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IN THE HIGH COURT OF AUSTRALIA

Principal Registry.

REFERENCES TO THE DEATH
OF SIR GEORGE RICH,
FORMER JUSTICE OF THE COURT.

Coram: DIXON, C.J.
McTIERNAN, J.
WILLIAMS, J.
WEBB, J.
FULLAGAR, J.
KITTO, J.
TAYLOR, J.

TRANSCRIPT OF PROCEEDINGS

AT MELBOURNE ON TUESDAY, 22ND MAY 1956, AT 10.30 A. M.

DIXON, C.J.: On 14th May the death occurred of Sir George Rich, who was a judge of this Court for thirty-seven years. He was appointed to the Court on 5th April 1913, but before that he had served for the better part of two years in the Supreme Court of New South Wales, first as an acting judge and then as a judge.

Throughout his remarkable period of judicial service Sir George Rich displayed qualities that will make his memory live long in the traditions of the law. His unfailing good humour, his lively and ready wit, his ever-fresh and always human outlook upon the problems of life and law which day by day come before this Court, his great instinct for realism in the administration of the law, his shrewd penetration, his pungent observations and his great friendliness to the Bar and, indeed, all concerned in the work of the Court, these qualities in the course of his long career combined to render him a conspicuous and loved judicial figure of marked individual character.

Throughout his very long occupancy of judicial office he adhered steadily and, indeed, with remarkable uniformity, to the canons of judicial method which he laid down for himself and ever besought others to follow. He held that cases were best understood if arguments were delivered from the Bar with little or no interruption from the Bench, and that judgments were most convincing and effective if they were brief and were expressed in plain but good and scholarly prose unadorned with polysyllables and long passages quoted from decided cases or other works of authority. Yet above all things he believed in the need of consulting case law upon any legal subject before the Court pronounced upon it, and for some years after he came to this Bench he could often be seen, during the prolonged discussions of those days, sending for book after book, until suddenly he brought to the notice of his colleagues some reported illumination of the topic in hand. During his life as a judge he took part in very many constitutional cases, some of them having the greatest consequences in the history of this Commonwealth. In the divisions of opinion which marked his earliest years on this Bench his view not seldom proved decisive. In general he was against restrictive interpretations of constitutional power, over-literal constructions and, in questions of restraints or checks upon legislative authority, too strict an insistence upon them.

Sir George Rich came from the University of Sydney, where, in an age of classical scholarship, he fell under the influence of the great Professor Badham. To the end Sir George's interest in and admiration for scholarship remained, and the mark of an early classical discipline was clear and strong upon all that he wrote and said.

Of the present judges of this Court three sat for many years with him upon the Bench and the others enjoyed not only a long professional familiarity with him but his friendship. To be associated with him in intimate judicial life meant an experience of very special value, and only his colleagues can know how much his learning, his humour, his sceptical good sense, his basic realism and, above all, his friendly intercourse, contributed to the life and work of the Court. To all of us he was for a great part of our lives a conspicuous judicial personality of whose influence we were profoundly conscious and whose place among us no one else can exactly occupy. His death brings to an end a great career and leaves us the poorer for the loss of one representing a splendid tradition and a friend we held in high esteem.

MR. WINNEKE, Q.C.: If the Court pleases, I should like, on behalf of the State of Victoria and on behalf of the members of the Bar to join in the tribute which Your Honour the Chief Justice has paid to the memory of the late Sir George Rich. This Court, Your Honours, has over the last fifty years become an institution with which the development of this State is most closely associated. And Sir George Rich, as a member of this Court for so many years, during the early developmental period of the constitutional history of this country which of course has such a marked influence on the development of this State -

Sir George Rich has had a tremendous influence in the course of his work on the very vital workings of the State itself; and his influence on the way of life in this State therefore must be regarded as having been extremely great.

Those of us who had the privilege of knowing Sir George and the extreme pleasure of appearing in this Court before him came, not merely to know him, but to love him and to admire and respect those great judicial qualities which he displayed throughout the whole period of his membership of this Court. His great patience, his tremendous courtesy to us all, the ever ready wit and charm which he displayed at all times as a member of the Court endeared him to us, one and all; and we desire, Sir, to join and associate with the Court in the tributes which have been paid to his memory this morning.

MR. WALLACE, Q.C.: May, I, Your Honour, say on behalf of the Bar of New South Wales that we respectfully join with everything Your Honour has said about Sir George. We, in New South Wales, feel a peculiar pride in that he had his first judicial office in our own Supreme Court where he left several very notable judgments, and we say, Your Honour, that to use him as an exemplar would be as fine a thing as members of the Bar in our State can do.