

Exton Mabbutt Burchell

(1917—1982)

When Exton Burchell died in Pietermaritzburg on 21 July 1982 a few weeks short of his sixty-fifth birthday there ended a long career of service to higher education in Natal.

He was born in Pietermaritzburg, the grandson of F.G. Burchell a British emigrant to Natal who set up business in Pietermaritzburg in 1873 as a 'Horse Dealer in all its Branches'. His father was F.B. ('Binkie') Burchell an attorney, later to become Professor of Law at the Natal University College.

After schooling at Cordwalles and Michaelhouse he entered what was then the Natal University College in Pietermaritzburg and read for the degree of Bachelor of Arts. In 1937 he won the prestigious Elsie Ballot Scholarship and went up to Cambridge (as his father had done before him), entering Trinity Hall. He obtained first class passes in both Part I and II of the Law Tripos and was a scholar and prize-man at Trinity Hall. Then, in 1939, while he was at home in Pietermaritzburg, World War II broke out. He promptly joined up, volunteering for the First Royal Natal Carbineers. He served in Abyssinia, Egypt and Italy rising to the rank of captain. During the Italian campaign he was awarded the American Bronze Star and was mentioned in despatches.



Prof. Exton Burchell

(Photograph: *The Natal Witness*)

He returned to Pietermaritzburg after the war and studied under his father (who in 1924 had been appointed as Professor of Law in the Natal University College in succession to the late R.A. Inchbold, who had died in 1916). He completed the final LL.B. examinations in mid-1946, passing with distinction, and was appointed as senior lecturer in law at the University of Witwatersrand. In 1948, at the age of 30 years, he was promoted to a full professorship in the Department of Law at that University. (By remarkable coincidence his son, Jonathan, after studying for the LL.B. degree under his father, would, like his father, win the Elsie Ballot Scholarship, go up to Cambridge, be appointed a senior lecturer in law at the University of Witwatersrand and, at 30 years of age, be appointed a full professor of law at that University).

In 1953 Frank Burchell retired as James Scott Wylie Professor of Law at the University of Natal. Dr E.G. Malherbe, then Principal of the University, persuaded Exton to apply for the chair. He was appointed and so occurred the unique event in South African legal history of son succeeding father in the same chair of law.

For the next twenty-eight years Exton Burchell devoted himself to the affairs of his department, his faculty and his University. For most of this time he was Head of the Department of Law, and served as Dean of the Faculty of Law for at least fourteen years. He would also serve on the Senate and the Council of the University as well as being the University's legal advisor. At the same time he was for some years a member of the Board of

Governors of Michaelhouse and member and chairman of the Board of Governors of Cowan House School.

His many teaching and administrative duties did not inhibit his academic career. From the very beginning he had written widely on legal topics, providing a steady stream of articles and notes to learned journals. In 1970 his *magnum opus* appeared. This was the first volume in the series *South African Criminal Law and Procedure*. The book dealt with Introductory Topics (four chapters written by the late P.M.A. Hunt) and the General Principles of Criminal Liability (eight chapters written by Burchell). It immediately became recognised as an authoritative and definitive statement of South African law. It is regularly cited with approval and followed by the courts and has become an indispensable item in every student's and practitioner's library. The high quality of the work was recognised by the University of Natal with the award to Burchell of the degree of Doctor of Laws.

But if he was an outstanding scholar he was also a great teacher. He had a marvellous bass voice and spoke in a clear, deliberate way. His great knowledge of the law enabled him to teach it in a direct, un pompous fashion, presenting the essence of things in a manner so lucid and direct as to make it impossible not to understand and remember. A measure of his achievement is the great number of successful advocates and attorneys who have emerged from his lecture rooms, not to mention the significant number of his past students whom he inspired (and helped) to enter an academic career. (I know of at least eight who have become professors of law).

The motivating force of his career was a desire to be of service to others. He never sought the glittering prizes of high office, preferring to obtain personal satisfaction from his teaching, research, and his service to the University and its students. Besides the inspiration he provided to students his greatest service, perhaps, was in his work in the councils of the University. A liberal humanitarian, he persuasively spoke the language of pragmatism, of reasonableness, of tolerance. His sincerity, his compelling sense of duty, his loyalty, his steady integrity, touched and marked the University and those of us who were fortunate enough to have been his colleagues.

J.R.L. MILTON

