

made by a corporation. That is a proposition which only a common lawyer would regard as less than riveting. I remember it well for two reasons. One is that it is the only case I can ever remember winning before his Honour. The other is when the decision became known Handley, our beloved and saintly President, said - with that degree of tact and delicatessen, which I notice from his recent speeches has not abandoned him - that the only reason that decision was given was because neither counsel nor Judge understood the principles involved.

However, it has been approved in recent English decisions and followed regularly both here and abroad.

Then Sir Laurence became Chief Justice. What exactly he did in that office I am not quite certain, because I was never afforded the opportunity of appearing before him. But I understand that he was a dab hand at drafting interjudicial memoranda, and that he devoted a lot of his time to "administration" - which I gather is a buzz word for that policy which prevents barristers drinking coffee in the corridors outside the Courts.

I understand also that he made newly admitted female members of the Bar feel - I was going to say "at home", but I suppose that depends where they came from.

But one thing he certainly did was to preside over the Court of Criminal Appeal two or three times a week, usually being the Judge who delivered that Court's reasons for judgment. Again one saw the same qualities: quantity of work, speed, elegant immaculate judgments. And he was almost always correct. There have been very few applications for special leave from the judgments of the Court of Criminal Appeal, and such applications are usually refused. In 1987 there were twelve such applications, ten of which were refused. The previous year there were seventeen out of eighteen applications refused, and two years before that ten out of twelve applications were refused. That is a very impressive record.

## *Mr. Junior's Speech delivered by LLoyd Waddy, R.F.D., Q.C.* \_\_\_\_\_

"Please to remember, the 5th of November,  
Gun powder, treason and plot "....

Welcome to Parliament House on the eve of the 383rd anniversary of the attempt to blow up Parliament. They couldn't actually let this dining room to any members of Parliament tonight. Don't touch the food...!

John Street, (the son of Francis de Streate, who for five years from 1563-1568 was a member of the House of Commons under Elizabeth I), is best remembered for killing two of the conspirators of the Gunpowder Plot, in 1605. Those killed did not include Guy Fawkes, but Catesby and Percy. As Street killed them both with one shot from his gun this gave rise to the Street family motto:

"Two birds with the one (when) stone(d)"

John's son became mayor of Worcester in 1635, (just prior to that Civil War, when even the King had his head cut off), and he had two sons: Thomas and Laurence.

Thomas Street served in four successive parliaments from 1659 to 1678 until he became a Sergeant-at-Law. He was

I have consulted with persons at the Bar who function in that rather grubby area of the law and have been assured by them, even by the caring and sharing prisoners' rights loony left members of the Bar, that Sir Laurence's behaviour in criminal matters was, amongst other things, warm hearted, humane and even compassionate.

In view of the change which has taken place with Chief Justices one must ponder these things very deeply; because one can only appreciate the past if one takes cognisance of the grim realities of the present and the awful possibilities of the future. Charles the Second is dead! And James the Second has ascended the throne. Of Theloneus it was never said that smiling came to him as naturally as flight comes to a porcupine! The physicians never had difficulty in locating his heart. When he was in command no ice age had dawned. In his day the Yeti was not the only person who felt comfortable in Court. No signed portrait of Gleeson hangs, or ever will hang, in Kings Cross on the walls of the Bar Coluzzi.

It is not generally known that Gleeson is, amongst other things, the visitor to a convent of nuns. He descends on these hapless women once a week. He inspects their cells to see they contain no bottles of French perfume or books of Protestant theology. He pokes his finger into their pillows to ensure they are made of kapok instead of down. The terrified holy women huddle in their cloisters, praying for him to go away. That is how he developed an extensive commercial practice.

I am sure that if Sir Laurence had been the visitor they would have had fears of an entirely different kind.

When Gleeson's appointment was announced the inmates of Long Bay rioted and flung themselves on the barbed wire, raising their heads to heaven and crying out "Come back Sir Laurence, all is forgiven".

Ladies and gentlemen, I am inclined to agree with them.

appointed Baron of the Exchequer in 1681 (at the age of 56) and Judge of the Court of Common Pleas in 1684. When, in 1686, King James II claimed the power to dispense with the oaths of allegiance and supremacy required by the Test Act, ten judges were consulted of whom only one, Sir Thomas Street, (as he had become), found against the King's claim. To popular acclaim he was dubbed "faithful amongst the faithless" and in truth this has become the family motto since "fidelis inter perfidos"

or, more latterly,

"Why am I the only one in step?"

