

FIFTY YEARS ON . . .

A TRIBUTE TO R W M (MICKEY) DIAS FROM SOUTH
AFRICANS WHO ATTENDED HIS SUPERVISIONS IN ROMAN-
DUTCH LAW AT CAMBRIDGE FROM 1946 TO 1949

Many South African law students, at least those of some years ago, will have come across the legal writings of R W M Dias of the University of Cambridge. Some, indeed, may have been fortunate enough to meet or hear him on his lecture tour of South Africa in 1976. In particular, South Africans are likely to have known of R W M Dias's *Jurisprudence*. I had occasion to refer to it with much benefit when I wrote part of the book *The South African Legal System and Its Background* which was published in 1968 under the joint names of H R Hahlo and myself. Dias's *Jurisprudence* was then in its second edition of 1964; the latest edition is the fifth of 1985. Mr Dias, whom I had the pleasure of talking to recently, told me then that he has no intention of bringing out a sixth edition: enough is enough.

Jurisprudence, when I was consulting it in writing portion of *Legal System*, had just emerged from an extraordinary birth, which struck me at the time. In 1955 G B J Hughes had published a work on jurisprudence in the preface of which he said: 'My interest in and my approach to jurisprudence were awakened and conditioned by the very brilliant course of lectures in that subject delivered by Mr. R. W. M. Dias at the University College of Wales, Aberystwyth. His generous advice has always since been readily available.' Hughes had taken an LLB at the University of Wales.

Mr Dias must have received a shock when he saw Hughes's book. Let me refer to the preface of *Jurisprudence*, 'by R W M Dias, M.A., LL.B. (Cantab), of the Inner Temple, Barrister-at-Law, Fellow of Magdalene College and Lecturer in Law in the University of Cambridge, and G B J Hughes MA (Cantab) LLB (Wales), Lecturer in Law at the University of Hull', published in 1957 in London by Butterworths. The preface was by Professor C J Harrison, Professor R Y (later Sir Robert) Jennings and Dr L (later Professor Sir Leon) Radzinowicz, all of the University of Cambridge. They pointed out that Hughes as a law student had 'attended Mr. Dias's course of lectures on jurisprudence, and he subsequently used the lecture notes to prepare a course of his own on the same subject'. They went on to say that it is not unusual for a colleague to allow his successor in delivering a course to use his material for the purpose. But it could be difficult for a successor to realize that the material he is legitimately using for lecturing belongs to his predecessor 'when the same material is used for

a different purpose. . . . We formed the opinion that the larger part of the book published by Mr. Hughes was derived from Mr. Dias's course of lectures. Nevertheless, its production, especially as regards its form and style, required from Mr Hughes an original and creative effort.' The signatories to the preface then said that what had happened 'became a matter of concern to the three of us in the course of our duties'. Fortunately, their suggestion that Dias and Hughes produce a joint work as soon as possible to supersede the earlier work was accepted: whence Dias and Hughes on *Jurisprudence* (1957). Several years later it was superseded by Dias *Jurisprudence* second edition.

Mr Dias may also be known to some South African lawyers through his association with the treatise *Clerk and Lindsell on Torts*. The General Editors of the fourteenth edition of 1975 were Sir Arthur L Armitage and R W M Dias. The General Editor of the fifteenth edition of 1982 and the sixteenth of 1989 was R W M Dias. He has now relinquished his association with the book, the General Editor of the current seventeenth edition of 1995 being Margaret L Brazier.

The writings of Mr Dias go further. In 1984 appeared a well-received student's book, *Tort Law*, by R W M Dias and B S Markesinis, an enlarged second edition being published in 1989. Over the years Mr Dias has also written extensively in legal journals, particularly in the *Cambridge Law Journal*, which contains at least eleven articles of his and numerous case notes and book reviews.

All the above by way of introducing what my old friend, Professor R H (Dick) Christie QC, former Professor of Law in the University of Zimbabwe, writes of a tribute paid recently to Mr Justice Michael Corbett and Mr Dias.—EK.

'The idea of a small gathering to mark the retirement of Mick Corbett had been in my mind for some years. After the War a number of us who had served in various war theatres found ourselves at Cambridge reading Roman-Dutch law, which at that time was offered in the tripos and the LLB. The lecturer was Ashton Cross, a Scots lawyer who had mugged up a little Roman-Dutch law, and we learned almost nothing from him. Luckily Mickey Dias from Ceylon (as it then was) had a room in Trinity Hall, which incidentally had been occupied some years earlier by Adrian Roberts, author of *A South African Legal Bibliography*. Mickey had graduated at Trinity Hall and immediately joined the RAF to serve throughout the War as a rear gunner, and when he returned from the War Trinity Hall, although not offering him a fellowship, had found him a room in which he conducted supervisions. His knowledge of Roman-Dutch law was profound and we all attended his supervisions with gratitude, during one or two years from 1946 to 1949, according to our various courses of study. In 1949 Mickey moved to the University of Wales, returning to Cambridge after two years to become a Fellow of Magdalene and Director of Studies in Law, University lecturer and in due course Senior Proctor of the University and President of Magdalene. By that time there

was no more Roman-Dutch law at Cambridge, and Mickey's teaching and research were focused on jurisprudence and tort. He published *Dias on Jurisprudence*, which ran into five editions, and for some fifteen years was General Editor of *Clerk and Lindsell on Torts*.

