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THE JUDGES
OF THE
SUPREME COURT OF TASMANIA

DURING THE PERIOD COMPRISED IN THIS VOLUME.

THE HON. SIR JOHN DEMETRIUS MORRIS, K.C.M.G.,
Chief Justice.

THE HON. STANLEY CHARLES BURBURY,
Chief Justice.

THE HON. RICHARD KENNETH GREEN.

THE HON. MARCUS GEORGE GIBSON.

THE HON. MALCOLM PETER CRISP.

ATTORNEY-GENERAL.

THE HON. ROY FREDERICK FAGAN.

SOLICITOR-GENERAL.

STANLEY CHARLES BURBURY, Q.C.

DAVID MONTAGU CHAMBERS, Q.C.

MEMORANDA.

On 3rd July, 1956, the Honourable Sir JOHN DEMETRIUS MORRIS, Chief Justice of Tasmania, died in his chambers at Hobart at the age of 53 years.

On 5th July, 1956, in the Full Court before GREEN, GIBSON and CRISP, JJ., in the presence of a large gathering of the Bar and of Solicitors, GREEN, J., for the Court, said:

Two short days ago the Chief Justice was here with us. To-day, before the Court adjourns, as a mark of respect to his memory, we meet to pay our tribute to one who became a most distinguished Tasmanian.

For us who were his colleagues it is a difficult task. We knew him so well, and yet his passing has been so sudden that it leaves us stunned.

We could refer to so many sides of his character and his life—to his service to the law, to his service to the community in an immense variety of fields and in which he gave more than he could physically afford, to his career at the bar, to his sixteen years as Chief Justice, to his utter devotion to the pursuit of knowledge and truth, to his humanity.

All these things and more we knew. We choose two out of the many. First we refer to his wisdom. He was wise because he knew people, because he understood them and their hopes and shortcomings. He was wise because to his knowledge of human nature he added a study of the great literature of the past and the present. Because he was wise he had courage. For the end which his wisdom showed him to be right he would fight to the utmost of his strength—and beyond his strength.

This wisdom and courage of his were always at our service, and with it was given to us that zest and gaiety which made life so pleasant in all our strivings.

The second characteristic to which we wish to refer is his gift for friendship. This was his in a large measure, and it is because of it that so many people mourn him. We can claim to have been his friends, and as we think of him so many happy memories of him at the bar and at the bench come crowding back.

He became Chief Justice while he was still young. He held the office through the difficult years of the war and

afterwards. He believed that our Courts of Justice were a necessary foundation for maintaining our society, and by his efforts he upheld their reputation and standing.

The Chief Justice died as he would have wished—active to the last. He fulfilled himself; the loss is ours.

My colleagues and I extend our sympathy to Lady Morris and his son.

Fagan, A.-G. said; It is difficult for us to realise that only two days ago the late Chief Justice presided in this Court. On that day at 9.30 a.m. he presided over a meeting of the Executive Council, and as he prepared to leave the meeting characteristically he delighted all those present with a story apt to an incident which occurred during the meeting. Later in the day he presided in this Court in the morning, and later in the early afternoon. Again at 3.30 p.m. he presided over a second Executive Council meeting for the day, and before dusk he was dead.

It is impossible for us who knew him so well and respected him so highly, adequately, still shocked as we are, and perhaps not completely free of emotion, to pay tribute to him. At the end of life inevitably one tends to go back to the beginning and many of us in recent hours must have recalled his coming here from Melbourne some twenty years or more ago to practise among us. He was not long a stranger. His friendship, his friendliness, his gift of words and laughter, his frank and open character soon attracted all of us to him, and it was one of his gifts that when, some time later, he was appointed to the Bench he did not have to remain aloof from us to attract to himself the respect his high office demanded. Dignity was natural to him. It was part of him. It reflected his true nature. I suppose that there were amongst those of us who were his contemporaries then, none who did not know him well enough to fail to make of him a very deep and sincere friend, and because of those early associations that so many of us remember today, it is, as Your Honour has said, exceedingly difficult to pay tribute to him as we would wish.

It is indeed, impossible to believe that we shall not see him again in this Court, that his great wisdom, his tolerance, and his great knowledge are lost to us forever, and that the friendship which we all valued so much with him has been so rudely and so irrevocably broken.

I will leave it to those at the Bar who had the advantage of practising before him much more actively than I to speak of his work as a judge, except that I would like to recall that when some sixteen years ago we assembled here

to welcome him to the Bench and to congratulate him on his appointment, he said, and I do not use his exact words: "Day by day I will labour here to administer justice according to law." No one in this community will deny that that high ideal he achieved and never deviated from.

He was a man of boundless energy and his energy overflowed from his principal life work into many other fields in the community. He gave generously of his knowledge to many aspects of life in this State, to many community services and made great contributions to the social life of the State. In all of these fields and in this field in which he worked so long and with such ease and grace and such human understanding—from all of these fields he is lost to us forever, and it is with deep regret indeed that the whole community realises that today.

He is mourned by thousands who never knew him personally, mourned because they realise that he gave some twenty-five years of work to this community, years packed with the hardest work—to the point of endurance and beyond—twenty-five years of the highest endeavour. He is mourned by the people of this State because he was so demonstrably sincere, selfless, wise and good.

