

James Merralls QC (1936-2016)

James Merralls was a Renaissance man: tutor, queen's counsel, horse breeder and owner, raconteur, and late-in-life, husband and father. He was a barrister for 56 years, a silk for 42 of them and collapsed as he was leaving chambers for the evening – his wish to die 'with his wig on' granted.

The only child of Nora Hurstfield Holden, from Rushworth in the Goulburn Valley, and Colin Merralls, a bank manager, James Donald Merralls was born in Canberra. The family moved as his father advanced in his career. He became a bank inspector. James spent his primary years principally in Parramatta, where he attended The King's School. He attended Melbourne Grammar on a scholarship. The headmaster, Sir Brian Hone, had been a student of C.S. Lewis' in Magdalen College, Oxford, where Lewis had insisted that he teach his Australian students how to write. As a result James's prose was, in the words of his friend, Edwin Kennon, 'almost Swiftian in its simplicity'.

At 16, he won one general and two special exhibitions and elected to study law at Melbourne University, and eventually took up residence in Trinity, his home for the next 15 years. After almost a year as research assistant to David Derham and article clerkship at Whiting and Byrne, James was admitted to practice on April 1, 1960. He signed the Bar Roll and commenced reading with Richard Newton but this was cut short when he became associate to Sir Owen Dixon, arguably the greatest judge Australia has produced. Sir Owen was an abiding influence on James but as Justice Santamaria has said, '... it would be a mistake to think that Jim became but a cipher for Dixon. Jim himself had a powerful intellect and his own judgment which he exercised confidently throughout his life.'

This confidence extended to his work in the 1950s as a film critic for Melbourne University's Film Journal and in the 1960s as a critic for Nation. His reviews 'Mrs Everage on Tour', 'Patrick White's Charade', and My Fair Lady were as dazzling and original as they were eclectic.

Another consuming interest, outside the

law, was in bloodstock and the breeding of thoroughbreds. He bred a number of winners, among them Beer Street, who won the 1970 Caulfield Cup and the Queen Elizabeth Stakes in front of the Queen in Launceston. For over a decade, he was also the Australian correspondent for the British Racehorse, writing as 'Tim Whiffler', the horse that won the Melbourne Cup in 1867.

He was a popular tutor at Trinity and finally Dean. At the Bar, he became a master of the Common Law. His interest was not in legal philosophy but the decided case. In the 1960s and early 70s, he appeared in practically every constitutional case in the High Court; thereafter his expertise was in equity. Timesheets were as alien to him as inflated fees.

After about 15 years at Trinity, James returned to Mont Albert to care for his parents until their deaths, months apart, in 1988, repaying them the love they had lavished on him in his infancy and childhood. In 1993, his life was transformed when at the age of 56, he married Rosemary, and they had a daughter, Nora (in honour of his mother) and a son, James.

There was an incongruity between James' appearance and his personality. He was tall and appeared aloof and detached, yet his greatest gift was his capacity for friendship. And while he loved the Bar, its traditions, anecdotes and camaraderie – he treasured his life at Mont Albert. He loved watching cricket – his idol was Arthur Morris while Keith Miller in action could not be bettered – and listening to Dietrich Fischer-Dieskau. His beloved wife quoted Cicero – 'If you have a garden and a library, you have everything you need' – as if it were written for him.

In 1999, James was appointed a member

of the Order of Australia and, in 2013, although initially loathe to accept, he was awarded an honorary doctorate in law by his alma mater. The following year his friends and admirers established a visiting fellowship in his name, in perpetuity.

James' professional legacy is his 47 years as editor of the Commonwealth Law Reports – the authorised reports of judgments from the High Court, a record in the common law world. He reported and edited for almost half the life of the court and through the tenures of half of its 12 chief justices. Three successive chief justices paid tribute to his work. Chief Justice Gleeson said his editorship was marked by his 'professional eminence as a barrister, his extensive legal knowledge and his personal integrity and commitment'. In fact, Chief Justice French convened an unprecedented ceremonial sitting of the High Court to mark 'its sadness at the passing of a fine Australian lawyer who practised his profession at the highest levels, and gave unstintingly of his time and talents in the public interest'.

By Mark McGinness

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