Needless to say it was Sir Thomas's younger brother and our Guest of Honour's namesake, Laurence, who in the time of James II bought the family seat of Birtley in Guildford, Surrey. A branch of the family remained there for a couple of centuries producing, eventually, the famed architect George Edmund Street, who designed the Law Courts in London and is buried in Westminster Abbey. (At least no one has ever claimed to be the architect of the present Supreme Court of NSW or he could be buried too.) I could digress on Sir

Laurence's contribution to Court design, the "Great Glass Wall" controversy and battle - but I shall not.

Any person who has stopped to read a Supreme Court Writ will know the names Laurence Lillingston Whistler Street. Many of us have known the man.

### "Street" - The Paternal Heritage

How did the Streets happen to be in Australia at all? Was it "assisted passage" or worse still, "remittance"?

From Laurence the Squire of Birtley in 1690, four generations of Street Squires lived on there until John Street of Birtley, aged 22, married, in 1780, Lucy Duncombe then 18, the daughter of the local rector and had by her four sons and one daughter. Then he procured a Bill of Divorce in the British Parliament and married again. On the second round he had one son, Henry and six daughters. (He died of exhaustion, but with his spurs on.) (But not, be it noted, in a motel!)

As the second wife bailed the family out financially, her son Henry got Birtley and the Colony of New South Wales got John Street, eldest son of his first marriage. On his voyage to Australia he met his future bride, as she sailed to take up a position as a governess in Tasmania.

The end result of this shipboard romance was that in 1825 John the Australian pioneer married Maria Wood Rendell. They settled near Bathurst and called the property "Woodlands" after her mother's family. Street had in fact married into a famous English family. Maria was the niece of Sir Matthew Wood, 1st Baronet and Lord Mayor of London, a cousin of the Lord Chancellor William Page Wood (Baron Hatherley), (of whom we were reminded on Tuesday that it was said, "he was a cloying bundle of virtues with not one redeeming vice") and a first cousin once removed of Field Marshal Sir Evelyn Wood VC.

But there was also a heritage of a different kind - there was another cousin once removed: Annie Besant. She was famous (or infamous) as a 19th century campaigner for birth control and the limitation of the size of families and she was world famous for her advocacy of theosophy (see *ex parte Collins* (1888) NSWLR 497; for her prosecutions for obscenity see *R v. Bradlaugh & Besant* 2 QBD 569; 3 QBD 607; for the denial to her of custody of her child for these reasons (*inter alia*) see *In Re Besant* 11 Ch D 508).

### "Whistler"

We have now established where the "Street" came from, but where does the "Whistler" come from? Well, our Guest of Honour's grandfather, Sir Philip, was the first and only one of that generation to become "Whistler Street", and each generation of his branch has passed that distinctive name on to each male child. But why was Sir Philip called Whistler?

His stepmother was Anna Smith - the granddaughter of the Rev William Whistler - but young Phil was aged 20 when he acquired her. The name seems to have been given to him to honour his father's brother-in-law, Whistler Smith, so although there is a connection by marriage it is a given name only. How many Supreme Court writs have issued in that name of Whistler which commemorates that family friendship?

### "Lillingston"

But how many of you know aught of our Guest of Honour's maternal heritage? This is where the "Lillingston" comes in!

When "young Ken", the middle Chief Justice married Jessie Lillingston, it sounded like more of the same. Jessie was a girl who through both her paternal grandparents could trace her lineage to King Edward III and Philippa of Hainault, and through King Edward III back to William the Conqueror to Alfred the Great, and even to Ceawlin, (King of Wessex from AD 560-596). The line also takes in Charlemagne (782-814). With your permission I shall skip the intervening copulations.

Of more recent reference, Jessie was a great grand-niece of William Wilberforce, known for his work in the abolition of slavery and of Sir George Grey, (later Viscount Grey), who, as British Foreign Secretary almost single handedly caused World War I on some views of the matter.

Jessie's mother was born Mabel Ogilvie of Yulgilbar Castle, a hugh Moorish-style edifice built in the mid 19th century on the banks of the Clarence River in northern New South Wales. In this castle stood a ship's washstand that Lord Nelson had given to the pioneer William Ogilvie, R.N., who called his first property "Merton" after Nelson's home in Surrey.

Ogilvie had married into the great landed family of de Burgh of Ireland. Jessie in fact then came from families that could out-Street even the Streets.

Jessie's career repays study.

Jessie Mary Grey Lillingston was born in India, educated at Wycombe Abbey in England and in 1912 graduated in Arts at Sydney University.

