Appointments, Retirements and Honours

Sir Garfield Barwick, G.C.M.G.

In the New Year's Honours List, Her Majesty the Queen honoured the Chief Justice of the High Court by creating him a Knight Grand Cross of the Order of St. Michael and St. George.

Mr. Justice Clancy, C.M.G.

Mr. Justice John Sydney Clancy retired from the Supreme Court bench on 30th May, 1965, upon reaching the age of 70. His Honour was a student of the Marist Brothers High School in Sydney and of the Sydney University Law School whence he graduated Bachelor of Laws, and saw service with the A.I.F. in World War I. He was admitted to the New South Wales bar in 1925 and was appointed to the District Court in 1930. He was translated to the Supreme Court in 1947. He became a member of the Council of what is now the University of New South Wales upon its inception and was its Deputy Chancellor until 1960 when, upon the death of Mr. Wallace Wurth, he became its second Chancellor. In recognition of his services to the community, the Queen was pleased to confer upon him a C.M.G. in 1964.

Sir Arthur Dean

Sir Arthur Dean retired from the Supreme Court of Victoria on 24th May, 1965, after fifteen years as a judge. He came to the bar in 1919 after three years in France serving with the 1st A.I.F. His practice was mainly in equity and industrial property and it was as the acknowledged leader of the Victorian bar in these fields that he was appointed King's Counsel in 1944. Before the war he wrote text books on the law of estate agents and hire purchase which, despite statutory changes to the law, are still used in practice.

Mr. Justice Clancy probably preferred the equity and commercial work of the court. At a gathering to mark his retirement he said that he came to the bench ignorant of the monetary value of a professional prognosis which included the blessed phrase "osteo-arthritis". But it is during a period of group change and expansion. He will not be inactive in retirement. In addition to his University commitments, Sir Arthur will continue as chairman of a sub-committee of the Chief Justice's Law Reform Committee which is considering the administration of charitable trusts and he has recently assumed responsibility for the organization of work upon a history of the Victorian bar. A room in Owen Dixon Chambers has been set aside for him to facilitate this work.

Mr. Justice Hudson, Kt.

In the New Year's Honours List, 1965, a knighthood was conferred on the Honourable Edward Herbert Hudson of the Supreme Court of Victoria. Mr. Justice Hudson has been a member of the court since 1953, having previously spent two terms on the bench as an acting judge. He served as Judge Advocate-General of the Royal Australian Air Force during the second world war.

Mr. Justice Ferguson

On 6th June, 1965, Mr. Justice Keith Aubrey Ferguson reached the statutory retiring age and left the bench of the New South Wales Supreme Court to which he was appointed in 1955. His Honour, who was a son of Sir David Ferguson, a former Justice of the same court, was educated at the Sydney Grammar School and the University of Sydney, and saw service with the first A.I.F. in France where he was wounded. Admitted to the bar in 1922, he acted as a District Court Judge in 1933, as a Supreme Court Judge in 1941 and took silk in 1944. He was a member of the Council of the New South Wales Bar Association for many years and its President in 1953 and 1954. During World War II he was Deputy Chairman of the New South Wales HIRINGS Committee.

He enters upon his retirement with the affection of the profession in New South Wales.

Mr. Justice Smithers

The appointment of Mr. Justice Smithers to be the Judge of the Supreme Court of the Australian Capital Territory was noted in our last issue. In January it was announced that His Honour had been appointed a judge of the Commonwealth Industrial Court. His Honour has resigned his commission as the Judge of the Supreme Court of the Australian Capital Territory, but has been appointed an additional judge of that court. He remains an additional judge of the Supreme Court of the Northern Territory.

Mr. Justice Barber

Judge Edward Hamilton Esler Barber of the County Court has been appointed to the Supreme Court in the room of Mr. Justice Dean. Judge Barber had been sitting as an Acting Judge of the Court since 7th April, 1964. A note of his career was published in the "Gazette" of June, 1964.

Mr. Justice Douglas

His Honour was admitted to the bar in 1946, being the first person appointed to the Supreme Court Bench who was admitted to practice since World War II. His Honour is the son of The Hon. R. J. Douglas who recently retired as a Supreme Court Judge of
Queensland after serving on that bench for some thirty years. His Honour is also the nephew of the late Mr. Justice E. A. Douglas. Both of those Judges served on the bench with great distinction and the Queensland bar has no doubt that His Honour will add to the lustre of such a distinguished family's legal tradition.

