

THE
STATE REPORTS,

SOUTH AUSTRALIA

1946

EDITED BY

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A PRACTITIONER OF THE SUPREME COURT OF SOUTH AUSTRALIA.

PUBLISHED IN ADELAIDE BY

THE LAW BOOK COMPANY OF AUSTRALASIA PTY LTD.

(Incorporated in Australia)

425 CHANCERY LANE, MELBOURNE.

SYDNEY - - 140 PHILLIP STREET.

BRISBANE - - 21 ADELAIDE STREET.

*Wholly set-up and printed in Adelaide for
The Law Book Company of Australasia Pty Limited
by Advertiser Newspapers Limited.*

JUDGES OF THE SUPREME COURT.

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

THE HONOURABLE HERBERT MAYO.

THE HONOURABLE GEOFFREY SANDFORD REED.

THE HONOURABLE GEORGE COUTTS LIGERTWOOD.

*THE HONOURABLE CHARLES LEMPRIERE ABBOTT.

ATTORNEYS-GENERAL.

†THE HONOURABLE CHARLES LEMPRIERE ABBOTT, M.P.

‡THE HONOURABLE REGINALD JOHN RUDALL, M.L.C.

* Appointed on 2nd May, 1946.

† Retired on 17th April, 1946.

‡ Appointed on 17th April, 1946.

MEMORANDUM.

At a sitting of the Full Court held on Friday 14th December 1945 the Honourable the Attorney-General, in reference to the pending retirement of The Honourable Mr. Justice Richards from the Supreme Court Bench, spoke on behalf of the Bar to the following effect:—

May it please the Court. On this, the last day of Term, His Honour Mr. Justice Richards is sitting for the last time in this Court, and the opportunity is afforded to us of the Bar and the Legal Profession assembled here, to bid him a regretful farewell.

It is now fifty years since His Honour was admitted as a Solicitor in England, and to those young practitioners who are today upon the threshold of their own careers, and to all of us who have practised before him, a brief account of his career as a lawyer, most of it spent in the service of the State, will be of interest.

[Here the Attorney-General referred to His Honour's academic record at the University of London and his return to S.A. Continuing he said:—]

In 1901 Dr. Richards was appointed Associate to the then Chief Justice, the late Sir Samuel Way, and thus began his long and unbroken career of service to the State of South Australia.

In 1908, following a Resolution of the Legislative Council, the office of Parliamentary Draftsman was created, and Dr. Richards received the appointment of Parliamentary Draftsman and Assistant Crown Solicitor. Sir Samuel Way parted from him with profound regret, as appears from extracts from letters he wrote at the time. "Yesterday," he wrote, "the 7th Anniversary of his coming to me, my friend and Associate, Dr. Richards, left me, on his appointment to be Assistant Crown Solicitor and Parliamentary Draftsman. You can have no idea what a loss it will be to me.

It is impossible to over-estimate the help it is to have a well-equipped lawyer who can discuss abstruse and difficult questions when preparing a judgment . . . it will be impossible to get so well-trained a lawyer, or a friend, in whom I have equal confidence. Besides, he was 'dug out' from the same sort of rock that I was; that is, he is a Bible Christian Minister's son, and his ecclesiastical and religious sympathies are the same, and as strong as mine."

As Parliamentary Draftsman he set a new standard in that highly technical and skilled work—a standard which, I am glad to say, has ever since been maintained. There he continued with uncessant care, "To scorn delights and live laborious days" in converting into legal and intelligible phraseology what the Right Honourable Lewis Harcourt—speaking, of course, only of the House of Commons—once referred to as "the shameless illiteracy of Parliament."

In 1916 he was appointed Crown Solicitor, a position he was to occupy with distinction for nine years. In 1921 he took Silk, and during the years 1925 and 1926 he was an Acting Judge of this Court.

In 1927 he was, with the warm approval of his professional brethren and the people of the State, appointed one of His Majesty's Judges of the Supreme Court of South Australia, and has for nearly twenty-one years performed his difficult and responsible duties in accordance with the noblest traditions of that high and honourable office.

After forty-four years of such devoted effort, well might His Honour say: "I have done the State some service, and they know it." Voicing as I do the thoughts and desires of the Profession and of the people of South Australia, I would like to say to Your Honour that we do know it and are grateful. With learning, with wisdom, with tireless patience, with a high sense of right and justice, with care for the litigant and courtesy and kindness to the Bar, Your Honour has for nearly a quarter of a century administered justice according to the Law. This gathering of the profession will indicate to you, Sir, the respect and high regard in which you are held, and the deep regret we all feel that we shall no longer see you in your accustomed place upon the Bench.