Sir Kenneth listed his wife's achievements as:

- . founder and first honorary secretary of the Sydney University Women's Sports Association (1910);
- . officer of the New York Probation Association (1915);
- . Hon. Secretary of NSW Racial Hygiene Association (1916-17);
- . Hon. Secretary of National Council of Women (1919);
- . member of Women's College Council (from 1920);
- . Founder of House Service Company and Home Training Institute (1923);
- . President of Feminist Club (1928);
- . Founder and first President of the United Associations (of feminist activists) (1929);
- . A foundation member and Vice President of The League of Nations Union.

(See "Annals of the Street Family of Birtley", by Kenneth Whistler Street, Sydney 1941).

Jessie and Ken had four children:- Belinda (1918); Philipa (1919); Roger (1921) and Laurence Lillingston Whistler Street, born 3 July 1926.

### "Laurence"

He was named "Laurence" after his uncle Laurence who had been killed on Gallipoli on 18th May 1915 when the Turks

attacked McLaurin's Hill.

Sonow we have covered the "Laurence", the "Lillingston", the "Whistler" and the "Street".

### Maternal Heritage

I recommend Jessie Street's autobiography ("Truth or Repose", Sydney, 1966) to all interested in Australian History. Jessie adds the detail to her life - and the spice!

Here is a woman who vowed never to let the fact that she was a woman interfere with anything she wanted to do. She claimed that she fulfilled that pledge to herself (ibid p.15).

Here is a woman who writes of the power of prayer and who says

"there was hardly a night when I did not read at least a few verses of the gospels before going to sleep" (ibid p. 15);

Again she wrote:

"The truth shall set you free," adding, "even it is does make you unpopular" (ibid p.36).

Her basic motto from childhood was "God helps those who help themselves - and God help those who don't". (ibid p.59).

Her experiences with prostitutes at Waverley House in New York, bathing and de-lousing the new arrivals, etc., (ibid p.64) led her to a deep anger about the debasement of women by men. As a result she set up the NSW Racial Hygiene Association (ibid p.79).

It is sobering to read her account of the disabilities under which women then laboured. Here was a woman who in London in 1911 actually marched with the Pankhursts to secure the vote for women (ibid p.49). Another fight she started in 1931 was to enable women to sit on juries (ibid p.125).

During the Depression, women were fired before the men and such was their deprivation and the insensitivity of men to their plight, that it was during the Depression Jessie first connected feminism with politics (ibid p.114). Despite her campaigns, as late as 1947, women teachers who married were still dismissed under an Act that had been introduced in 1932 (ibid p.126-7).

In 1936, Jessie led the Council of the United Associations in a campaign for child endowment and by 1941 she had such a Bill, with the money to be paid to the mothers, in place (ibid p.128).

Jessie's "Equal Pay for Equal Work" campaign led to an increase in women's wages from 54% to 75% of men's wages. It was only after her death that full equality was gained as late as 1975 (Peter Sekules: "Jessie Street", Univ Q. Press 1978, p.81).

Greater success in her lifetime was achieved by her campaign for Aboriginal rights, culminating in the great referendum of 1967 which for the first time gave full citizenship to aboriginals (ibid p.163). ( I might interpolate that many of us still wait anxiously to see full Aboriginal welfare successfully implemented as a matter of high priority.)

There was also Jessie's hatred of Nazism and the problem of her infatuation with Russia. By the latter she excited extreme reactions in Australia. Married to the Chief Justice and Lieutenant Governor of New South Wales, her position

was difficult. So was his. Her forays into politics as a Labor candidate, (and a female one at that!), her enthusiasm for the peace movement and her nomination by the Labor Party to accompany Dr. H.V. Evatt to the setting up of the United Nations, all served to attract scorn upon her in this State, even within her own party.

Jessie publicly proclaimed that in the USSR she found women had achieved the status she had worked for in the West (ibid p. 51). The charitable collection of "Sheepskins for Russia", an essential war effort to help a gallant ally, turned sour when the Iron Curtain descended and Australia and USSR were locked in a "cold" war. Jessie remained president of the Australia-Soviet Friendship Society through the Korean war, the referendum to alter the Constitution to ban the Communist Party and the Petrov enquiry, indeed, until her death in 1970. (ibid p.69). She was no waverer or fair weather sailor.

Such then is the paternal and maternal heritage with which our guest of honour came to his high office.

