

together with the late Arthur Suzman QC, *The Law of Compulsory Motor Insurance*. This, like his book on insurance, ran to several editions. His newspaper articles could also be classified under the heading 'legal'.


On the lighter side Gerald published three novels: *Let the Day Perish*, *The Crooked Rain*, and *Four People*. These have all been translated into several languages, including Russian.

His interest in writing led to his being elected as National President of SA PEN (the International Association of Poets, Playwrights, Editors, Essayists and Novelists). In this capacity he made representations to the previous government for the removal of banning orders that had been placed on writers and their works.

Gerald Gordon led a full and interesting life. He was a great lover of nature. He loved to climb Table mountain which he did regularly until a few years ago. He was accustomed to swimming in the cold Clifton waters below his bungalow throughout the year. He was a devotee of the arts and of music.

In 1996 he was awarded the degree of Doctor of Laws *honoris causa* by his alma mater, the University of Cape Town.

I knew Gerald for almost 50 years. I worked with him at the Bar and marvelled at the thoroughness with which he approached his briefs. He was undoubtedly one of the Cape Bar's great sons. His passing is a great loss to us all.

On behalf of the Bench, including the retired judges, I extend to his widow, Nancy, and to his son and daughter, Stephen and Vanessa, our deepest sympathy on his passing. 

## The late J R Dendy Young

*Tribute by Jeremy Gauntlett SC, Cape Bar*

J R Dendy Young, a retired member of the Cape Bar and previously chief justice of Botswana and a High Court judge of Southern Rhodesia, died in Cape Town on Saturday 11 July 1998. He was 90 years old.

Dendy – as all knew him – grew up on a farm at Hankey in the Eastern Cape. In 1928 at the age of 21 he went to Southern Rhodesia and studied law through the University of South Africa. He saw service in Italy during the Second World War and was active in politics during the years of the Central African Federation (of Southern Rhodesia, Northern Rhodesia and Nyasaland) ultimately leading his own party, the Confederate Party. Dendy was appointed a judge in 1956. In 1968 he resigned, on a matter which was both an issue of conscience and a constitutional question. In a formal statement in open court in Bulawayo, in announcing his resignation, he stated that he had taken an oath of allegiance to the Queen, and was therefore unable to transfer any allegiance to the revolutionary government created by Prime Minister Ian Smith's unilateral declaration of independence.

Those events, and the constitutional litigation to which they gave rise, have been the subject of detailed analysis elsewhere. Of them, with particular reference to Dendy Young, Sydney Kent-ridge QC (addressing the New Zealand Law Society in Auckland in 1978) said this:


"But the judges of Rhodesia or the majority of them, found themselves able to uphold Mr Smith's actions to validate, internally at least, what he had done. They found a dozen of no doubt excellent reasons for it, ranging from their duty to protect and preserve law and order to the international law rules relating to *de facto* rulers; and, of course, they were in a difficult situation. I do not know who of us would have done better, but two of the judges did.

Two judges in Rhodesia, and two alone, thought that their oaths meant exactly what they said and they, and they alone, thought that these high-sounding principles which I have referred to were not intended merely to be quoted at Bar dinners but actually to be acted on by judges. Let me mention their names: Mr Justice John Fieldsand and Mr Justice Dendy Young – names which, I think, should be honoured wherever English-speaking lawyers gather."

After he resigned, Dendy became Chief Justice of Botswana for three years – he lost his entitlement to a pension from the Rhodesian government when he resigned, and the British government gave him none either – after which he practised at the Cape Bar from 1971 for a number of years. Thereafter he continued in harness as an attorney until the age of 86, when he retired.

A few years ago he was brutally assaulted returning home in the evening and although he recovered, he was greatly weakened by the experience.

Dendy was held in high regard by his colleagues. He displayed enormous integrity; he was an uncompromising individualist; and on numerous occasions undertook free legal services for poor people and those he saw as underdogs.

He is survived by his wife, Patricia, six children and numerous grandchildren. 

## The late Frances Turton

*Tribute by Katherine Gilfillan, executive officer, AFSA*

FRANCES Turton, chief executive officer of the Arbitration foundation of South Africa ('AFSA'), died in a car accident on 22 September 1998.

I don't need to tell anyone of Frances's dedication, formidable intellect and, above all, deep compassion for people. Her death is a devastating loss to her family, the legal world and us, her friends. We had no ordinary working relationship, we were all terribly close and fiercely loyal. Frances's warmth, lack of pretension and her hands-on approach to everything may have raised the odd eyebrow, but she refused to change herself.

She had integrity, faith and was a devout Christian. She also loved cats. (If I left that bit out she would have killed me.)

Hers was a valuable, precious and irreplaceable life and despite her untimely death at the age of 30, she had achieved so much, and had given of herself even more. 