

Obituaries

Neville James (1911–1991)

Mankind is, by and large, perverse and quarrelsome; it is devious, given to intrigue and it strives by doubtful stratagems to contend against conventional order. It is, by its very nature, much in need of restraint.

It is, therefore, the foremost purpose of the Law to observe the frailties of behaviour that abound and to spin a web of reason as best it can to bind the unruly into the essential whole so that there can be a preponderance of good over evil.

A heavy burden must then fall upon the judge. He is to be schooled in the Law and fortified in his task by skill in its practice in the many corridors of justice. Only then is yielded to him the power to gather fairness and principle together to unravel the affairs of men and the complexities of State, to resolve their disputes and to devise their punishments.



Justice Neville James

(Photograph: Natal Witness)

To be a good and a wise judge, he must add to his store of knowledge a profound understanding of human nature which he gains at first hand from the wisdom wrought from experience in life's crucible.

To be a truly good and a truly wise judge, he must add to the amalgam of these virtues a well of compassion for his fellows so deep and constant that it allows mercy to flow freely with justice at all times.

Mr Justice Neville James, who died at Pietermaritzburg on 14 June 1991, after a distinguished career in the Law and in other public service, was unquestionably just such a man.

He epitomized all that is best in the tradition of justice. He abundantly possessed those qualities needed to sit in judgement — an incomparable mastery of the law, a lifetime of experience, deep wisdom and compassion. To these he added an indispensable ingredient. He had and used to advantage a marvellous wit and a gentle, but sometimes devastating, humour.

Neville James was born at Stanger in Natal on 24 September 1911. He was educated at Cordwalles in Pietermaritzburg and at Michaelhouse. He studied law at Natal University College (as the University of Natal was then known) and, after qualifying there, was admitted to practice in Natal as an attorney in 1935.

Thereafter, as a member of Grays Inn, he read successfully for the Bar in England. He returned to South Africa in 1938 to be admitted as an advocate of the Natal Provincial Division of the Supreme Court of South Africa. He opened chambers in Pietermaritzburg in that year and not long afterwards the War of 1939–1945 interrupted his active career at the Bar.

Setting aside his bib and gown, he donned the accoutrement of Adjutant of the 1st Field Regiment of the South African Artillery. He saw active service throughout the war and was mentioned in despatches. He left the Regiment in 1945 and resumed chambers in Pietermaritzburg.

It was not long before Neville James had built up a busy, successful practice and established a sound reputation in the profession. In 1955 he took silk and a number of acting appointments to the Bench followed. On 1 February 1957 he accepted appointment as puisne judge on the Natal Bench where he remained for twenty six years, the last twelve of which were marked by his distinguished tenure of the office of Judge President.

Following his formal retirement at the age of seventy, he continued for a further year as Judge President until the appointment of his successor. Not content, however, with a lifetime devoted to the Law and public service and despite the temptations of a tranquil retirement, he acted as a Judge of Appeal in Bloemfontein during 1983 and from 1985 until shortly before he died he was a Judge of the Appellate Division of the Transkeian Supreme Court.

Neville James was a gentleman of great courtesy and consideration both in his Court and beyond it. When he presided, he failed to display, save by the mildest personal gesture, the exasperation which he must surely have suffered on occasion in the face of manifest nonsense. His immense patience was sorely tried, in particular, by the slightly comic egg-dances performed with mendacious dexterity by some of the principal players in the James Commission of Enquiry, firstly into the affairs of the Durban City Council and, later, into irregularities in the House of Delegates.

To the cognoscenti, his chin cupped in hand, his empty stare into the distance, the spectacles pushed upwards on his forehead, his hand across his eyes accompanied on occasion by a mild, quietly spoken rebuke, was each irrefutable evidence that His Lordship was approaching the limit of his endurance to suffer fools in whatever guise they might appear before him.

As a boy at Michaelhouse, Neville James must have passed thrice daily below the stone lintel of the door to the Dining Hall on which are engraved the significant words 'Quit you like men'. Whether he regarded them at that young age as solemn or, like so many irrepressible boys before and after him have done, jocularly reversed their order, cannot now be said with any certainty.

But by any test, his life, his achievements, his dedication in war to duty and at peace to his career, his devotion to the pursuit of justice, his undoubted sincerity, indeed, every aspect of the man was without exception governed by that imperative motto from his boyhood.

In the long line of Natal's greatest sons, Neville James undeniably acquitted himself like a man amongst those peers and each one of us, whether family, colleague, friend or acquaintance, is left with a lasting respect and admiration for a very fine gentleman and a truly good and a truly wise judge.

MICHAEL DALY