"The innocent brightness of a new-born day
Is lovely yet;
The clouds that gather round the setting sun
Do take a sober colouring from an eye
That hath kept watch o'er man's mortality;
Another race hath been, and other palms are won."

In bidding you farewell, Sir, may I express our wish that you will in your retirement have many years of health and happiness and of continued service in those other spheres in which you have so long been active.

The Honourable The Chief Justice then spoke to the following effect:—

Mr. Attorney-General, and Brethren of the Bar.

On behalf of the Court, and also—as I am well assured—on behalf of the Officers and Staff of the Court, I wish to join with you in your expressions of respect and esteem.

You, Mr. Attorney, have referred to the long-standing association between my brother on my right and myself, and I can testify that you have not exaggerated in any way the services which Mr. Justice Richards has rendered to the administration of the law and to the public.

I cannot say whether it appeals to others in the same way, but to me there is a symbolism about our proceedings this morning which deserves attention. We have had occasion to welcome four new members to the Profession of the Law, and now we say farewell to a valued friend and colleague. It reminds me of the old Latin salutation, *ave atque vale*, "Hail and Farewell." It is symbolical of the ebb and flow of life, for—after all—our profession is simply one aspect of human affairs. We take in those who are to carry on, but the time comes when we must—all of us—make way for those who take our places. In this Court it is easy to realize that

—as we sit here under the portrait, and, as it were, in the very presence of the former, well-beloved, Chief Justice, Sir Samuel Way, with whom my brother Richards served as his Associate.

It seems to me that the ideals and traditions of our Profession are the safeguard of democracy in these troubled times, as it is to you—more particularly to the younger members of the Profession—that we must entrust the preservation of our tradition, and the safekeeping of the ideals, for which, in the recent war, so much of blood and treasure has been poured out. I trust that, in your hands, that tradition and those ideals will live and be maintained, as I am sure they will be.

I wish to pass very lightly over the feeling that is today predominant in my mind, and—I have no doubt—in the minds of other members of this Bench—our regret at the severance of the close ties that have so long united us to our brother Richards. That is a very real regret. We know, better even than you, what the Court is losing! Whatever Mr. Justice Richards has been called upon to do he has always brought to the task an indefatigable industry, and a scrupulous regard for justice and duty, in addition to great ability. Ours is a very real loss, and it is with a very real regret that we reflect that this is the last occasion when he will sit with us upon this Bench.

But I desire to pass that over, and to say, simply, that we rejoice that our Brother leaves us in health and strength, justifying our hope that he may long be spared to enjoy the rest and recreation so well earned by fifty-one years of service. We know that he would not be happy in an idleness which would be incompatible with the energy and industry that are an inseparable part of his make-up. We trust that—without unduly encroaching upon his well-earned leisure—he may find an outlet for these qualities in the other interests which it is his good fortune to take with him when he leaves this Bench.

We join with you in your expressions of esteem, affection, and goodwill to our Brother on his retirement.

The Honourable Mr. Justice Richards then replied to the following effect:—

May it please Your Honours, Mr. Attorney-General, and Gentlemen of the Bar (and, in the term “Gentlemen of the Bar”, as the context or subject matter does not require a different interpretation, I include Ladies). Only one whose emotions had become sterilized by embittering experience, or who had been cursed with a natural incapacity to respond to kindness, could avoid being deeply moved by such overwhelming expressions of kindness, appreciation and goodwill as I have heard from you today.

I confess that it is with mixed regret and gratitude that I relinquish my seat upon this Bench. Regret that it brings to an end my official association with my fellow Judges and with Members of the Bar, but gratitude in that those associations have been exceedingly happy for me. I take this opportunity of

thanking my present Brethren, as I would the others who, during my time, have left the Bench before me, for the constant encouragement and help they have given me, and for the exceeding good fellowship with which my tenure of office has been blessed. Of course, there have been occasional differences of opinion between us as to how cases should be decided, but they have not been frequent, and never has a shadow been cast over the happy personal relationships that have existed between us. Truly, we have been a happy family! My regret is increased by the fact that my association with those junior to me on this Bench is not to be of longer duration.

