

Alexander Milne (1899-1987)

Ab honesto virum bonum
nihil deterret — Seneca

(Nothing deters a good man from honourable conduct)

To the profound sorrow of his family, his colleagues in the Law and to his great many friends, Alexander Milne, retired Judge President of Natal, died at his home in Pietermaritzburg on 2 June 1987, at the age of eighty seven years.

Judge Milne, or Sandy as he was known by his close friends or as Judge by others, was born on 3 November 1899, in Aberdeen, Scotland, the son of a seafaring captain and his wife, from whose ardent values and vigorous discipline Judge Milne assuredly derived those qualities which formed the cornerstone of his own strong character and which distinguished his conduct through the years.

He arrived with his parents in South Africa in 1907 and the family settled in the Orange Free State. He commenced his formal education in Bethlehem where, after service in the East African campaign of 1916 as a volunteer, although under military age but moved by a strong sense of duty and patriotism, he returned to matriculate successfully from his old school.

In 1919 Milne went up to Exeter College, Oxford, to read law with equal success, obtaining in the examinations a First in B.A. Honours (Jurisprudence).

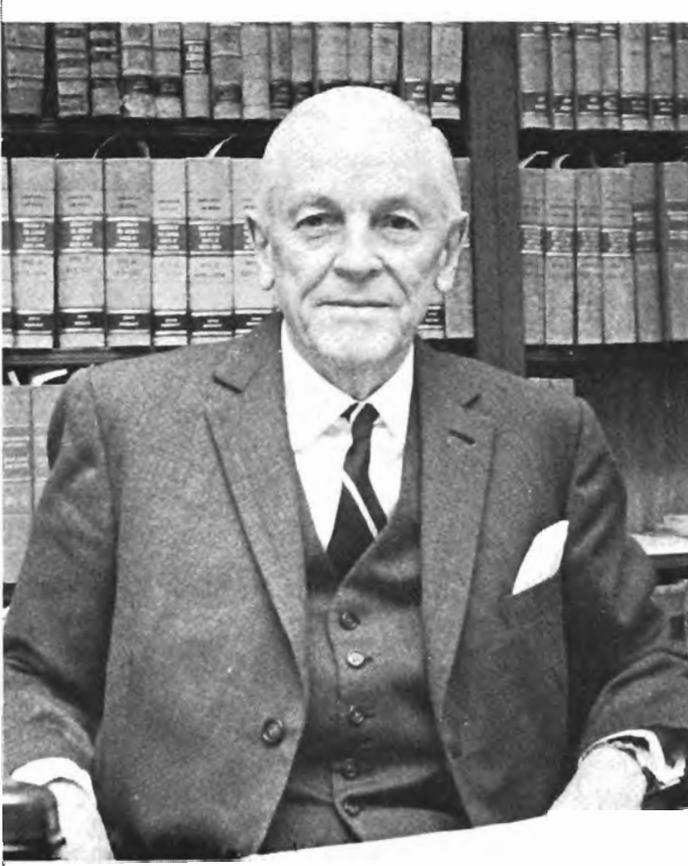
In 1922 he was called to the Bar in the Middle Temple, London. He then returned to South Africa and, after a term of articles with Livingston, Doull and Dumas of Durban, he accepted his first brief in 1925.

History does not record the fortunate litigant he represented on that occasion; possibly the good Judge, too, might not have been able to recall the name so long after the event but that step set him firmly upon his illustrious path.

He progressed from junior counsel to senior; he took silk during the World War of 1939-1945 when he commanded the 7th Brigade Signal Company and subsequently the 14th South African Motor Brigade Signals Squadron; after the war he returned to the Bar and a successful practice until in 1954 he was appointed to the Natal Bench of the Supreme Court of South Africa, of which he became Judge President on 1 January 1962. In addition, he was appointed an acting judge in the Appellate Division of the Supreme Court for some months during 1967.

Throughout his career, his great sense of justice and fair play earned him the respect and admiration of friend and adversary, lawyer and layman and his courtesy endeared him to all whose good fortune it was to enjoy his company.

