

THE  
STATE REPORTS,  
SOUTH AUSTRALIA  
1945

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## JUDGES OF THE SUPREME COURT.

THE HONOURABLE SIR JOHN MELLIS NAPIER, K.C.M.G.,  
CHIEF JUSTICE.

\*THE HONOURABLE SIR HERBERT ANGAS PARSONS, K.B.E.

THE HONOURABLE FREDERICK WILLIAM RICHARDS.

THE HONOURABLE HERBERT MAYO.

THE HONOURABLE GEOFFREY SANDFORD REED.

†THE HONOURABLE GEORGE COUTTS LIGERTWOOD.

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## ATTORNEY-GENERAL.

THE HONOURABLE CHARLES LEMPRIERE ABBOTT, K.C., M.P.

\* Resigned 16th June, 1945.

† Appointed 12th July, 1945.

## MEMORANDA.

At a special sitting of the Full Court held on Saturday, 16th June, 1945, on the occasion of the retirement of The Honourable Mr. Justice Angas Parsons from the Supreme Court Bench, the Honourable the Attorney-General spoke on behalf of the Bar to the following effect, "May it please the Court."

The sitting of the Court today affords the opportunity to express to the Honourable Mr. Justice *Angas Parsons*, upon his retirement from the Bench, the high esteem and warm affection in which he is held by us.

For almost a quarter of a century His Honour has day by day sat in this Court and dispensed justice with dignity, with wisdom, with impartiality and in full accordance with the traditions of British Courts. To those of us who knew him at the Bar, it comes with some surprise to realize that there are some now practising in this Court who were in swaddling clothes when he took his seat upon the Bench.

It is, I think, therefore appropriate that I should briefly recall some features of his distinguished and honourable career.

In 1897 Sir *Angas Parsons* was admitted to the Bar, and early established himself in a busy practice. He took silk in 1916. Despite the demands made by his professional duties, he recognized also his duty to the State and found time to take a close interest in politics. In 1912 he was elected to Parliament, and in 1915 was appointed Attorney-General and Minister of Education in the Peake Ministry.

In 1921 he was elevated to the Bench, and during the period of his service there, has on occasions acted as the Deputy of the Governor of the State.

His Honour has always taken a keen interest in the University of Adelaide, and in 1927 was elected Warden of the Senate, a position he has occupied ever since, and in 1942 was chosen as Vice-Chancellor.

In 1935 he was Acting Chief Justice, and in 1936 received from His Majesty the King the honour of Knighthood in recognition of his many years of valuable service to the State. And now we cordially congratulate Your Honour on another and more recent indication of Royal Favour in having been created a Knight Commander of the Most Excellent Order of the British Empire.

It cannot, Sir, but cause you satisfaction and happiness to contemplate in retrospect a life so many-sided, so full of constantly changing interest, and of such benefit to the State, and honour to yourself. Sprung from a family which on both sides is closely connected with the history and welfare of South Australia, you have indeed added lustre to your line.

And now that the time has come for us to bid you farewell from this Court, we who have worked under your watchful eye, and have experienced, amid the dust and heat of forensic conflict, the unfailing courtesy

and kindness that was part of Your Honour's nature, have learnt to regard you not only with respect, but with a very real and warm affection.

While we regret the loss of your services to the community, and will all miss Your Honour, the profession realizes that you have earned a rest, and the lively hope that you will soon be fully restored to health and energy softens the parting for us. We know, too, that you will not be forgetful of us, the representatives of the profession which you have so long loved, and we hope that we may see you from time to time to renew the friendship with which you have honoured us.

You, Sir, when you leave the Court today, can now say, with the poet—

“How vainly men themselves amaze  
To win the palm, the oak, or bays,  
And their incessant labours see  
Crown'd from some single herb or tree,  
Whose short and narrow-verged shade  
Does prudently their toils upbraid;  
While all the flowers and trees do close  
To weave the garlands of repose!”

You will have many interests still to occupy your mind, and we of the legal profession wish that you may enjoy for many years the happiness of a cultivated leisure, sweetened by the consciousness of distinguished service to your fellow citizens.

