

wax only to be opened after the event. Laurie was able to obtain a verdict by direction from Mr Justice Taylor at the close of the prosecution case on the very ground he anticipated. So often, Laurie was conscious of that need for secrecy and security and he had that penchant for flair.

Laurie was disarmingly charming. No matter how vigorous the legal battle, he did not carry it beyond the court. He surprised one of the juniors for the Commonwealth at the end of the Amann Aviation litigation when he and Zoe hosted a dinner at their home for the counsel and solicitors on both sides of the litigation, but that practice was usual. In the same way, when he had been involved in difficult settlement negotiations with attorneys in New York who were acting on behalf of Andy Gibb and the dealings were characterised by veiled death threats and a need for cloak and dagger security, when a settlement was arranged all of the parties were able to adjourn to Florida for the formal signing of the documentation and to take advantage of some additional jurisdictional benefit.

Laurie attained a mastery in any of the areas of the law to which he turned his attentions. His four appearances before the Privy Council involved markedly different legal issues; *Barton v Armstrong* raising issues of equity; *SimsMetal Limited v Mikhael* relating to negligence; *Brins v Off-Shore Oil* involving corporations law and the other showing his embodiment of the best traditions of the Bar. Laurence Gruzman was a returned serviceman who had served in the Middle East in the Second World War. That was no bar to his defence of a conscientious objector in his fourth appearance in the Privy Council.

Laurie's clients came from extraordinarily diverse fields. Many are present today. Some manifest the ultimate compliment to counsel, namely they had been parties directly or indirectly on the other side in litigation and subsequently sought Laurie's services as their advocate, for example the musician Sid Vicious and the wife of Alexander Barton, when she had her matrimonial proceedings. Although Laurie was apolitical at all times, he was one of the advisers to Prime Minister Malcolm Fraser in relation to the 1975 constitutional crisis and was extensively interviewed on the ABC television, not shrinking from the controversy but hoping to assist public understanding.

Laurie sought to share his love and learning of the law with others. He contributed articles to the *Australian Law Journal* on some observations on procedures in foreign countries (1975) 49 *ALJ* 577 and in (1991) 65 *ALJ* 646 liability of search and rescue authorities for negligence of which article the editor considered it to be a major contribution to the legal literature on the liability of public bodies for negligence. In July 1993 the *Herald* published his succinct contribution to the *Mabo* legislation, reminding us of the right to claim title to land after 20 years of hostile possession being available to all Australians, aborigine or not.

Laurence Gruzman was not merely an outstanding and successful lawyer and staunch advocate of the Bar, but was a kind and generous friend, a devoted husband, father and grandfather. He will ever occupy a unique place in the hearts of all those who knew him and has left his indelible mark upon the legal profession of this country.

Honourable Alan Victor Maxwell QC

Memorial Service
St Mark's Church
18 June 1997

Tribute by His Excellency the Honourable Gordon Samuels QC,
Governor of New South Wales

IT IS AN HONOUR to speak in celebration of the life of my dear friend, Victor Maxwell. I had the privilege of speaking at his father's Memorial Service; and over the years I, and my wife, have spent many joyous occasions with the Maxwell family, since friendship encompasses both joy and sorrow. Today, we mourn the passing of someone dear to all of us. But we are comforted by the example of a brave life, well spent in service to his community, of a loving husband, father and grandfather, and of a true and loyal friend.

Alan Victor Maxwell was born on 1 July 1922, the son of the late Justice Victor Maxwell and the former Margaret Lawless.

He was at school at Shore where he became Senior Prefect and Cadet Lieutenant. He demonstrated

considerable athletic ability and held the Australian junior records for 120 and 220 yard hurdles.

In 1941 he enlisted in the Army and subsequently served in the AIF in Western Australia, Cape York, Bougainville and New Britain from 1941 until 1945. In 1944 he was promoted to Major, one of the youngest officers in the Army to have achieved this rank.

After Japan's defeat and capitulation, he served as President of the War Crimes Tribunal in Rabaul and New Britain. In the course of that duty, he was obliged to impose the death penalty upon a Japanese officer convicted of war crimes. This was an event which made a deep emotional impression on him - it was something which he said later 'always lived with me'.