His Honour served for some six years with the Australian Imperial Forces attaining the rank of Major. He saw active service in many overseas theatres and was attached to General Macarthur’s headquarters in Japan and gained distinction as a prosecutor at the Japanese War Crimes Tribunal.

His Honour quickly gained an extensive practice while at the bar and was granted silk in 1960. Despite His Honour’s busy practice he devoted most generously his time to the affairs of the bar, serving on the Committee for many years and being President of the Bar Association for the two years prior to his appointment. At that time His Honour was also the representative of the Queensland bar on the Law Council of Australia and was a Vice-President of the Australian Bar Association.

Mr. Justice Campbell

His Honour was admitted to the Queensland bar while serving as an officer in the Legal Corps of the Australian Military Forces. In 1946, His Honour was attached to General Macarthur’s headquarters in Japan and gained distinction as a prosecutor at the Japanese War Crimes Tribunal.

His Honour commenced practice in 1947, and practised in most jurisdictions, although he rapidly achieved recognition for his capacity in commercial and revenue matters. In later years, having taken silk in 1957, His Honour enjoyed an extensive practice in the appellate jurisdictions appearing frequently before the Full Court and the High Court of Australia.

His Honour was the second graduate of the Law School at the University of Queensland to be appointed to the Supreme Court bench and at that time had given much of his time to furthering the interests of legal education in Queensland. At the time of his appointment he had served for some three years as a member of the Faculty of Law within the University of Queensland and had served on the Barristers Board for eight years and on the Solicitors Board for five years. In addition, His Honour had served over a period of many years as a member of the Committee of the Bar Association of Queensland and for the last two years as a member of the Incorporated Council of Law Reporting.

Mr. Acting Justice McInerney

Murray Vincent McInerney Q.C. was appointed an Acting Judge of the Supreme Court from the beginning of June. He came to the bar in 1935 and was appointed Queen’s Counsel in 1957. He was chairman of the Victorian Bar Council in 1962 and 1963 and has been a member of the executive committees of the Australian Bar Association and the Law Council of Australia. He had a distinguished academic career, graduating M.A. and LL.M. and being awarded the Wyselaskie Scholarship in English Constitutional History and Political Science in 1931. From 1949 to 1962 he was independent lecturer in Evidence and Procedure at the University of Melbourne. He served during the war as a lieutenant in the R.A.N.V.R. and since 1958 has been a member of the Courts Martial Appeal Tribunal.

Judge Holt, C.B.E.

In May, 1965, His Honour, Judge Henry Thomas Eulert Holt, retired from the bench of the New South Wales District Court upon reaching the statutory retiring age. His Honour was educated at the Charterhouse School and the University of Sydney where he graduated in Arts and Law, being admitted to the bar in 1925. During World War I, he served with the Royal Field Artillery on Gallipoli in Sinai, Palestine and France. His practice took him into most jurisdictions though it was mostly in equity.

Upon the bench, His Honour was invariably courteous and good-humoured and no litigant left his Court without feeling that he had been fairly treated; while counsel always felt that the law had been applied with accuracy and commonsense.

In the Queen’s Birthday Honours List, His Honour was made a Commander of the Order of the British Empire.

Judge Read, C.B.E.

On 30th March, 1965, Judge Read retired from the benches of the County Court and Court of General Sessions in Victoria after twenty years as a judge and after five years as the chairman of County Court judges. Judge Read graduated in law at the time of the outbreak of the first world war. After service with the 2nd Division Artillery and Australian General Hospital, he went to the bar in 1921 where he practised mainly on the common law side. In the 1930’s, he was one of the first members of the Victorian bar to specialize in motor accident work, and he did so with conspicuous success. He resumed his practice after three years of service as Judge Advocate in the Army Legal Department during the second war, but it was not long afterwards that he was appointed to the bench. As a judge he was swift and confident, but he did not allow certainty to detract from the justice of a case. He was created a Commander of the Order of the British Empire in the Queen’s Birthday honours.

Judge Mitchell, C.M.G.

Judge Mitchell has been appointed chairman of County Court judges in Victoria in succession to Judge Read. He has been a member of the court since 1946.

