

Honorary Graduate

Cecil Stanley Margo

Cecil Stanley Margo was born in Johannesburg on 10 July 1915. He matriculated at King Edward VII School in 1931, proceeding to the University of the Witwatersrand, where he read for the degree of Bachelor of Arts. Having completed the requirements for that degree in 1934, he registered at the University for the degree of Bachelor of Laws. During 1935 and 1936 he served at the same time as clerk to Mr Justice Saul Solomon, of the Transvaal Provincial Division of the Supreme Court. Cecil Margo passed the final examination for the LLB in November 1936, the degree being conferred on him at the graduation ceremony in March the following year, in which month he was also admitted as an advocate and became a member of the Johannesburg Bar.

Already Cecil Margo had begun his deep interest in aviation, to which he has made so notable a contribution in the interests of South Africa. In January 1935 he joined the Transvaal Air Training Squadron, perhaps best described as the South African equivalent of a combination of the University Air Squadrons of England and the RAF Volunteer Reserve. In December 1936 he received his SAAF pilot's wings, and became a member of the SAAF Reserve.

Early in 1940 Cecil Margo left his practice and joined the armed forces. He trained initially as a test pilot and legal officer in the SAAF. At the end of 1940 he was posted to 12 Squadron SAAF, a bomber squadron, for his first operational tour, serving in East Africa and the Western Desert as a lieutenant. Returning to the Union in October 1941, he was appointed officer in charge of the Air Accident Investigation, Training Command. In July 1942 he was posted to 24 Squadron, the famous *Per Noctem Per Diem* bomber squadron, as a captain, for his second operational tour, serving in North Africa and the Western Desert. During this tour he was promoted to major and became a flight commander. On 29 October 1943 Margo was awarded the Distinguished Flying Cross. On the expiry of the tour he returned to the Union in December 1943.

Between operational tours in 1942 Margo studied air accident prevention in Training Command, which was the foundation of the expertise he developed in post-war years.

In February 1944 Cecil Margo was promoted Lieutenant-Colonel. He was seconded to the RAF as an Air Staff Officer Operations. On 4 May he was sent to take command of 24 Squadron, still in the Western Desert, on his third operational tour. A year later he went back to the Union to become Senior Air Staff Officer.

In November 1944 Lieutenant-Colonel Margo resumed command of 24 Squadron. Largely owing to his untiring efforts, it was transferred back to Italy. In February 1945 he was made a Companion of the Distinguished Service Order in an immediate award. The official citation ends:

'Throughout his current tour Lieutenant-Colonel Margo has been the exemplification of courage and the model of leadership. He has completely de-

voted himself to his duty and his great ability has been the inspiration not only to all under his command, but also to all with whom he has come in contact.'

Lieutenant-Colonel Margo was the second South African bomber pilot to reach 100 sorties, which he did on the squadron's last raid in Bostons on 8 November 1943. He went on to complete a total of 150 raids by day and by night, including the only night raid in Marauders. At the end of the war he had led 24 Squadron on 99 missions.

To Lieutenant-Colonel Margo fell the honour of leading the Desert Air Force 'Victory Fly-past' in Italy on 29 May 1945.

On 16 July 1945 Cecil Margo handed over command of 24 Squadron, and in September returned to South Africa. He resumed practice at the Johannesburg Bar at the beginning of 1946. His intellectual gifts, forensic ability and eloquence, coupled with his immense charm of manner, ensured a rapid success in a very competitive profession. He proved a formidable trial lawyer, a doughty opponent, and an erudite pleader on questions of law.

A keen and proud Zionist, Cecil Margo was deeply concerned with events in Palestine at the time. In his autobiography, *Israel: A Personal History*, David Ben Gurion, the Prime Minister of Israel, states that he sent a cable to Margo asking him to come to Israel to organize the Israel Air Force. Margo arrived in May 1948. Owing to family and other commitments he felt unable to accede to Ben Gurion's request, but he agreed to lay out a Table of Organization for the Air Force. He organized it into six departments, and recommended the appointment of a pilot at the head, and an air crewman in charge of operations; these recommendations were carried out. In September Margo returned to South Africa, only to return to Israel as adviser to the Air Force from June 1949 to the end of that year.

Thereafter Margo practised as an advocate. His practice grew rapidly. With his incredible stamina, he carried a load of professional work of almost unbelievable weight. In May 1959 he was appointed a Queen's Counsel. He appeared in many famous legal cases, arbitrations and inquiries, in South Africa, Southern Rhodesia and the Federation of Rhodesia and Nyasaland, among them the 'Bubbles' Schroeder murder trial, the Parity Insurance case, the Kariba Dam arbitration, *Vickers Armstrong Ltd v Central African Airways Corporation*, the Dag Hammarskjold inquiry and *Pan America World Airways Incorporated v SA Fire and Accident Insurance Company*. But despite the exacting demands of his practice he was always available to give advice to colleagues at the Bar, in the noble tradition of the advocates' profession, and for several years he served on the Executive Council of the South African Zionist Federation.