If I were to summarise that heritage I would highlight: the family tradition of public service especially on the bench; service in the armed forces; landed interests; a good aim when firing at traitors and a true sense of economy of shot; courage in unpopular undertakings; being found faithful amongst the faithless; a tendency for multitudinous and vociferous offspring; a reforming zeal to encourage women in the legal profession; an obsession with physical fitness; a compassion for the poor, dispossessed and minorities in general.

That completes my introduction!

Let us now explore with what success "Lorenzo the Magnificent" has acquitted himself of that heritage. Some of this will be anecdotal, but I imagine you may be ready for some anecdotes by now!

Of Laurence Lillingston Whistler Street it can truly be said "One man plays many parts."

### The Bench

If one allows for 75 years of judicial service from the past three generations of Streets, spare a thought for their potential wealth had they chosen instead to pursue their own advancements.

In our Guest of Honour's instance, take the financial sacrifice of the leading Equity and Commercial junior with four young children spending only two years as a silk and then 25 years on a judge's salary. Take the annual differential you choose and multiply it by 25 for him and perhaps 75 (with a discount?!) for the family.

### The Navy

Sir Laurence has had three careers in the Navy.

Firstly he joined up in World War II straight from Cranbrook at the age of 17 and served as an ordinary seaman during 1943 to 44.

He rose to be a midshipman during 1944-45, and served as sub-lieutenant from 1945 to 1947. He served in Corvettes, especially "the Ipswich" and is now patron of the Corvette Association.

His second naval career I shall come back to.

His third naval career took him from 1964 to 1965 as a Commander in the RANR and Senior Officer of the RAN Reserve Legal Branch. From 1971 to 1974 he sat as President of Court Martial Appeal Tribunal.

I have witnessed his performance of some of these duties, and I must say that becoming as full-bottomed wigs and red dresses with bunny fur may be, our guest of honour wears the Naval uniform as though he were William Ogilvie himself on Nelson's flagship.

His presence in naval uniform was such that he only had to enter a mess to stop the conversation.

His second naval career I stepped over: it is NOT public knowledge. It is high time it was.

Let me say at once that the past President of the Court Martial Appeals Tribunal has not been guilty of the service crime of double enlistment nor of impersonating an officer. But he has come very close to it.

You see, when he was at naval headquarters just after the war he had three terrible temptations. He could order up staff cars; he could authorise petrol supplies; and he could send the cars wherever he wanted. If you look in the old movement orders, you will see an inordinate number of cars needed after hours to transport Dirk McClaggan (alias Derek McLaren) and Lance Steele (alias the little naval Whistler) and copious quantities of naval amber liquid refreshment and sundry passengers of that gender now known as "persons".

It was not, shall we say, the same interest in matters feminine, for which his mother Jessie was famed.

### The Land

Now I'm back to Jessie, let me tell you that even in her seventies she could crack a stock whip with either hand. It was at Golden Valley, the "Judge-from-Snowy-River's" rural retreat, that she taught the grandchildren that trick. So the next time you wonder why I always kiss Sylvia, or her husband Arthur is so quiet, it is because we all know who cracks the whips in the Street family.

Speaking of Lady Street, it is at Golden Valley, that she and Sir Laurence have indulged their great love for Quarter Horses. Breeding from the stallion "Doctor", "Bronco-Buster-Street" broke in the yearlings himself - giving rise to Sir William Morrow's plea to Susie when Sir Laurence was appointed Chief Justice -

"Do me a favour; persuade him never to break in another horse!"

She did. He didn't; but only after one had bucked and broken his jaw in several places. It was a judicial season that gave new meaning to the stock judgement:-

"I concur, but can add nothing."

### Courage and Faithfulness

A strong sense of duty and a rear-guard action to protect the independence of his court from diverse attacks on its integrity, has been the lot of our former Chief Justice. Tonight is not the night to detail the issues or the politics. But be it noted that Sir Laurence has never shirked his duty, no matter how unpopular that may have made him in State or Légal affairs. Avoiding so far as possible confrontation, the Street way has been by conciliation aided by the ability to see the difference between the inevitable and the avoidable. As was said of Sir Thomas Street in 1685 -

"in him, at all times, and on every occasion, his country found a strenuous asserter of her civil and religious rights."

### Marriage and Children

Sir Laurence is a dynast. Not only has he inherited great traditions, he has augmented them by also marrying well - so well, one might say, that with Susie he married well above his station. I have watched the children grow with great interest: Ken, who can buy and sell them all with his degree in management; my little "brother", Sylvia and her husband Emmett QC; Sandy - yet another Street on the Seventh Floor, and Sarah, now a solicitor.

