson is married and has three children.

Miss Hilary Hewitt (1968) has joined the staff of the University of Cape Town as assistant librarian in the medical library.

The Rev. Francis E. Horner (1958) became minister of the United Presbyterian Church in Wendell, Idaho, in April 1977. Before then he was editor of the *Christian Leader* in Johannesburg.

Mr Neil Jardine (1958) is to succeed **Mr Rex Pennington (1942)** in January as rector of Michaelhouse. Mr Jardine emigrated to Rhodesia in 1959. He taught at Fort Victoria High School for nine years, and was deputy headmaster of Churchill for six. In 1975 he became headmaster of Marlborough High School in Salisbury. He is president of the Rhodesian Teachers' Association. As a student Mr Jardine captained the Rhodes rugby and cricket teams, and he has played rugby for Eastern Province and Rhodesia as well as being selected for the Rhodesian cricket trials from 1961 to 1970. He and his wife **June (Dicks, 1957)** have a son of 17 and daughters of 15 and 12.

The Rev. Eric Kelly (1960) completed a short spell as chaplain at Herschel School, Claremont, Cape, this year, and is now an assistant at Bloemfontein Cathedral. He spent 1976 in the parish of St Mary's, Addington, South Croydon, London, and before that was headmaster and chaplain of St Stephen's Diocesan High School in Lesotho. Mrs Kelly is the former **Miss Jean Pringle (1962).**

Mr Michael King (1972) was this year awarded the Newdigate Prize for Poetry at Oxford. Mr King went up to Oriel College as a St Andrew's College Rhodes Scholar in 1975. He taught at Kingswood College for 18 months after completing an honours degree in English and an N.H.E.D. at Rhodes, and is now back at Kingswood teaching English and history. Mr King is the son of the Rev. and Mrs J.A. King, who have retired to Port Alfred. He is one of only three South Africans ever to receive the Newdigate Prize. Another is Mr Chris Mann, a temporary part-time lecturer in the English Department, whose mother Mrs Daphne Greenwood also lives in Port Alfred.

Mr André Lemmer (1967), a senior lecturer in English at the Graaff-Reinet Teachers' Training College, will visit British schools next year on an overseas travelling fellowship from the South African Council for English Education and the British Council. After completing an honours degree and a U.E.D. at Rhodes Mr Lemmer taught at Kingswood College and Union High School, Graaff-Reinet.

Mr Hugh Levin (1962) is working as a sales manager in the clothing industry in Los Angeles. Mr Levin left South Africa in 1965 and settled in the United States three years later after working in Australia, New Zealand and Britain. In 1972 he married the former Miss Wendy Thompson in Port Elizabeth.

Mrs June Litterick (Ginsberg, 1957) has been elected president of the Greytown, Natal, Chamber of Commerce, and may be the first woman in South Africa to head a Chamber of Commerce. She was also the first woman appointed to executive status by Assocom for which she worked for 10 years in

Johannesburg. She and her husband Don have owned the *Greytown Gazette* since 1975 and publish *NAUNLU* for the Natal Agricultural Union. Mrs Litterick is the daughter of the late **Mr Rudolf Ginsberg (1922)**, a member of the Rhodes Council for 27 years, and Mrs Ginsberg. Her brothers **Franz (1949)** and **Dick (1948)** are also Old Rhodians, and Franz's daughter **Teresa Gay (1975)**, a pharmacy graduate, is the third generation of Ginsbergs to attend Rhodes.

Mr J.F. van Niekerk (1939), who was instrumental in the Rhodes Rowing Club's first victory, is still successfully taking part in competitive rowing. Mr van Niekerk followed his Rhodes B.Sc. with an electrical engineering degree from the University of Cape Town. He then joined the local R.N.V.R. (S.A.) and was seconded to the Royal Navy special branch as a radar officer. He joined Escom in Cape Town after being demobilised. Mr van Niekerk was a member of the Rhodes crew which won the only intervarsity boat race held in Table Bay. Others were **G.E.W. Holley (1937)** (bow), **A.B. Dewar (1939)** (2), **G.T. MacRobert (1938)** (3) and **P.P. Pienaar (1938)** (cox). Mr Alfred Schulmeister, chosen to row for Germany in the 1936 Olympics, was the coach. Mr Schulmeister fled Germany to South Africa before the Olympics, and later emigrated to Australia. He and Mr van Niekerk still correspond, and he too is still an active sportsman.

Mr Roy Pheiffer (1953) obtained a Ph.D. at the University of the Witwatersrand at the end of 1976. Mr Pheiffer is senior lecturer in the Department of Afrikaans en Nederlands at the University of Cape Town and is married to the former **Miss Corli van Heerden (1952)**.

Old Rhodians have received two of the three annual awards of the South African Chemical Institute for 1976. The institute's gold medal went to **Professor D.G. Roux (1945)** of the University of the Orange Free State, and the Raikes Medal for the most promising chemist under the age of 35 was awarded to **Dr R.D. Hancock (1966)** of the National Institute of Metallurgy. Professor Roux was on the staff of the Leather Industries Research Institute for almost 20 years, and is a chemist of international repute. Dr Hancock went to the University of Cape Town for his doctorate after receiving his honours degree from Rhodes in 1966.