After his formal retirement as Judge President of Natal on 31 October 1969, Judge Milne accepted appointments to the Courts of Appeal of Swaziland, Lesotho and Botswana until, having served his fellow man long and so faithfully and with such notable courage and distinction, he at last laid aside his judicial mantle to enjoy uninterruptedly the companionship of his wife, Margaret, amidst the tranquil surrounds, frequently with family and friends, of his home in Taunton Road.



The Hon. Justice Alexander Milne (1899-1987)

(Photograph: *Natal Witness*)

However, the diversions of retirement alone were insufficient to satisfy his enormous intellectual capacity and, amongst other matters that engaged his inquisitive mind, he embarked boldly with his friend and colleague, Cecil Nathan, on the mammoth undertaking of revising in its entirety Henochsberg's *Company Law*, a standard reference work, for publication in its third edition after several years of zealous research.

That it served for some eight years without revision in a great tide of legislative enactment bears resounding testimony to the excellence of his contribution to South African legal literature. The major task, which would have sapped the energies of a younger man, left Judge Milne in fine fettle to indulge in other absorbing pursuits.

Alexander Milne was consumed by an intense and burning sense of justice, and of what was right and of what was wrong. He never failed to respond in peace or war to what his honour and his duty required of him. It was these qualities, which he had in great abundance, that placed him at the forefront of his peers.

Both at the Bar and on the Bench he brought to the administration of justice a fierce determination to have out the truth, whatever it might be,

from whatever came before him and his enquiring mind left no trifle unweighed in the scales of justice, which his hand always so delicately held.

A colleague of yesteryear remarked that Sandy Milne was a tiger to work with at the Bar and a fearsome adversary to contend against. That alone is a very eloquent tribute to him and a gracious one from his contemporary. Yet the coin, which manifestly reflected on its obverse his personal drive and his insatiable appetite for perfection in the pursuit of justice and his determination to see it done, showed on its reverse a chivalrous and hospitable man of tremendous charm and kindness, who was always ready to encourage and help another, particularly one younger than himself, and to offer sound advice to those who sought it. There can be none who came away from him unrefreshed by his wisdom or unimpressed by his philosophy.

He enjoyed debate, too, in the wider sense of the cut and thrust of opinion and his interests and knowledge were spread widely over a surprising range of matters. In conversation, he was a master of unremitting questioning, delighting in the remark let slip thoughtlessly, which he pounced upon instantly and worried, like a terrier a rat, until submission came, quickly if prudence prevailed, from its hapless author. No ancient Highlander's call to arms was more rousing or terrifying than his own 'What do you mean by that?'

Away from the Law and its trappings, Sandy Milne was very much a family man. He was devoted to his wife and their sons, John and Lindsey. He and Margaret were married on 5 January 1927 and they shared a rewarding life together founded on great affection and mutual respect. They valued their many friends and delighted in welcoming them to their home; they never failed to entertain them generously in the warmest and most stimulating company.

Thus together they presided over their personal court, giving support to one another and encouraging their sons wisely through the years. Margaret took the greatest pleasure and excelled in her beautiful and magnificent gardens while Sandy was able to draw breath away from the rigours of his burgeooning practice and, later, the heavy burdens and responsibilities of the Bench.

Theirs was, indeed, a house always filled with exceptional love and understanding. When his beloved Margaret died on 1 January 1987, after more than half a century of companionship and dependence, a great light went out in Sandy's life.

But above all, Alexander Milne was a deeply religious man committed firmly to his Christian beliefs. They afforded him a clear appreciation of the frailties of humanity and of the temptations to which it is constantly prone. Those beliefs, too, guided him with certainty throughout the days of his life and commanded his every moment along the way.

While his alert and searching mind may, on occasion, have presented the clergy with insuperable difficulties in reply to him on the finer aspects of dogma or biblical interpretation, it was at the end the Church's sacraments that brought him comfort and contentment so that he might rest easily from his great labours.

All in all, a man excelling in stature, has passed our way.

M.J.C. DALY