

HONORARY GRADUATE

Michael McGregor Corbett

Michael McGregor Corbett was born in Pretoria on 14 September 1923. He belongs to a family distinguished in law and the public life of South Africa. His maternal grandfather, Alexander John McGregor, was a judge of the High Court of the old Orange Free State and, subsequently, of the Eastern Districts Local Division of the Supreme Court from 1913 to 1915 and of the Orange Free State Provincial Division from 1915 to 1921. His maternal grandmother was the daughter of President Brand of the Orange Free State. On his paternal side, his father, while reading for Greats at Oxford, enlisted with the Imperial Yeomanry to fight for the British in the second Anglo-Boer War. After completing his degree at Oxford and being called to the English Bar, he settled in South Africa. He was Commissioner of Inland Revenue from 1929 until he retired in 1938 and for many years was editor of the South African Tax Cases.

The young Corbett went to Rondebosch Boys' High School in Cape Town and matriculated, at an early age, in 1938. He registered for the Bachelor of Arts degree at the University of Cape Town, intending to follow it with the LLB. But, after obtaining his BA at the age of 18, he interrupted his studies and enlisted in the South African Tank Corps in 1942. After completing an officer's course in 1943 he was transferred to the First Royal Natal Carbineers and saw service in Egypt and Italy. On being demobilized in 1945, he returned to the University of Cape Town, where he obtained his LLB degree in 1946. He was awarded an Elsie Ballot Scholarship to Cambridge and entered Trinity Hall, where he completed the Law Tripos in June 1947 with first-class honours. A year later he graduated LLB, again in the first class.

In 1948 Michael Corbett joined the Cape Bar, where he built up a substantial practice. While at the Bar he lectured, on a part-time basis, at the University of Cape Town. He took silk in February 1961, being one of the last South African advocates to be appointed Queen's Counsel. On 1 February 1963, when he was only 39, he was appointed an acting judge of the Cape Provincial Division, and was elevated to its Bench on 28 October of that year. Mr Justice Corbett became an acting judge of appeal in 1970 and, again, from 15 February to 31 May 1974, when the appointment became permanent. On 4 November 1988 it was announced that Mr Justice Corbett, then senior judge of appeal, would become Chief Justice on 1 February 1989. The announcement of his appointment as our sixteenth Chief Justice was received with universal acclaim in legal and lay circles.

Mr Justice Corbett has been, and is, a Chief Justice of great distinction. He has been described by one of South Africa's leading practising lawyers as 'not only the outstanding lawyer and judge in this country, but also the best Chief Justice we have had since Sir James Rose Innes, who was Chief Justice of the Transvaal from 1902 to 1910 and of South Africa from 1914 to 1927 and who is generally regarded as the greatest South African judge ever' and that he is 'undoubtedly the most distinguished living lawyer and judge in the whole of southern Africa'. His judgments in the law of delict, contract, immaterial property, conflict of laws, administrative law and the law of succession are monuments to his erudition, profound legal insight and humanity.

Mr Justice Corbett's contribution to the law has not been confined to the Bar and Bench. He published, with J L Buchanan, *The Quantum of Damages in Bodily and Fatal Injury Cases* in 1960. This book, which has been subsequently revised and enlarged on a number of occasions, is an invaluable source of reference to practitioners. In 1980 *The Law of Succession in South Africa* by M M Corbett, H R Hahlo, Gys Hofmeyr and Ellison Kahn was published. The text ran to 649 pages, of which Mr Justice Corbett wrote some 283, dealing with the difficult topics of vesting, substitution, fideicommissum, modus, usufruct, habitatio and trusts. It has become the standard work on the subject.

Over the years Mr Justice Corbett has been much in demand as a speaker at legal conferences and universities. In 1986 he delivered the third Oliver Schreiner Memorial Lecture at this university.

The Chief Justice would normally have retired on turning 70, but he was asked to continue in office for an initial period of a year, which would cover the transitional period to the new Constitution. He agreed to this request. Special legislation was passed to enable a Chief Justice to continue in office at the request of the Cabinet for up to five years. The further appointment of Mr Justice Corbett was applauded across the whole spectrum of political opinion.

Mr Justice Corbett is a man of progressive and liberal views. During the bleak years of apartheid he remained a firm advocate of human rights both in his judgments and his public utterances. In 1979 he was the first judge of appeal publicly to advocate a Bill of Rights to protect individual liberties. His two immediate predecessors as Chief Justice were men of conservative views (especially about the interpretation of the security legislation which was then in force); but, as has been observed by a very distinguished and senior member of the Johannesburg Bar, 'since his accession to the office of Chief Justice, the whole tone and character of our highest court has noticeably changed, as a result of his own personal influence and example'.

Chief Justice Corbett's eminence as a judge and lawyer has won him special recognition in Britain. He has been made an Honorary Bencher of Lincoln's Inn, the first South African lawyer to have received such an honour. He has also been made an Honorary Fellow of his old college, Trinity Hall, Cambridge. Here in South Africa he has already received the honorary degree of Doctor of Laws from his old university, Cape Town, and from Rhodes University, the University of the Orange Free State and the University of Pretoria. The University of the Witwatersrand wishes to pay its tribute to an eminent judge for his long, distinguished service to his country and its judiciary by conferring on him the high degree of Doctor of Laws *honoris causa*, thereby honouring itself as well as him.