In 1946 he was discharged from the AIF and enrolled

in the Law School of Sydney University. He duly graduated and on 25 October 1949 was admitted to the Bar. In 1950, he married Mora.

I met him first in 1952, when I came to the Bar myself. At that time Victor shared a room with another junior in Forbes Chambers, now demolished, which was known as 'The Diggers' Dug-Out', for obvious reasons. I had a corner in the room next door. As a result of the byzantine manoeuvring by which one acquired accommodation in the building, Victor's fellow

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occupant moved into another room and Victor kindly invited me to go in and share with him.

We were together in this small room at the very top of a steep flight of stairs (which we painted from time to time to conceal the worst excrescences of age and dilapidation) for more than two years, as I recall. He was beginning to put together a practice - I had yet to start. He was one of the most agreeable and best tempered people I have ever met. Neither during that period, working at very close quarters as we were, or at any time thereafter for that matter, can I recall his showing irritability or impatience or losing his temper, except once or twice in the face of considerable provocation. Nor can I ever remember him saying a mean thing about anyone. Our temperaments were, I think, different in many ways, but we got on very well from the start; and so began a close and, for me, deeply rewarding friendship which lasted until his death.

Victor had a most generous spirit and deep kindness. I was a comparative stranger in Sydney, and I knew few people in the law. Victor introduced me to many of his friends, including some who were his attorneys - a remarkably selfless act for a young barrister.

At Easter in 1954 Victor, another barrister and I went away together to Nambucca Heads where we spent an hilarious few days. I was still a bachelor and was, of course, blamed by the wives for having induced their husbands to participate in this ill disciplined adventure. Mora forgave me, however, and I became one of their most constant visitors and shared their joy as their children were born.

In 1955 I met my wife and, of course, almost immediately introduced her to Victor and Mora seeking, I suppose, affirmation. I recall a very wet picnic

somewhere along the northern beaches (after rendezvous at the 'blinking lights') at which Jackie stoically held an umbrella over the barbecue fire, and immediately satisfied with honours all the tests which Victor could devise for an appropriate spouse. Later, one Sunday night I was visiting the Maxwells and declared my intention to seek Jackie's father's consent to our engagement. I proposed to do this in the traditional way by letter. But Victor would have none of that, and decreed that I should at once ring my putative father-in-law in Perth, and seek instant permission to make my addresses to his daughter. This I did, I am happy to say with success, and obtained parental approval. I insisted on paying for the phone call. Victor agreed that I might, provided that I paid by cheque, thus enabling him to add an endorsement recording the occasion and the purpose of the payment. I often wonder what happened to the cheque. I can't recall whether it was ever presented.

Victor was one of my attendants at my wedding - we have a splendid photo of him in full verbal flight at the reception.

After my marriage, we remained close. We had regular car washing parties at the weekends at the house of Mora's father where there was a convenient hose and hard standing, and Victor and I were, from time to time, pressed into service as unskilled garden labourers.

I remember many occasions shared in gaiety and friendship with Victor and Mora, and with their children, upon whom I was thought by Mora to have an unfortunately stimulating effect always; 'revving them up'. There was the great rugby match between the barristers and the solicitors in which Victor and I performed with little distinction after a late dinner party the night before, I think with the Ackerys.

As the years went by, Victor established himself firmly as a leading junior on the common law side. He was a very good advocate - always well prepared and lucid, with the ability to isolate the real issues in a case and to pursue them. Everything he did was illuminated by his even temperament, his manifest fairness and what can best be described as his obvious decency. Early in his career he was prosecuting for a week at Darlinghurst, as the custom then was, and achieved a very high rate of convictions in cases which had not seemed to be good runners for the Crown. One reason may have been this. After the jury had returned their verdict in a somewhat doubtful prosecution, one of them was asked how they had arrived at their decision. His answer was: 'Well, if a nice fellow like that Mr Maxwell thinks he's guilty, he must be'.

Victor became the retained junior counsel for Australian Iron and Steel in the common law lists at Wollongong, dealing with industrial accident cases, and later with coal mines litigation. Of course, with Victor, a little honest hilarity was never far away, and from time to time he enlivened the proceedings at Wollongong by secretly introducing dubious photographs of young ladies into the photographic

exhibits of dangerous machines and continuous miners.

