

## A Dream of Fair Judges

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*In the late 19th Century a whimsical lawyer, believed to have been John Gavan Duffy, wrote "A Dream of Fair Judges" about the judges of the Victorian Supreme Court. In 1932 Owen Dixon (as he then was) wrote an explanatory note about it to Dr Waddell, then a prominent Sydney lawyer.*

### A Dream of Fair Judges

#### After Lord Tennyson (A Long Way)

I read before my eyelids dropped their shade  
The code of tenures writ in Law French fair  
By him who thro' the feudal mazes strayed  
Ere Coke and Blackstone were;

Great Littleton the Lawyer whose sweet breath  
Preceded those black letter tomes that fill  
The learned Courts of Great Elizabeth  
With doubts that echo still.

And for a while his "Treatise on the Use"  
Held me entranced in intellectual pain  
And wonder at the art that can confuse  
Things in themselves most plaint

Feoffment and fine, feigned issue, plea of right  
And all the jargon of the Lawyer Priest  
Muddled my mind with surfeit of delight  
Like mixed wines at a feast.

And lo! I dreamt that I too had passed out  
From the fair fellowship of human kind  
And felt the full immunity from doubt  
Of the judicial mind.

All human weakness that can mar a man  
Slipped from me like a garment and I stood  
A judge beyond men's blessing or their ban  
Like H—s or like H—d.

And then methought I sat enthroned afar  
Among my peers in scarlet ermine-bound  
Remote from the base rabble of the bar  
That stood expectant round.

And a clear undertone from close beside  
Thrilled thro' mine ears in that exalted sphere  
"Welcome good brother," here thou mayst abide  
Free from desire and fear".

And by me stood a form I knew of old  
With dome-like brow a sweet mouth firmly set  
Features clear cut as newly minted gold  
And eyes of calm regret.

"I drank delight of battle with my peers  
My name was once the people's battle cry  
Alas what is the end of hopes and fears,  
Splendid security."

Then firm tones fell like strokes on silver pure  
Tones to my weary ear familiar long  
In laboured judgments lucidly obscure  
Perspicuously wrong.

"What wonder-at thy word on battle field  
Myself, illustratious Chief had boldly died"  
I answered free and turning I appealed  
To one that stood beside.

But he with sick and scornful looks averse  
To its full height his stately stature draws  
"My prime" he said "is blasted with a curse  
And this man is the cause.

"I am cut off from hope in dull despair  
A wretched puisne who should be a chief  
My father suffered so, and now I bear  
Hereditary grief.

"And much it chafes me that I cannot bend  
His will, nor stir the calm propriety  
Of my slow solemn colleague. Prythee friend  
How fares the great Q.C.?"

"The man my leader in the olden time  
He of the fluent tongue and brazen brow  
With him I rode on fortune's neck sublime  
Our paths are parted now."

"Alas, Alas!" a low voice full of care  
Murmured beside me "turn and look on me;  
My youth in drafting settlements did fare  
My prime in Equity.

"And to the dreadful Moloch of the Law  
I gave my human heart and brain of fire  
Toiling with stern resolve and modest awe  
And hope that would not tire.

"I won success and wear it, what avails  
Tis but a right to labour at the oar,  
To sift with painful toil discordant tales  
And o'er dull pleadings pore.

"For me life has no leisure and no fun  
No rest from long debate of wrong and right  
Visions of work undone and to be done  
Do haunt me day and night."

## The Explanation

Judges' Chambers  
High Court of Australia  
1st July, 1932

To whom in accents clear and free from care  
Replied his benchfellow of Equity  
"I am that happy judge whom men call fair  
Take comfort then from me.

"I work, I play, I make the mad world rail  
I never lose my temper or my time  
My judgment and digestion never fail  
From merry chime to chime."

His cheerful words stirred all the silence drear  
Like soft winds walking on a torpid sea;  
Sudden I heard a voice that said "Come here  
That I may look on thee."

I turning saw the idol of my youth  
When life had idols in the years gone by  
The man of iron will and fearless truth  
And matchless loyalty.

He, flashing forth a haughty smile had spoke  
But that I stayed him with preventing tongue  
And thro' all forms with glad impatience broke

As if I still were young.

"Oh Master, since the judgment-seat you fill  
What chemic change confuses all your blood  
That in your eyes the deeds of men are ill  
And no cause seemeth good?"

"Have all things turned to sinfulness and shame  
Is there no virtue now outside yourself  
Is honour dead, and goodness but a name  
And no god left but pelf?"

"Why greet your former friends with savage sneer  
Or with contemptuous pity's chilling frosts  
Why should all victor litigants appear  
Unworthy to have costs?"

More had I spoken but his wrathful eyes  
Blazed on me till I trembled and awoke  
And lo! my Littleton before me lies  
And the dull embers smoke.

And so I saw not him who left us last  
Of whom men murmur with admiring stare  
"Behold ideal justice fair and fast  
But less fast were more fair."

Dear Dr Waddell,

Many thanks for the copy of the "Dream of Fair Judges" which you so kindly sent me.

The Excellence of its Versification is only equalled by the aptness of its illusions to the men with whom it deals. The Chief was then Higginbotham who had been an aristocratic radical. The puisne "who should be a chief" is Sir Hartley Williams, whose father Edward Eyre Williams was appointed in 1852 and retired in 1874. He considered that he should have been made chief when Salwell was appointed in 1857. Hartley Williams thought that Higginbotham's appointment was a political denial of his own claims to the Chief Justiceship but when, two or three years after the poem was composed, the office again fell vacant Madden was put over his head. The "low voice full of care" is that of Holroyd, perhaps the best of Victorian judges, a very clear headed man with a thorough knowledge of Equity. He was a son of a Comr. of Bankruptcy in England and a grandson of Holroyd J. of the K.B. The "accents clear and free from care" are a'Beckett's, a whimsical mind free of all vanity and full of common sense. His family were the founders of Quack and include the writer of the "Comic Blackstone".

Hodges comes next. He came to the bench with a high reputation as an able common lawyer but proved uncertain and irascible. He was entirely without humour and it is said that when he read the poem he said to one of his friends "Did you see what Duffy wrote about me? My wife thinks it funny."

Hood comes last. He was an older but frequent adversary of Duffy at the bar. He proved a very good common law judge something of the style of Pring.

With many thanks and kind regards,

Yours sincerely, Owen Dixon



### CHRISTIAN MEDITATION GROUPS

Two ecumenical Christian Meditation groups meet in the crypt of St James' Church at the top of King Street in the city.

One meets on Wednesday mornings at 7.45 a.m. and concludes at 8.30 a.m. The other meets on Fridays at 12 noon, concluding at 1.00 p.m.

The groups follow the method and teaching on Christian Meditation of Benedictine Monk John Main and are affiliated with a network of similar groups.

Anyone who already meditates, or who is interested in starting to meditate is welcome. Enquiries:

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