Judge Ferrari

Jack Stanislaus Ferrari of the New South Wales bar was appointed to the Workers’ Compensation Commission of New South Wales on 1st January, 1965, having been acting as a judge in that jurisdiction for some months in 1964. His Honour, who was educated by the Marist Brothers at Parramatta and Darlinghurst and at the University of Sydney, was admitted to the bar on 30th July, 1936, and practised principally in common law and equity. During World War II, His Honour saw service with the A.I.F.
Judge Goran

Alfred Joseph Goran Q.C., of the New South Wales bar was appointed a Judge of the District Court and Chairman of Quarter Sessions on 22nd March, 1965. Educated at Fort Street Boys' High School and the University of Sydney, where he took his Arts degree, His Honour was a teacher in the New South Wales Education Department for some years, during which he enrolled as a student-at-law and took the Barristers Admission Board examinations. He was admitted to the Bar in 1944, and took silk in 1955. His practice was mostly in the criminal courts, but he appeared before several Royal Commissions. For six months in 1961-1962, he was an acting judge of the District Court. For some years he was a member of the committee of the New South Wales Trotting Club Limited.

Dr. E. G. Coppel, C.M.G., Q.C.

Dr. E. G. Coppel Q.C. of the Victorian bar was created a Companion of the Order of St. Michael and St. George. He signed the roll of counsel in 1922 after serving with the 1st A.I.F. He took silk in 1945 and was an Acting Judge of the Supreme Court of Victoria from 1950 to 1952 and of the Supreme Court of Tasmania in 1956 and 1958. Coppel was formerly Warden of Convocation of the University of Melbourne and is now a member of the University Council. He was awarded the degree of doctor of laws in 1937.

The Solicitor-General of the Commonwealth

Anthony Frank Mason of the New South Wales bar was appointed one of Her Majesty's counsel in December, 1963, and two days later was appointed Solicitor-General of the Commonwealth. He is the first holder of this office since it was separated from that of permanent head of the Attorney-General's Department. Thirty-nine years old at the time of his appointment, he was educated at the Sydney Grammar School and in Arts and Law at Sydney University. He was associate to Mr. Justice Roper for a time and upon admission to the Bar in 1951, rapidly developed a wide practice in equity, commercial field, and in the appellate courts, constitutional law, taxation and bankruptcy. He was, for a number of years, Challis Lecturer in Equity at the Sydney University Law School.

On 17th December, 1964, it was announced that the following members of the New South Wales Bar had been appointed Her Majesty's counsel: D. F. Kelly, M.B.E. (admitted 29th July, 1937); E. A. Lusher (10th April, 1942); D. G. McGregor (20th February, 1948); G. J. Samuels (7th November, 1948); R. J. Ellicott (5th May, 1950); and K. J. Holland (13th July, 1951).

Obituaries

The Honourable Mr. Justice Philp

Sir Roslyn Philp sat on the Queensland Supreme Court Bench for more than a quarter of a century and more than being a great Judge—combining as he did, a high degree of decision and insight with legal acumen and scholarship, and adding to those most admirable qualities a great humanity and a profound understanding of his fellow man—he was one of this State's greatest citizens.

At the time of his death he was Senior Puisne Judge and had on occasions been Deputy Governor and Acting Chief Justice of the State. He generously devoted his time, and gave great assistance to the patronage of the Arts being president of the Queensland Art Gallery Trustees and a long standing Patron of the Twelfth Night Theatre.

The late Sir Roslyn had a deep and practical interest in education, being a trustee of the Brisbane Grammar School and a member of the Queensland Committee for the selection of Rhodes Scholars, and he sat, until the time of his death, over a period of many years as a member of the Faculty of Law at the University of Queensland.

Firm, but kind, commanding, but friendly, wise, yet tolerant, he was a true friend of the Bar, and deeply interested in its professional and personal problems. His respect for the law and his own high standards resulted in a degree of intolerance towards Counsel appearing before him not properly prepared for argument, but the kindly assistance so generously offered those junior counsel who while manifesting application to their briefs were less than brilliant, endeared him to all.

He was admitted to the bar in 1923 after his studies had been interrupted by service in the 12th Brigade of the Australian Field Artillery in World War I. At the age of 43, he was appointed to the Supreme Court Bench after extensive and successful practice in all jurisdictions. Appointed Senior Puisne Judge in 1956, he received his K.B.E. in 1962 in recognition of his untiring community work as well as for his eminence as a jurist.

During the period of his judicial career, Sir Roslyn was appointed Chairman of a number of Committees of Inquiry in both State and Federal spheres and was a member of the Petrov Royal Commission on Espionage in 1954.

He was a man of great personal integrity and punctilious in the maintenance of the independence and integrity of the judiciary and on occasions expressed views on matters of principle without regard to any consequent possible detriment to his own career.

It is difficult for the Queensland bar to accept that such a great and colourful personality is no longer with us. He will long be remembered by the legal profession of this State, to which, during his days of robustness and vitality and in the dark days of his final illness he set such an example of forthrightness and superb courage.