'Almost all of us kept in touch with Mickey over the years, and for ten years he was external examiner to the Department of Law at what was then the University of Rhodesia, his wife Nora and my wife Flippie being killed in an air crash during the course of his visit in 1980.

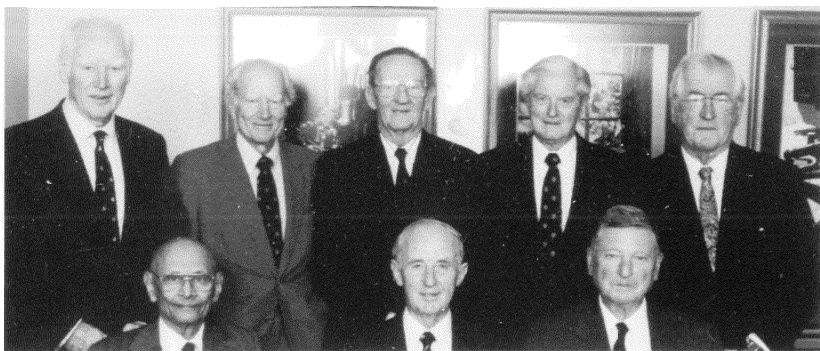
'When Mick retired on 31 December 1996, Gus Hoexter and I decided to honour Mick and Mickey together in order to mark our admiration for both of them, the lapse of fifty years since we were all together at Cambridge and the rare opportunity of enjoying the company of a very great Chief Justice and the teacher who had guided him half a century before.

'So on 28 February 1997 eight of us gathered for lunch at Cape Town Castle. We were an hour late because Mickey's flight had been delayed by bad weather over Europe, so we missed the tribute paid to Mick and Mickey by Donovan Baguly, the UCT law student who is carillonneur of the City Hall bells. In addition to Mick and Mickey, we were Gus Hoexter, judge of appeal (retired from active service); Radclyffe Cadman OMSG, former Administrator of Natal; Duchesne Grice, former senior partner of Shepstone & Wylie, Durban; John Reay, former senior partner of Fairbridge Arderne & Lawton, Cape Town; Simon Roberts, former senior partner of Venn Nemeth & Hart, Pietermaritzburg; and myself, former Professor of Law in the University of Zimbabwe and fellow commoner of Trinity Hall.

'Unable to attend were Mr Justice Douglas Shearer; Margaret Franklin (née Simpson); Bill Schreiner SC; Guy Bertram, attorney in Mbabane; Douglas Shaw QC; Standish O'Grady and Tony Trollip of Bowman Gilfillan; Aubrey Mitchell; and Paddy O'Meara. David van der Byl SC and Michael Reitz, who had also been at Cambridge at the time and attended Mickey's supervisions, had passed away.

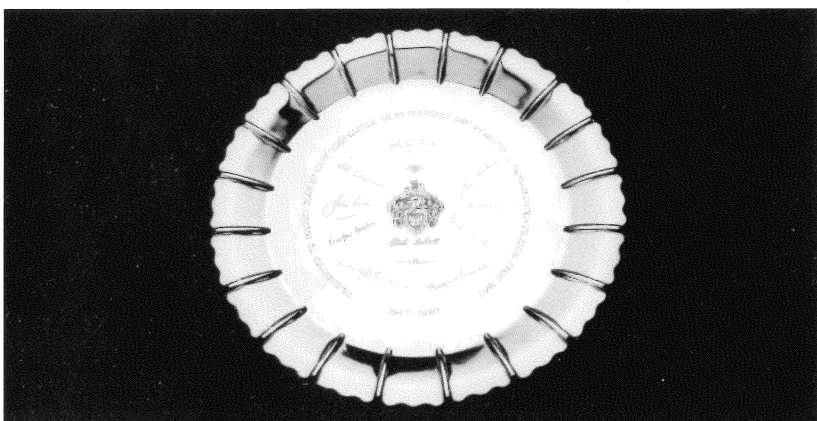
'At the lunch we drank the health of absent friends. Gus Hoexter spoke very well indeed about Mick. Mick replied and spoke equally well about Mickey before presenting him with an engraved silver dish.

'The dish is made of pure silver from Zimbabwe and is engraved with the arms of Trinity Hall, where Dias, Corbett, Shearer, Grice, Cadman, Shaw, O'Grady and I had been in 1947 (the others had attended Mickey's supervisions) and Mick was elected an Honorary Fellow in 1992. The inscription reads: 'PRESENTED TO MICKEY DIAS AT CAPE TOWN CASTLE ON 28 FEBRUARY 1997 BY GRATEFUL ROMAN-DUTCH FRIENDS FROM 1947', and ten signatures are engraved: Mick Corbett, Gustav Hoexter, Douglas Shearer, Radclyffe Cadman, Duchesne Grice, John Reay, Bill Schreiner, Margaret Franklin, Guy Bertram, Dick Christie.



SOUTH AFRICANS WHO ATTENDED MICKEY DIAS'S SUPERVISIONS IN 1947

A photograph taken at the luncheon in honour of Mr R W M Dias and Mr Justice M M Corbett at the Castle on 28 February 1997. *Seated:* Mr Dias, Mr Justice Michael M Corbett, Mr Justice Gustav Hoexter. *Standing:* R H (Dick) Christie, Duchesne Grice, Radclyffe Cadman, John Reay, Simon Roberts (who did not read Roman-Dutch law while at Cambridge in 1947, but whom the others insisted on attending the luncheon!)



THE ENGRAVED SILVER DISH PRESENTED TO MICKEY DIAS

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