

THE  
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Reported by the Editor and other Members of the Bar.

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# THE JUDGES

OF THE

## Supreme Court of Tasmania

DURING THE PERIOD COMPRISED IN THIS VOLUME.

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The Honourable Sir John Demetrius Morris, K.C.M.G.,  
Chief Justice.

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The Honourable Richard Kenneth Green }  
The Honourable Marcus George Gibson } Puisne Judges.  
The Honourable Malcolm Peter Crisp }

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*ATTORNEY-GENERAL.*

The Honourable Roy Frederick Fagan, B.A., LL.B.

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*SOLICITOR-GENERAL.*

Stanley Charles Burbury, Q.C., LL.B.

MEMORANDA.

On 30th April, 1953, the Honourable Sir JOHN DEMETRIUS MORRIS, Chief Justice, took leave and the Honourable RICHARD KENNETH GREEN, senior puisne judge, was appointed Acting Chief Justice.

On 4th July, 1953, the Honourable ANDREW INGLIS CLARK, formerly a judge of the Court, died at Hobart, aged 70 years.

On 6th July, 1953, in the Full Court before the Acting Chief Justice and GIBSON and CRISP JJ., in the presence of a large gathering of the Bar and of Solicitors, the Acting Chief Justice said:

The Court sits to-day under the shadow of a great loss—one both public and personal. Before our business proceeds both Bench and Bar would desire to pay a tribute to the memory of a great lawyer.

In his lifetime Mr. Justice Clark refused all outward marks of honour and even on his retirement he refused any public farewell and any public acknowledgment of his great service to the State. He knew, I think, that all of us who practise the law held him in high respect, but he did not know and would not believe that with that respect went great affection.

Now that he has gone from us we can briefly say what we would have liked to say to him—that he was the greatest lawyer this State has produced, and that his life and example will be an inspiration to those who knew him all their days.

As a lawyer his reputation stood high throughout Australia and beyond Australia for, like his father before him, he had correspondence among the distinguished lawyers of the English-speaking world. Of the great lawyers of the past he himself admired Baron Parke more than any, and I have heard him tell the old story of the friend who once said to Baron Parke that it was a pity he had not written his life-story, to which the Baron replied, "It is written in those Reports", and pointed to the Reports of Meeson and Welsby in which most of his Judgments were. Mr. Justice Clark wrote his life—his life of service to the Law—into the Tasmanian Law Reports. It is there for all to read, now and in the years to come.

But it is as more than a lawyer that we remember him. He brought to his office a freshness of outlook, a singleness

of purpose, a passionate love of justice, a hatred of carelessness and idleness, which made him—and the memory of his example still makes him—a great force in the administration of our law.

Those whom he admitted to the circle of his friends mourn the loss of a sincere and loyal friend.

I have spoken of him very briefly. I know that he would have preferred we should not speak of him at all. But it is fitting we should do so, for he is part of the history of our Law and of this Court.

My colleagues and I desire to express our sympathy to his widow.

*Burbury, S.-G.* said: On behalf of the Bar, may I say that we wish to associate ourselves with all that Your Honour has said and that in particular, we would like to express to Mrs. Clark our profound sympathy. All members of the Bar here to-day share a deep sense of loss in His Honour's passing.

We count ourselves fortunate to have been in practice at the Bar while His Honour was on the Bench. We all learned to know and appreciate his full and sound learning, his fearless independence and his high sense of justice to the individual. None of us ever appeared before him in any case without learning something from him and without leaving his Court or his Chambers with a sense of humility and with a feeling of our own inadequacy.

Those of us who appeared before him as newcomers to the Bar owe more to his kindly encouragement than we can tell. He could not do too much for the junior barrister who showed some enthusiasm for the law and was prepared, to work on his briefs.

Every litigant in his Court, whether his case was great or small, knew that His Honour would bring to his case all his indefatigable industry and unrivalled store of legal knowledge in a painstaking and meticulous endeavour to ensure that justice would be done according to law.

His Honour was a faithful custodian of the great traditions of the Bench of which he was the inheritor.

In his passing, the State has lost a great lawyer and a fine Judge. But we are fortunate that the record of much of his work is embodied in reported judgments which he now leaves to posterity. These judgments are valuable and distinguished contributions to the development of our law and it is in them that we may seek and find his true memorial.