

THE  
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SOUTH AUSTRALIA  
1963

EDITED BY  
R. M. HAGUE, LL.B.  
A PRACTITIONER OF THE SUPREME COURT OF SOUTH AUSTRALIA

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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 MAYO.

THE HONOURABLE REGINALD RODERICK ST. CLAIR  
CHAMBERLAIN.

\*THE HONOURABLE VIVIAN RHODES MILLHOUSE.

THE HONOURABLE JOHN LEO TRAVERS.

THE HONOURABLE DAVID STIRLING HOGARTH.

†THE HONOURABLE CHARLES HART BRIGHT.

## ATTORNEY-GENERAL

THE HONOURABLE COLIN DAVIES ROWE, M.L.C.

\* Died, 11th September, 1963.

† Appointed, 24th October, 1963.

## MEMORANDUM

A special sitting of the Full Court (*Napier C.J., Mayo, Chamberlain, Travers and Hogarth JJ.*) was held on Thursday, 19th September, 1963, following the death of the Honourable Mr. Justice Millhouse on 11th September, 1963.

HIS HONOUR THE CHIEF JUSTICE (Sir Mellis Napier):—Mr. Attorney, Mr. *Bright*, Mr. *Millhouse*, members of the bar. This sitting has been appointed in order to afford to the Court, and to the profession of the law, an opportunity of paying a tribute of respect to the memory of our colleague and friend, the late Mr. Justice Millhouse, and to put on record our sense of the very great loss sustained by the profession and the people of South Australia by his sad and untimely death.

Mr. Justice Millhouse came of a family well known and highly respected in this State. His brother, whom we remember as Sir Eric Millhouse, was for many years a leader of the bar, and first State President and later Federal President of the Returned Soldiers League, offices which he filled with great credit to himself, and in a manner that enured to the great advantage of the people of South Australia and indeed of the whole Commonwealth.

Mr. Justice Millhouse followed in his brother's footsteps. He was admitted to the profession in the year 1925 and served in the Royal Australian Air Force during the second world war. When Sir Eric Millhouse died, all too young, Mr. Justice Millhouse stepped into his place, and filled the gap in the profession in a manner that entitled him to the respect and esteem of the Bar and of the Court. This was marked by his preferment as Queen's Counsel in 1953, and in 1961 he was appointed as a Judge of this Court, an office which he filled capably and competently, and with courtesy and integrity.

We acknowledge his great service to the law, and we shall miss him as a colleague and a friend in this Court. It is a matter of satisfaction to know that the family tradition is being carried on to yet another generation, but, as things are, all that we can do is to offer our very sincere sympathy to the family and the friends of our departed colleague. His is a grave loss to the people of this State.

THE HONOURABLE THE ATTORNEY-GENERAL (The Hon. C. D. Rowe):—May it please the Court: A little less than two years ago, in addressing this Honourable Court on the occasion of the presentation by the late Honourable Mr. Justice Millhouse of his commission, I concluded my remarks with these words: "We share with you the pride which you must feel in your present appointment, and we wish you many years of health and happiness, and we assure you of the respect and esteem which the Bench of this Honourable Court has always merited and has always received from the Bar."

Unfortunately, our expressed wishes for many years of health and happiness have not materialized. Once again we are reminded that the only thing certain we know of the future is its uncertainty, and we are assembled here to place on record our sincere appreciation of the worth and the work of the late Honourable Mr. Justice Millhouse, and to pay our tribute to his memory.

As we listened to his very sincere and learned response to the addresses made here upon his appointment, and to his promise to carry out his

duties according to the high traditions which his predecessors and his contemporaries have established in this Court, we knew that he was speaking with conviction and with complete confidence in his ability to meet the demands of his new office. His concluding words on that occasion were: "I trust that when the time shall come to lay down my office, that you will feel that you will be able, with the same sincerity, to repeat some of the nice things about me which you have been able to say this morning."

Unfortunately, the time to lay down his office has come all too quickly, but we can say, with even greater sincerity, that he more than justified all the kind things we said about him, and indeed, exceeded our highest hopes and our greatest expectations, and had carved out for himself a place in the history of this Court which will not be soon or easily forgotten.

The Bench and the Bar have lost a distinguished member, when we had hoped to have many years of outstanding service from him. But whilst our loss is great, we realise how much greater it must be to the members of his family, to whom he meant so much as a husband and father. We express to them our sincere sympathy in their sad loss, and hope that they will find some comfort in the knowledge that he enjoyed the respect and esteem of all who knew him, and leaves behind him a record of achievement which will be a shining light to many a younger member of the profession for many years to come.

MR. C. H. BRIGHT, Q.C. (President of the Law Society of South Australia):—May it please the Court: I respectfully associate the whole legal profession in this State with the remarks that have been made today. May I add merely this: Mr. Justice Millhouse endeared himself to us by his unfailing courtesy and patience on the Bench. His learning and ability marked him out as a leader while he was at the Bar, and those same attributes gave distinction to his all too short judicial career. We shall miss him greatly.