There are six grandchildren. Laurence once told me the secret of raising his children:

"They have a mother and a father - but only one parent."

My wife and I learned from him never to let our children play one parent off against the other.



### Kindness

Part of my Air Force duties have included honorary service at Government House. There I knew Sir Kenneth Street, and later Sir Laurence when he was administering the Government. His hospitality is legendary. I should like to thank him publicly tonight for his great kindness when the Lord Chancellor and Lady Hailsham were my guests here for the Menzies Oration, and Lady Hailsham was so tragically killed. The understanding and courtesy of the Lieutenant Governor was a great consolation to Lord Hailsham, and an immense support to my wife and myself. Such kindness of Sir Laurence, I must say, is innate. It is under real stress the true man appears and in a crisis one finds out the true nature of those on whom one can rely.

### Feminism

Sir Laurence has always encouraged the entry of women into the ranks of the profession, and made a point of seeking

to include them in all functions and made sure he has had a word of encouragement for each. In such a practical way he has smoothed the way for many not only with gallantry but lending the prestige of his office as encouragement to them.

### Physical Fitness

I wonder if you realise that Sir Laurence has a passion for exercise. For years he has been a 5BX fanatic, keeping to Canadian air crew standards. Only lately has he relaxed into aerobics. His physical fitness is only a little short of Roddy Meagher's or my own.

### Compassion for Minorities

I spoke earlier of his interest in protecting the rights of minorities. It is fitting that his last judgement should have been to alleviate some of the great distress of a much maligned group - the transexuals. Some of you who wish to use the conveniences here (be careful they are all bugged) should consider Sir Laurence's last judicial words delivered on Monday in Regina v. Lee Harris. Agreeing with Matthews J. he said,

"It is not easy to perceive the legitimate interest of the State in probing behind the physical attributes of an individual, who is to all intents and purposes a woman, with a view to having her clinically classified as a male person for the purpose of fixing her with guilt under a section such as s81A. It is often said that the law takes people as it finds them. On the night of this alleged offence it found Lee Harris with the physical attributes of a woman. I am satisfied that this precludes it being held that she was a 'male person'. Is it really to be said that he should have used the men's change room? Or is the law so lacking in responsiveness to current community perceptions and to physical reality that he is to be denied the use of either change room?"

(R. v. Harris and McGuines, C.C.A. 31 October 1988 unreported.)

It is fitting too, that his final judgement should have been delivered in the unspectacular but compassionate jurisdiction of the Court of Criminal Appeal where he has ever tempered justice with mercy and human understanding.

### The Man Himself

Sir William of Wykham is often quoted for his aphorism "Manners makyth man."

Let us then spend a few concluding moments contemplating what manner of man Sir Laurence is.

Firstly let me share with you an incident I am sure is forgotten by all but myself.

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When I was a law clerk articled to John Westgarth, I was sent to deliver two briefs. One was to the old Selborne Chambers, and I entered the chambers of a junior, stated my business, heard a grunt from a man who never stirred, and left humiliated and somewhat bemused. He is a prominent silk today, and possibly identifiable by that description, possibly not!

The other brief was to be delivered to L.W. Street.

The difference in manner was electrifying. The courtesy, the charm, the level of engagement were all exceptional and so were the distractions, the telephone calls, the negotiations, the munched sandwiches.

"Do come in. I won't be a minute." (Bite, swallow.)

"Excuse me." ("Hello, no we won't settle for \$100,000.")

"What can I do for you?" "Excuse me." "I won't be long." "Oh, a brief. Thank you so much. Here, let me show you to the lift."

And he did. All the way around the corridor to the lift on the 7th floor.

"Perhaps you'll excuse me now" he said, "I'm a little pressed...."

Since that lesson in courtesy under stress, I have always shown everyone to the lift myself. I imagine that Sir Laurence little thought that an anonymous courtesy would boomerang and return on a night like tonight, some twenty five years later.

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Sometimes his courtesy to me was not always so welcome. I once had a case in Equity. (Don't laugh!) It went, like Bleak House, from mention to mention, four counsel for eight months. Eventually Street J. (as he then was) said in that crowded courtroom of his in Mena House

"What day suits you, Mr. Waddy?"

I glowed!

It was to be short-lived. Turning to the other counsel, he said:

"Gentlemen, I intend to fix this case to suit Mr. Waddy. All four counsel keep coming here and this is unsatisfactory for you all but particularly for Mr. Waddy. You all have other work here. This is Mr. Waddy's only case."