Professor Michael H. Silk (1946) retired from the University of the Witwatersrand in June after four years as Deputy Dean of the Faculty of Medicine. After completing his Ph.D. Professor Silk lectured in organic chemistry at Rhodes, and then worked for the Anglo-Iranian Company in Iran for a time. He was appointed Permutit Senior Student at Cambridge, worked as a research fellow at the C.S.I.R. and later became chief biochemist and then assistant director of the Liesbeeck Cancer Research Clinic in Cape Town. After studying at the University of California Medical School in Los Angeles, he became head of the Poliomyelitis Foundation's Electron Microscopy Department. He held this post for 10 years before joining the Witwatersrand University Medical Faculty.

Three graduates of the Rhodes Department of Zoology and Entomology have been appointed to senior positions in South African museums. **Dr Brian R. Stuckenberg (1953)** was this year made director of the Natal Museum in Maritzburg, and **Dr J.G.H. Londt (1973)** was appointed assistant director. In September **Mr Brian Wilmot (1968)** became director of the Albany Museum in Grahamstown. He has been deputy director since 1973. Mr Wilmot is married to the former **Miss Leslie Prim (1976)**, who holds a psychology honours degree and the Higher Diploma in Librarianship from Rhodes. Mrs Wilmot works for the South African Library for the Blind.

Club licensed

THE RHODES University Club has received a liquor license, and is to apply for 'international status' so that members of the university of all colours may use its facilities.

Membership is open to students in their third academic year and upwards, and to staff, Old Rhodians, Council members and benefactors living in the Albany district. This geographical restriction is a term of the license, but the club hopes country membership will be made possible in the future. Temporary membership is available to Old Rhodians and others visiting Grahamstown.

Obituaries

Mr V.C.H.R. Brereton

ONE OF the first students to register at Rhodes University College in 1904, Mr V.C.H.R. Brereton, died in Durban on June 25 at the age of 90. Mr Brereton was a member of the first survey class at the university. He started his articles in 1905, and practised land surveying for more than 70 years. He was an active member of the Institute of Land Surveyors, and a foundation member of the Associated Scientific and Technical Societies of South Africa.

Second-lt A.J. Carr

SECOND-LT Anthony John Carr (1972), a member of the Rhodesian security forces, was killed in action on December 19 1976. Lt Carr was educated at Hamilton High School in Bulawayo, and held a B.A. (Phys.Ed.) degree from Rhodes. He was 24 years old, and was married.

Mr J.L. Cawse

MR JOHN Lamoreux Cawse (1917) died in November 1976 at the age of 76. The son of a former St Andrew's College staff member, Mr Cawse was educated at St Andrew's. He fought in World War I as a second lieutenant. In 1918 he went up to Jesus College, Cambridge, and he rowed for the university at Henley in 1919. He joined the St Andrew's staff in 1922, and was headmaster of the school from 1962 to 1964. Mr Cawse was treasurer of the Old Andrean Club from 1928 to 1959, secretary from 1965 to 1976 and secretary of the United Schools Trust.

Mr R.F.H. Hellings

MR R.F.H. Hellings (1931) died in Johannesburg on July 15 at the age of 69. Mr Hellings was born in Ceylon and educated at St Andrew's College and Rhodes, where he completed the B.Sc. and a master's degree in chemistry. He was chemist and later plant superintendant of African Explosives and Chemical Industries from 1933 to 1947, and was with Cape Portland Cement from 1947 to 1955. He was deputy chairman of Pretoria Portland Cement and the Johannesburg and E.P. Portland Cement Company, chairman of Cape Portland Cement and a director of Premier Portland Cement and Unicem Rhodesia.

Dr H.A. Kendall

A PIONEER of the South African footwear industry, Dr Harry Albert Kendall, died on his farm in the Kruis River Valley near Uitenhage in September. He was 84.

A member of the Rhodes Council from 1948 to 1977, Dr Kendall had a considerable part in raising money for the university, and made generous personal donations as well. In 1976 he established the Dr Kendall Trust with a substantial donation.

Dr Kendall was a trustee of the Rhodes University Foundation Trust and a member of its board of governors, which he chaired from 1962 to 1971. Rhodes conferred an honorary Doctorate of Laws on him in 1964.

Cpl D.B. Kruger

CPL David Bruce Kruger (1975) was killed on active service in Rhodesia on July 22 1977, soon before he was to complete his 18 months' national service. Cpl Kruger was the son of Captain and Mrs E.C.W. Kruger of Eastlea, Salisbury. He matriculated at Churchill Boys' High School in Salisbury, and completed a B.Com. degree at Rhodes. Pipe Major at his school, he also played in the Rhodes Pipe Band. He was an active member of A.I.E.S.E.C., the international students' economic society. He played intervarsity basketball for Rhodes in 1975. Cpl Kruger was 23 years old.

Mrs R.B. Mason

MRS RENE Barbara Mason, wife of Dr Robert Mason, newly-appointed Associate Professor of Exploration Geology at Rhodes, was killed in a road accident near Middelburg, Cape, on October 10. Mrs Mason, the daughter of Mrs G.J. Blake and the late Mr Blake, grew up in Schweizer-Reinecke. She leaves her husband, a son of nine and a daughter of eight.