

High Court appointments up to its jubilee year

By David Ash

The High Court of Australia first sat in October 1903, one hundred years ago. Below appear clerihews of appointments to the jubilee year, 1953.

As the *Oxford English Dictionary* (2nd ed) explains, the clerihew is a short comic or nonsensical verse, professedly biographical, of two couplets differing in length. Its creator Edmund Clerihew Bentley has left us with a number, including ‘Sir Christopher Wren/Was going to dine with some men./He said, ‘If anybody calls,/Say ‘I’m designing St Paul’s.’” and ‘The people of Spain think Cervantes/Equal to half-a-dozen Dantes;/An opinion resented most bitterly/By the people of Italy.’

Sir Samuel Griffith

States’ powers early zenith
Piloting two decades with the vigour of Jessel
Though Isaacs may later have scuttled the vessel.

Sir Edmund Barton, ex-prime minister

Was most restrained for an ex-political creature
In each full court case of CLR 1 to 3
With Griffith, says one source, he didn’t once disagree.

Ex-senator Richard O’Connor

Broke his health with hard labour
Concurrence with Griffith was not such a likelihood
And he (not Higgins) first knocked back a knighthood.

Sir Isaac Alfred Isaacs

Could cut contrariness with an axe
His judgments were certainly not on the run
Take the pages in *Coal Vend* at first instance, 271.

Higgins, Henry Bournes

Each unionist to this day mourns
Shaw’s ‘enry ‘iggins heard working class Doolittles
But his namesake preferred to harvest their vittles.

Sir Frank Gavan Duffy

Came from a family that was Irish, robustly
He retired, some say, at eighty-three
But only some say, as he was born on 29 February.

The Honourable Sir Charles Powers KCMG

(Incidentally, the first appointee without a degree)
Divided with (or from?) Higgins the Arbitration Court
But historians show reserve on what else he wrought.

Albert Piddington (middle name Bathurst)

A wit with a penchant for the quixotic burst
Without ever handing down a decision, he was gone
Returning years later, to defend Kisch (Egon).

Sir George Edward Rich

Practised in the equitable niche
Of his crisp contributions we may say certainly
To the God of Short Judgments he never said ‘peccavi’.

Sir Adrian Knox

Steered the court well clear of rocks
Like Erskine, perhaps, preferring advocacy
He resigned upon becoming a residual legatee.

Sir Hayden Erskine Starke

To put it bluntly, had bite and bark
After a while, he sat without wearing a wig
And so, it is said, without fearing a fig.

Sir Owen Dixon

Sine qua non
Nesting dissent, then wresting the ball
By jesting Pilate, so besting all.

Herbert Vere Evatt (also known as Doc)

An appointment giving Tories nervous shock
A busy mind, he divined a remedy
Giving dissent in *Chester v Waverley*.

Sir Edward Aloysius McTiernan

A record to beat, if one can
A Depression elevation to broaden the mix
He stood down upon injury in seventy-six.

Sir John Greig Latham

Politically pre-empted Dixon’s diadem
Yet did not begrudge his colleague’s celebrity
And did not give up his own logical austerity.

Sir Dudley Williams (MC and twice MID)

Like Sir George Rich joked and knew equity
A valued member of a solid crew
Who heard as much as any of section 92.

Sir Willam Flood Webb

Benched at a time of flow and of ebb
Elevated by Evatt after much public service
Yet in some ways his appointor’s antithesis.

Sir Wilfred Kelsham Fullagar

Wielded a kindly scimitar
His analysis of stevedoring
Left many a poor tortfeasor gnawing.

Sir Frank Kitto

Sloth’s foe
Opts for writing with an elegant view
Spelt out in ‘Why write judgments?’, 66 ALJ (1992).

Taylor, Sir Alan Russell

Quintessentially Sydney intellectual muscle
So though under Dixon he was held in esteem
Was possibly more at home in the Barwick regime.

These portraits stop in fifty-three

Twenty appointments, one jubilee
They’re drawn from a number of sources
The faults, of course, remain the author’s.