We were briefed by some of the same attorneys, but we were only once opposed. Perhaps it was thought that we would not fight each other vigorously enough. That inference may have been strengthened by the fact that that one case we settled, although not from lack of appetite for battle.

In April 1974 Victor was appointed to the Bench, and turned out to be an excellent judge. He brought to the Bench the qualities of clarity of mind and scrupulous fairness, which he had demonstrated as counsel. In addition, he demonstrated in judicial office an exceptional professional patience and self-discipline, qualities which were tested but never overcome in the years before his retirement when he continued to do his job despite the increasing pain and discomfort of his encroaching illness. He was a modest judge. Any preoccupation with self-esteem was totally absent from his character. He was dedicated to the judicial role and not to himself. He was popular with the Bar because he was firm with counsel but always courteous. He was regarded as a human judge; and it was this quality which made him very effective with juries. I am sure, indeed I know, that they admired and respected the qualities of personality which he demonstrated, his kindness, and his consideration for their role in the administration of justice.

He tried a number of lengthy and difficult cases. At one time, it was thought that he was specially selected for the hard criminal trials. I don't think that this is wholly true - but it is not wholly false either. He was absolutely dependable - someone upon whose professional dedication the court could place the most complete reliance.

He tried the Croatian conspiracy trial which lasted for a year, and which subjected Victor and Mora to constant police surveillance over the whole of that period.

It was an extremely uncomfortable time for them both. They put up with it with great patience - the experience furnished Victor with some very good stories about falling over police officers in the middle of the night. But this, and the trial itself, proved a great strain. He handled it all with considerable skill and success. I presided in the Court of Criminal Appeal when an appeal was brought by the convicted accused, and dismissed. I therefore had to read the whole of Victor's summing up with great care. It was a most impressive piece of work.

There were other cases too, such as the Anita Cobby trial and the trial of Kalajzich. In these and in others, Victor demonstrated a very high standard of judicial skill and the most equable temperament. When he tried the Cobby case, and Kalajzich, he was not well, and his performance was remarkable for someone who had to cope with an increasing physical infirmity as well as the challenges of the work.

And so there commenced the last long years of suffering and frustration; a succession of operations, hospital and chronic and deteriorating ill-health. All of this he bore with the most exemplary courage and

patience. I visited him in various places as often as I could, and it was rare to hear him complain or rail at the cruel hand which fate had dealt him. Once or twice, when things had got very bad, he fell into an understandable depression from which, however, he was able to extricate himself. He felt keenly the humiliation of being dependent on others - as he was more and more. At Lulworth House, where he was splendidly cared for by the staff, in particular by Matron Armson and Sister Vanderfield, he managed at first to maintain his accustomed humour and was very amusing about the frailties of the other patients. Even when he had

'Victor Maxwell
was a righteous man
indeed...'

become convinced that he would never leave, he kept his courage and maintained until near the end a determined effort at cheerfulness and hope. I brought him legal gossip and stories of that kind. We amused one another by the fact that his difficulty with speech and my deafness did not make us ideal conversationalists.

During all this time Victor was sustained beyond measure by the constant loving and devoted support of Mora. From her as well these years have taken a toll. Edwina, as the daughter in residence, as it were, was wonderfully supportive too. Victor was always aware of the spiritual presence, one might say, of his children and grandchildren, even when their physical presence could not be regularly managed. He was a great one for family photographs, as we all know - and from these he derived great comfort. He appreciated, too, those friends who visited him and who arranged outings for him for as long as this was possible.

I will miss him very much, as I am sure all his friends will. He has been very much a part of the lives of Jackie and me and of our girls. To Mora, young Victor, Edwina, Louise and their children, to Ailsa and Margaret, and all the family, I extend loving sympathy on behalf of us all.

There is a passage in Psalm 37 which appears in many forms of Jewish service and in the *Book of Common Prayer* too, I think:- 'I have been young and now I am old, yet never have I seen a righteous man forsaken or his seed begging bread'. Victor Maxwell was a righteous man indeed; and he will never be forsaken while his memory remains bright in the hearts of all of us.