“Farewell! a word that must be, and hath been—  
A sound which makes us linger; yet—farewell!”

The Honourable The Chief Justice then spoke to the following effect:—Mr. Attorney. You have spoken, as you are entitled to speak, for the profession of the Law, and for the Government and people of South Australia; but it remains for me, upon behalf of the other members of the Court, to endorse your expressions of regard and esteem for the colleague who is leaving us today, and to join with you in the hope that he may long be spared to enjoy the honour, that has recently been conferred upon him, and the rest and recreation to which he is so justly entitled.

I suppose there is no-one better able than I to appreciate the justice and the propriety of your tribute to the service that Sir *Angas Parsons* has rendered, in his day and generation, to the State and to the administration of justice. For more than twenty years we have sat and worked together as colleagues and friends upon this Bench, and it would be strange indeed if I could escape “the sense of tears in mortal things,” now that the time has come to end this fellowship of work and interest.

It is quite unnecessary for me to assure Sir *Angas Parsons* that we regret the parting, and that we shall miss him. For nearly twenty-five years he has been, as it were, a buttress of this Court. In addition to the other qualities that we regard as essential in a Judge, he has brought

to our deliberations a very adequate knowledge of the law, a wide experience of men and affairs, and a practical common sense, which has been invaluable as a touchstone with which to test too fine-spun theories.

Well, the time has come to say goodbye, and we can only say it in its proper—if archaic—sense, which is to say, “May God be with you.” This I know: That although our brother may vacate his seat upon this Bench, it is not within his power, even if he wished it, to vacate the place that he will always hold in our regard—or, may I say, in our affection.

The Honourable Mr. Justice *Angas Parsons* then replied to the following effect:—May it please Your Honours, Mr. Attorney-General and my fellow-members of the Bar: Before I attempt to reply to the overwhelming tributes which have been paid to me by my learned brother the Chief Justice, and by you, Mr. Attorney-General, as the Leader of the Bar, I would like to fulfil what is to me both a pleasure and a duty.

[Here His Honour referred to his association with the staff and officers of the Court and to his colleagues of the past and present.]

Mr. Attorney, I do not know how I can reply to all the kind things you have said, but, if what you have said is true, it is not you who should be grateful to me so much as I to you.

It has been a great joy to me to sit here, and to sit in my Chambers, receiving the courtesy and the respect of the members of my profession. Whatever I may have done for them, they more have done for me! We are grateful that we are members of the “precious” race, the race which, centuries ago, laid the foundations of the Common Law of our Empire. How well those foundations were laid. With what wisdom, with what strength, and with what endurance. And then, when the time came to ameliorate some of the stringencies of our Common Law, the foundations of Equity were laid—expressing the conscience of the community of what was just, right and equitable. We come of a great race—a great people. I like to think of the time, in 1941, when our people stood alone—threatened with invasion, and threatened with annihilation—but unfalteringly led by one of our greatest wartime leaders. Think of those peasants who, without arms except pitchforks, lined the coasts of England to give their lives in defence of their homes and their liberties! Let us thank God that we belong to such a people!

Now, I must make an end. As we go downstairs here, I suppose, that I shall realize that this page, for me, is closed for ever. Well, what of the future? At least I know that I take into the dark unknown the affection, Mr. Attorney, which you have expressed to me, of my fellow-members of our profession. How great and glorious a comfort that will be. What else there may be for me I know not, but I am reminded of the words His Majesty the King quoted, in a New Year message, not so long ago: “And I said to the man who stood at the Gate of the Year, ‘Give me a light that I may tread safely into the

unknown,' and he replied, 'Go out into the darkness and put your hand into the hand of God. That shall be to you better than light, and safer than a known way.' So I went forth, and finding the hand of God, trod gladly into the night. And He led me towards the Hills, and the breaking of the day in the lone east."

Farewell, my friends, God bless you all !

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The publishers deeply regret the death on 1st December 1945 of Ronald Nickels Finlayson, who edited these reports for the years 1901-1903 and 1913-1945.