

THE
STATE REPORTS,
SOUTH AUSTRALIA
1936

EDITED BY
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A PRACTITIONER OF THE SUPREME COURT OF SOUTH AUSTRALIA.

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JUDGES OF THE SUPREME COURT.

*THE HONOURABLE SIR GEORGE JOHN ROBERT MURRAY,
K.C.M.G., CHIEF JUSTICE.

THE HONOURABLE SIR HERBERT ANGAS PARSONS, KT.

†THE HONOURABLE JOHN MELLIS NAPIER.

THE HONOURABLE FREDERICK WILLIAM RICHARDS.

‡THE HONOURABLE ARTHUR WILLIAM PIPER.

§THE HONOURABLE EDWARD ERSKINE CLELAND.

ACTING JUDGE.

(During the absence abroad of the Honourable the Chief Justice
and during the absence of The Honourable Mr. Justice Napier)

THE HONOURABLE GEOFFREY SANDFORD REED.

ATTORNEY-GENERAL.

THE HONOURABLE SHIRLEY WILLIAM JEFFRIES, M.P.

* Returned from absence abroad on 18th January 1936.

† Appointed Chairman of Commonwealth Banking Commission
on 1st January 1936.

‡ Died on 19th February 1936.

§ Appointed on 5th March 1936.

MEMORANDUM.

The Honourable Mr. Justice Piper having died on the 19th February 1936, at the sitting of the Full Court on Monday the 2nd March 1936, the Honourable the Chief Justice addressed the Members of the Bar and others present as follows:—

This sitting of the Court has been appointed so that I, on behalf of the Bench, and you, Mr. Cleland, on behalf of the Bar, may express the loss we all feel through the lamented death of the Honourable Arthur William Piper.

Our late brother was appointed a Judge of the Supreme Court on 15th June 1927. He was then sixty-one years of age. He came equipped for his judicial work with a very great knowledge of the law and of the world, and with an unusually wide practical experience in the law, which he had acquired as the result of forty-one years of strenuous and very varied work. How deep was that knowledge, and how wide was that experience is known to you all, but perhaps more intimately to his colleagues who, with you, mourn his death. Until comparatively recently, when he was struck down by a mortal malady, he fulfilled his task as a Judge with extraordinary energy.

He possessed a mind of exceptional clearness; he was quick to grip the decisive points in a case, however unusual and complicated; and was swift to bring the matter before him to a decision. Apart from his great experience, wide knowledge, clearness of thought, and rapidity in decision, our late brother was endowed with many attractive personal qualities. I need only refer to some of these. Though his will was determined, his nature was gentle. Though he was resolute, he was modest, and always courteous. Though in the course of his duty, on occasion he had to be stern, his mind was tranquil and filled with noble thoughts. He was held in honour by all the profession, and respected by the whole community. Those who knew him intimately will always remember him as a great man, a wise Judge, and a loyal and much-loved friend.

Mr. Cleland K.C. then spoke on behalf of the Bar, and read a resolution of the Council of the Law Society to the following effect:—

This Council records with deep sorrow the death of His Honour Mr. Justice Piper on 19th February 1936. Mr. Justice Piper will be remembered as one of the great Judges of the Supreme Court of South Australia. He possessed in a high degree the qualities which make for judicial eminence, a profound knowledge of the law, an instinctive sense of right and wrong, and strict impartiality, fearlessness and independence in the administration of justice. A man of strong intellect, he was quick in his grasp of facts, lucid in his reasoning and speedy and certain in his decisions. His sympathetic understanding of human nature and his wide experience in business and commercial affairs, added much to the efficiency of his judicial work.

By his distinguished qualities he commanded the honour and respect of the whole community. By the essentially human side of his character he won a special place in the affections of the members of the legal profession. He was kindly in the extreme, courteous and helpful to those whose duty it was to plead before him.

The Council thinks it fitting to record also the debt owed by the profession to Mr. Justice Piper during the long period of his practice at the bar. In every sense he was a leader, particularly in his great influence in the maintenance of the honourable traditions of our calling. As President of this Society, an office which he held for five years, he guided our affairs with wisdom and understanding. Every lawyer will feel a sense of personal loss in his death.