

**1961-1962**

THE

# COMMONWEALTH LAW REPORTS

CASES DETERMINED IN THE

## HIGH COURT OF AUSTRALIA

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JUSTICES OF THE HIGH COURT  
OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

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THE RIGHT HONOURABLE SIR OWEN DIXON, O.M., G.C.M.G., CHIEF  
JUSTICE.

THE RIGHT HONOURABLE SIR EDWARD ALOYSIUS McTIERNAN, K.B.E.

THE HONOURABLE SIR WILFRED KELSHAM FULLAGAR, K.B.E.

THE RIGHT HONOURABLE SIR FRANK WALTERS KITTO, K.B.E.

THE RIGHT HONOURABLE SIR ALAN RUSSELL TAYLOR, K.B.E.

THE RIGHT HONOURABLE SIR DOUGLAS IAN MENZIES, K.B.E.

THE RIGHT HONOURABLE SIR WILLIAM JOHN VICTOR WINDEYER,  
K.B.E., C.B., D.S.O.

THE RIGHT HONOURABLE SIR WILLIAM FRANCIS LANGER OWEN,  
K.B.E.

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ATTORNEY-GENERAL :

THE HONOURABLE SIR GARFIELD EDWARD JOHN BARWICK, Q.C., M.P.

## THE LATE SIR DUDLEY WILLIAMS

On 26th March 1963, the first day of the Sittings of the High Court in Sydney, DIXON C.J. said :

Since this Court last sat in Sydney the death has occurred of the Honourable SIR DUDLEY WILLIAMS, a former judge of this Court. Sir Edward McTiernan, with whom SIR DUDLEY had graduated, and I had the honour of sitting with the late SIR DUDLEY WILLIAMS when he took his seat in this Court on 15th October 1940 and we remained his colleagues until on 31st July 1958 he resigned office on account of ill health. He was of course still a judge when his Honour Sir Frank Kitto and when his Honour Sir Alan Taylor respectively joined this Court.

SIR DUDLEY was called to the Bar of New South Wales in 1915 but he did not begin practice until after the first World War where he served in the English Army. His rank was captain and he was decorated with the Military Cross. He then became Associate to Sir William Cullen, Chief Justice of the State, for a year, that is to say he was Associate for a year. SIR DUDLEY, beginning by reading with that illustrious lawyer Sir Frederick Jordan, made his career at the Bar in the Equity jurisdiction of the Supreme Court. In that field he rapidly became a leader. His forensic gifts however carried him into many jurisdictions and I, myself, remember very vividly the clearness of exposition, aptitude of expression, dignity and force with which he presented a case from the Bar of this Court. His talents and the legal knowledge with which by his great industry he had equipped himself clearly marked him out for elevation to the Bench, and in June 1940 he was appointed a judge of the Supreme Court of New South Wales, first for a short time having served as an acting judge. But he was to occupy a permanent seat in that Court for less than four months. For as it chanced a seat in this Court fell vacant and SIR DUDLEY was appointed to the vacancy. He brought to his new office all the energy and unremitting application which characterized his professional work.

I have had the privilege of sitting with him in so many cases that I could not count them, and I never lacked appreciation of the great assistance it meant, and I have ever remained grateful

to him. To see SIR DUDLEY address himself to the determination of a heavy case was to witness a careful, methodical and thorough investigation of the case. However detailed the material the result was its reduction into a regular shape pointing to the conclusion to which the study had led him.

The premature ending of his great judicial service was a tragedy, particularly to those who sat with him. But his health made it unavoidable. To us it meant the departure of a friend as well as a colleague. The country as a whole lost a highly talented judge who believed in and maintained the ancient tradition of his office.

## MEMORANDA

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1963

Jan. 8 —Death of The HONOURABLE SIR DUDLEY WILLIAMS, K.B.E., who resigned as a Justice of the High Court of Australia on 31st July, 1958.

Feb. 19—This day at the Court at Government House, Canberra, in the presence of the Queen's Most Excellent Majesty in Council, THE RIGHT HONOURABLE SIR EDWARD ALOYSIUS McTIERNAN, K.B.E., THE RIGHT HONOURABLE SIR FRANK WALTERS KITTO, K.B.E., THE RIGHT HONOURABLE SIR ALAN RUSSELL TAYLOR, K.B.E., THE RIGHT HONOURABLE SIR DOUGLAS IAN MENZIES, K.B.E., THE RIGHT HONOURABLE SIR WILLIAM JOHN VICTOR WINDEYER, K.B.E., C.B., D.S.O., E.D., and THE RIGHT HONOURABLE SIR WILLIAM FRANCIS LANGER OWEN, K.B.E., having been appointed Members of Her Majesty's Most Honourable Privy Council on the 17th day of January, 1963, were, by Her Majesty's command, sworn, and took their places at the Board accordingly.

June 5 —On this day THE RIGHT HONOURABLE SIR OWEN DIXON, G.C.M.G., CHIEF JUSTICE, was admitted into the Order of Merit.

THE mode of citation of this volume of the COMMONWEALTH LAW REPORTS will be as follows:—

107 C.L.R.

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