H. C. Lewis (President of the Southern Law Society) said: All members of the profession are deeply shocked at the sudden death of His Honour the Chief Justice and on behalf of the members of the Southern Law Society, and of the Northern Law Society, representing all practitioners on the roll, I add a few words of tribute to those words that have already been spoken.

His Honour came among us as a barrister some twenty-six years ago and from the first days we found him a most capable and energetic, and at the same time a most friendly, opponent and associate.

His outstanding ability as a barrister was duly recognised and in 1940 he was elevated to the highest position in the legal sphere of this State that is available to anyone, viz., firstly Acting Chief Justice and very shortly afterwards the position of Chief Justice, which position he held until his untimely death on Tuesday afternoon.

The ability so apparent in the barrister continued to be shown in the judicial position, but at the same time there always remained the other attribute, that of a guide and friend to all practitioners.

It is not only as Chief Justice that His Honour will be remembered by Tasmanians. He undertook many other

and very onerous positions. He has been Administrator of the Government during the absence of the Governor, the other highest office in this State, Chancellor of the University, and during his term as such has been largely responsible for the building up of the University to the high standard of proficiency which he always insisted on from all those who appeared before him, and his work for the improvement of Tasmanians carried him to the position of Chairman of the State Library Board, to assist in the expansion of the free library scheme, and to Chairmanship of the Adult Education Board.

But it is really from the legal point of view that I speak this morning, and I know that all who have had occasion to appear in court, whether as a practitioner or a litigant, have suffered a severe loss. His clear mind, his knowledge of law, his insistence on proper procedure, with all the time his intense sense of fairness, have made him an outstanding member of the long line of honourable and respected Chief Justices. His passing at an early age is in consequence the more to be regretted.

All members of the profession have lost, not only a sound judge, a sound guide, but I can say, a sincere friend.

Our sympathy goes to Lady Morris in her extreme loss and to Mr. John Morris, our fellow practitioner so recently admitted as a member of the profession, and to your Honours who have like all of us lost a court colleague and a friend.

H. S. Baker (President of the Southern Tasmanian Bar Association) said: Speaking on behalf of those whose practice is principally in the courts, I feel we assemble here today with a sense of real sorrow and loss. We have lost a judge for whom we had very great respect, and we have lost a leader in the community who had given great service to the country. We have lost also one whom we feel we could call a friend.

Sir John Morris was one of those judges who never thought that complete cutting off of social intercourse from the members of the Bar and the community, was either essential or helpful to him in the discharge of his judicial duties. Very early in his judicial career when we entertained him at a dinner where we spent a happy evening together, he told us so, and he has lived in accordance with that idea in his relationship with the Bar throughout the sixteen years of his occupancy of the office of Chief Justice.

I am sure our minds, as we are here this morning, go back to that day, now sixteen or seventeen years ago, when

he sat on the Bench and assumed first his judicial office, and I feel quite sure that the guiding thought in his mind then and since was the fundamental importance of the administration of the law in the whole fabric of human society. With him it was not simply a matter of deciding quarrels between one man and another; but of the deeper significance of the settlement of the age-long conflict between order and liberty and the evolution by application to the practical affairs of daily life, however insignificant they may appear on the surface, of those principles and traditions which we have inherited from our ancestors.

I am sure that he looked on the Court as the keeper of a splendid tradition, a tradition which had been struggled for, with bloodshed sometimes, by those men before us who brought British law to the position in which it stands today—the envy of all people. And I think we will agree that throughout the strains and stresses and difficulties of his judicial work and many other duties too he lived up to that ideal.

I think I should refer also to his relationship to the Bar which particularly in his later years developed to one of great co-operation and very cordial goodwill. He was always ready to recognise the status of the Bar and in fact sought the advice and co-operation of the Bar, whom, I am sure, he regarded as his colleagues in the task of administering justice. I am sure he would agree with this, and I take the liberty of reading something which Sir Owen Dixon said in the High Court when he assumed his high judicial office. It was this:

“I would like to say that from long experience on the Bench and a not much shorter experience at the Bar there is no more important contribution to the doing of justice than the elucidation of the facts and the ascertainment of what a case is really about, which is done before it comes to counsel’s hands. Counsel, who brings his learning, ability, character and firmness of mind to the conduct of causes and maintains the very high tradition of honour and independence of English advocacy, in my opinion makes a greater contribution to justice than the judge himself.”

Sir John Morris has brought honour and prestige to this profession to which we have devoted our lives. By his service in so many spheres in a crowded life he has lived up to the high traditions of a profession which throughout the centuries has devoted itself to public service. His life was thus an example and an inspiration to the community.

On 1st September, 1956, STANLEY CHARLES BURBURY, Solicitor-General, was appointed Chief Justice of Tasmania in the place of the Honourable Sir JOHN DEMETRIUS MORRIS, K.C.M.G.

On 27th September, 1956, DAVID MONTAGU CHAMBERS was appointed Solicitor-General in the place of STANLEY CHARLES BURBURY, having acted in the meantime.

On 27th October, 1956, ELIAS GODFREY COPPEL, Q.C., of the Victorian Bar, was appointed an Acting Judge of the Supreme Court during the absence on leave of the Honourable MARCUS GEORGE GIBSON and continued in office until 21st November, 1956.