I confess to regret also that the work that has become an integral part of my life now ends, for I have been blessed with the boon, than which few can be greater, of congenial work. That does not mean that I have always found my work easy, or always welcome; sometimes it has been tedious, but usually tedious cases have a tendency to become interesting before they end and judgment is delivered—though sometimes, maybe, not so interesting to one side as to the other. Often my work has been arduous and perplexing, and, on some occasions, harrowing to me personally. And, as you are aware, there have been occasions when higher tribunals have been under the “painful necessity” of disagreeing with my conclusions, but no doubt they have usually been right, and one does become inured to such experiences. I refer to this only for the consolation of any who may need it. Despite these apparent disadvantages, and I say apparent because, in the total result, they “all work together for good”, if one endures them with patience, I have truly enjoyed my work and life on the Bench. I am indeed grateful that, by reason of a recent Act of Parliament, I am able to retire before, as I hope you will agree, my powers are quite spent.

To have had the privilege of being on the same Bench as my colleagues, past and present, and to have sat in the seat of mighty men of days gone by, has been a real inspiration to me. It certainly has been an honour and a dignity to which I could not, in my early years, have presumed to aspire.

Whilst acknowledging the debt owed to my Brethren, I would not overlook the help and courtesy I have received from the officers of the Court, both professional and lay:

The Master and his Deputies (whose work relieves the Judges of an immense amount of tiring investigation and detail) and their staff; the Sheriff and his officers, the Associates, the Librarians, the Tipstaffs and Messengers. Neither do I overlook those very efficient officers, without whose services a Judge's life would be overwhelmingly laborious—indeed, his work could not be done without them nowadays—the Court Reporters and Typistes. I will remember the days when Judges and Associates had to record the evidence in longhand writing, and, if a report of argument was needed, that also had to be taken down in similar manner. Nor

do I overlook that most efficient and reliable public officer, the Deputy Registrar of Probates.

Returning to myself, Mr. Attorney-General, and Gentlemen, I shall try to avoid wearying you by going into too much detail, but you have referred to my early experience with this Court, an experience which at least made me well acquainted with the topography of these precincts, and, better than that, an experience which enabled me to get some acquaintance with the working of the judicial mind—I refer to my seven years as Associate to the late Chief Justice Sir Samuel Way. Of him much could be said without doing justice to the subject, but limit of time forbids, and, moreover, I must not trespass upon the domain of his biographer. Suffice it to say that, although not exactly a 'bed of roses', that Associateship was a most advantageous experience for a future Judge, and I have realized more and more since reaching the Bench that I owe very much to my early and long contact with that very great lawyer and Judge.

It would be out of place for me to refer to the stages intervening between the close of my seven years under him and my return to this Court—an event which happened in this wise:—The then Chief Justice, Sir George Murray, was to be absent on leave throughout the Court year of 1925, and it was necessary to look for an Acting Judge. No prominent Leader of the Bar could be expected to run the risk of leaving his practice for a temporary sojourn on the Bench, and so the experiment was resorted to of elevating, for the time being, someone in the Public Service, and, having taken Silk, the lot fell on me. Please believe me, Gentlemen, that it was with a very real sense of inadequacy and with considerable misgiving that I accepted that honour. However, very shortly after the late Chief Justice returned, our late beloved friend, Sir Angus Parsons, was also on leave for a year, and apparently the experiment already tried was not considered to have had seriously disastrous consequences, for it was repeated. Then, during the ensuing year, the Fifth Judge Act was passed, and, being already in residence, I was appointed to stay here; and, by reason of departures we all deplore, ultimately I have come to enjoy, for a few months, the dignity of the position of Senior Puisne Judge.

Although I have already detained you too long, Gentlemen, there remain some things to say for the omission of which I could never forgive myself. They relate to you, Gentlemen, and to members of the Bar no longer with us. With entire sincerity I say that nothing has contributed more to the happiness of my work, or to what success I have had in it, than the attitude of the Bar to me, and the relationship that has existed between us throughout. Your unflinching courtesy, forbearance, and kind consideration, have contributed greatly to my comfort and to what success I have had, and, as I have realized more and more, your friendship has given me real joy. I would like to acknowledge also the valuable help I have received from Counsel, and to tell you that I have needed your help, have depended very much upon it; and I have found a

laudable recognition of the position, that the function of the Bar is not limited to winning cases, but extends also to the maintenance of justice according to law.

Mr. Attorney, you have testified to the respect of the Bar for me, and, with modesty, I accept your testimony, having had abundant evidence of its truth. For the respect of the Bar, and their attitude towards me throughout, I have been, and am, truly grateful. It has contributed more than I can express to the agreeable nature of my work.

One word more, Gentlemen: Presumably, when hereafter you meet me, you will not be able to forget that I have been a Judge of this Court, but I wish you to remember something more than that—more enduring than that—and that is, to remember me as a friend, and one who wishes you distinction, success and satisfaction in your professional careers, good health, and joy in your private lives. And now, as a Judge, Goodbye, and may peace be with you all.

Adjournment.