From February to July 1967 Cecil Margo QC was an acting judge. Later that year he was again appointed an acting judge to preside over the judicial commission of inquiry into the crash of the SAA Viscount, 'Rietbok', off Kidd's beach, East London. Once more in 1968 he received an appointment as an acting judge, in order to preside over the judicial commission of inquiry into the crash of the SAA Boeing 707, 'Pretoria', at Windhoek, that resulted in the loss of 127 lives.

It is an open secret that Cecil Margo could have received a permanent appointment to the Bench in those years. But for various reasons he preferred to continue practising; among the reasons were what the Romans called *gaudium certaminis* - the joy of battle in the courts, a joy experienced by those advocates who have the strength of will and moral fibre to emerge unbowed from the ordeal.

In April 1971 Cecil Margo accepted permanent appointment as a judge of the Transvaal Provincial Division of the Supreme Court. He has been Chairman, in a part-time capacity, of the standing advisory committee on company law since its inception in November 1973. The committee has conducted wide-ranging investigations, and has been responsible for extensive reforms and advances in legislation on company law, among them the important Close Corporations Act 1984. To add to his labours, on 15 September 1977 Mr Justice Margo was appointed Chairman of the eight-man Commission of Inquiry into Civil Aviation, with extraordinarily wide terms of reference. The work imposed on the Chairman was heavy indeed, calling for investigation on an international scale. The report, which was completed in 1982, is an invaluable, very detailed document, explaining how the undeveloped state of commercial and private aviation can be transformed to the benefit of the inhabitants of the entire subcontinent of southern Africa. Anyone reading the report and knowing Mr Justice Margo's elegant style of writing in both English and Afrikaans will recognize that the wording is very largely his. In recognition of his outstanding service as Chairman of the Commission, Mr Justice Margo received the Gold Medal Award of the Aeronautical Society of South Africa.

Mr Justice Margo has retained his interest in aviation. He continues heading boards of inquiry into air crashes. He has received many honours in the field of aviation. In 1975 he was appointed a Fellow of the Aeronautical Society of South Africa (FAeSSA); in 1976 Honorary Colonel of 24 Squadron SAAF; and in 1983 a Fellow of the Royal Aeronautical Society (FRaES). He is an honorary life member of the Aero Club of South Africa (the controlling body for sporting aviation), the Aerospace Medical Association, the Commercial Aviation Association of South Africa, the Johannesburg Light Plane Club, the SAAF Instructors' Association, the SAA Pilots' Association and the Witwatersrand University Flying Club, which he helped greatly with the legal and insurance matters connected with its first purchase of an aeroplane in 1975. In 1982 he was awarded the Gold Wings of the Aero Club, and in 1984 the Paul Tissandier Award of the Fédération Aéronautique Internationale, Paris, for exceptional services to aviation. He has presented many papers on the legal aspects of air accidents at symposia abroad and in this country. Mr Justice Margo is still a licensed pilot.

On 20 November last year Mr Justice Margo was appointed chairman of the Commission of Enquiry into the Tax Structure of the Republic of South Africa. The nineteen members of this important commission are persons of the highest standing. They come from many walks of public, legal, economic and commercial life. The terms of reference of the commission cover all aspects of taxation and tax reform. Already certain of its interim recommendations have been accepted and put into operation by the government. The confidence shown by everyone in the acuity, wisdom and dedication of its Chairman is striking. It is a reflection of the recognition of his qualities of leadership and his deep desire to serve the interests of this land and all its inhabitants.

The dedication of Mr Justice Margo to the welfare of mankind is also shown by his service on numerous legal, communal and charitable bodies. He is one of the South African trustees of the Cheshire Foundation, which, under Group Captain Leonard Cheshire VC OM, has established over 300 homes in many parts of the world for the

chronically sick and disabled. He is the South African Chairman of World Peace Through Law. For many years he was a member of the Governing Body of King Edward VII School.

Mr Justice Margo has been an outstanding judge, before whom counsel considers it a pleasure and privilege to appear. His innate kindness finds expression where possible. He is extremely hard working and devoted to his judicial duties. Numerous judgments of his have made valuable contributions to the exposition and development of our law.

For long Mr Justice Margo has been a devoted friend of our Faculty of Law. For three years after the war he was a part-time lecturer in various courses for the LLB degree, and for some twenty years he was external examiner in the course on Public International Law. On several occasions he has presided over 'moot' courts, where students argue for fictional litigants on disputed points of law, both within our Faculty of Law and in the annual Wits-RAU moot; he has delivered many speeches at Faculty functions. His reputation as an after-dinner speaker is unrivalled. From 1977 he has been a member of the Board of the Faculty of Law. He contributed a thought-provoking essay to the book *Fist Iustitia: Essays in Memory of Oliver Deneys Schreiner*, brought out by our School of Law in 1983; and was co-author of the title 'Aviation and Air Transport' in volume 1 of *The Law of South Africa*, published in 1976.

The University takes great pride in being afforded the opportunity, through the conferring of the degree of Doctor of Laws, *honoris causa*, of paying a tribute to this distinguished judge, who has contributed so much to the welfare of so many in diverse areas in times of war and times of peace.