

Mr Justice GN Holmes

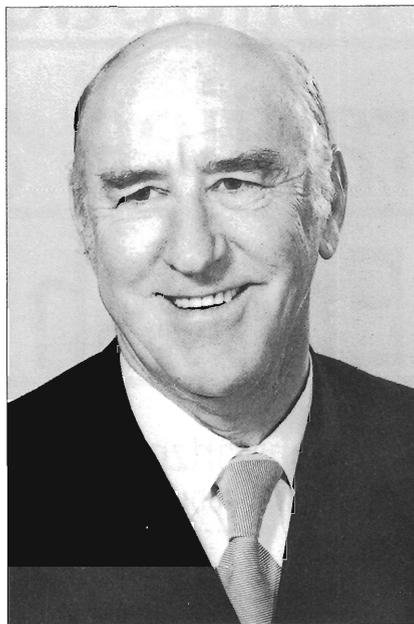
George Neville Holmes died in May 1990 aged 82. He was born in Howick, Natal on 10 July 1907 and received his schooling at the Durban High School. He graduated from the Natal University where he obtained a legal BA (with honours in Latin and Roman law) and an LLB. In 1931 Holmes joined the Durban Bar. He enlisted in 1940 and after the war rejoined the Bar and took silk in 1947. On 2 April 1952 Holmes became a permanent judge of the Natal Provincial Division and a judge of appeal from 1 January 1961. Neville Holmes was the first Natalian to be elevated to the Appellate Division and served on that court for a period of twenty years.

As far as his capabilities as a judge are concerned the following extract from a tribute by the Chief Justice on 25 May 1990 is illuminating:

In 1923 Neville's headmaster wrote of him in a testimonial: "He is able, hard-working, reliable and gentlemanly."

This was a most penetrating observation for I think that it sums up, with a measure of understatement, the Neville Holmes whom I and his other colleagues and friends knew. For Neville was a most able judge. He was a fine jurist, with a comprehensive knowledge of the case-law. In this he was greatly assisted by a near-photographic memory. When engaged upon an appeal he worked industriously, purposefully and efficiently. He was quick

IN MEMORIAM



to see the essential points in a case and to work out how the law should be applied to the facts. When it was his turn to write a judgment he did so with great skill and pride and in his craftsmanship and usually with electrifying speed; or so it seemed to some of his more ponderous colleagues.

In the autobiographical note in De Jure Neville listed his recreation as "writing judgments". In this outwardly humorous remark there lurked a great measure of truth. Neville loved writing; and most of his writing was devoted to judgments. He wrote with a raciness of style, a verve and a turn of phrase all of his own. He loved to introduce classical and literary allusions; he was fond of rich

imagery and flights of rhetoric. Occasionally his more prosaic colleagues found Neville's imagery a little too rich for their taste and he was persuaded to use the blue pencil. He always did so with good grace but, one felt, with a measure of sorrowful reluctance.

Neville's judgments are always a pleasure to read; not only for the literary and other qualifications which I have described, but also for their limpid lucidity. He had a great facility for formulating legal principles in clear and simple terms; usually in numbered paragraphs and subparagraphs and many of these formulations have become the classic statements of the law on the topic. A full catalogue of the branches of the law which Neville thus illumined would unduly protract this address, but I would like to mention just one.

Neville took a great interest in, amongst other things, the criminal law and especially the problems relating to the sentencing of offenders. He was a very kindly man, with a keen appreciation of the often devastating effects of punishment upon the offender. His remarks about the death sentence "the incomparably utter extreme of punishment" have passed into the legal vernacular; as also his graphic description in the same judgment, of "the slow tread of years when you are locked up".

And incidentally one senses here the influence of his personal experience of incarceration while a prisoner-of-war. He was a firm protagonist of the concept that the punishment of the criminal should always be blended with a measure of mercy and he applied this in practice.

Lewis Dison SC

The Cape Bar lost one of its most respected and colourful members with the passing away of Lewis Dison SC in July.

He was born in 1918 and was educated in England and in Johannesburg, graduating in law at the University of the Witwatersrand. During the Second World War he served in the Eighth Army.

Lewis Dison commenced his legal career as a clerk to Oliver Schreiner, who later became an

Appeal Court Judge. He was admitted as an advocate in 1939 and practised continuously after his war service for over 45 years, first in Johannesburg and then in Cape Town. He took silk in 1976.

He was known for his original approach and insight, particularly in the field of administrative law. He appeared in a large number of leading cases in this area, many of them before the Appellate Division.

His death is a sad loss to the legal profession. He leaves a wife and six

children, one of whom is himself an advocate at the Johannesburg Bar.

A memorial service, at which Munnik JP (on behalf of the Bench), Seligson SC (on behalf of the Cape Bar and Cape attorneys) and Rossouw SC (on behalf of the Attorney-general's office) paid tribute to Dison, was held in No 1 Court in the Supreme Court, Cape Town, at 10h00 on 3 August 1990.

TD Potgieter
Cape Bar