It was certainly my last case in Equity!

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A vision now of Sir Laurence at home playing with the children as he dressed. Sandy was two and the proud custodian of the neighbour's pet cat whilst the neighbours were away on holiday.

Sandy hid Laurence's shoe behind the door:

"All gone shoe."

It seemed to be a happy game so, entering into the spirit of it Laurence hid his own socks

"All gone socks" he laughed.

Not to be outdone, Sandy raced to the window - it was the second storey - and grabbing the cat, put it out the window. He beamed to his father

"All gone pussy!"

Whatever you do tonight, do not ask Susie what the Vet's bill was after six weeks feline reconstructive surgery.

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Can you envisage our Guest of Honour - as a pianist? He managed to progress as a pianist to gain Honours in Grade 1. Jessie said he could have been a concert pianist. But what mother doesn't say that of her son?

Can you see the Street family travelling back at night in the car from Golden Valley - the children safely asleep in the back? All, that is except Sylvia, who asked her Dad to explain all about the birds and the bees. (Typical Sylvia, always go straight to the leading authority!) After a detailed explanation the dutiful father added

"Always feel completely free to discuss this in the family, but it is not something we mention outside!"

"Thanks, Dad," says she, "I won't say a word."

And then Ken's voice from the back of the car:

"You won't have to worry about me, Dad, I haven't heard a word."

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### Other Careers

I won't tell you about Sir Laurence's nine years as Chairman of the Cranbrook School Council, nor of his work on the Company Auditors Board and the Public Accounting Registration Board or the many, many things he's done in the law outside his judicial office. Suffice to say there has never been a dull moment.

### Conclusion

With what then do we end? The regal lineage, the Street dynasty, the reforming zeal of Jessie, the subordination of

personal gain to public service? Some may so desire. They would not be in error.

I desire to end where I first met him, as a nameless article clerk. The true measure of greatness, I venture to suggest, is within and not without. Achievements are salutary, even admirable, but for my measure I would turn to Wordsworth and his Lines Written Above Tintern Abbey -

"...Those timeless, unremembered acts,  
Of kindness and of love".

No one in this room could number the courtesies in this kind and courtly life. And in a family to which greatness is no stranger, if a family roll is made of those who have loved their fellow men, then, I venture to suggest, that like the name of Abou Ben Adam, on that list, Sir Laurence, your name will lead all the rest.

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## *Reply by Sir Laurence Street K.C.M.G.*

SIR LAURENCE: It will be in order now for those members of the profession who have suffered innumerable exposures to this exhortation to leave if you so wish and thereby escape being bored to tears having to sit through it again.

In thus recalling to you at the outset of my remarks this evening the customary opening of the admission ceremonies address, I should make a confession. It was proposed that Tim Duchesne, instead of manipulating as he has with such obvious dedication to the task in hand the electronic wizardry underneath this lectern, which I suspect is likely to blow up at any moment, should bring over to these proceedings, at a carefully contrived pre-arranged time whilst I was speaking, the baby which customarily resides in the Prothonotary's Office. Unfortunately the Office was found to be locked. It proved impossible to get hold of the baby. Profound though is my respect for the fecundity of the members of the New South Wales Bar, I did not anticipate anybody could produce a baby on demand so as to be available immediately. This could be beyond even the members of my own family, who are not lacking in capacity or track record in that regard.

I was grateful to Ken Handley when he told me that he had asked Meagher and Waddy to speak this evening. I thought I wouldn't need to come with anything prepared because I would have my time taken up defending myself. As it happens, I am greatly moved by the kindness and generosity of the previous speakers. I am inclined to think it is my successor who needs a defence more than I do. But I don't know that he would trust me to put forward a defence on his

behalf. I appear before you accordingly as a litigant in person, responding to Roddy and Lloyd, but at the same time somewhat overwhelmed by the warmth of what they have said.

I may say that I have a healthy respect for litigants in person. One of my early ventures at the Bar involved appearing for David Jones in the District Court against a defendant in person to try to recover an unpaid balance of account - a notoriously difficult exercise. I finished up being non-suited by that defendant in person - a forensic experience I was never allowed to forget on the seventh floor. But if, as a litigant in person before you this evening at first instance, I suffer an adverse judgement, I shall repair with confidence to my erstwhile colleagues and their new Chief Justice in the Court of Appeal reassured by anticipation that I shall there receive the very cosy reception that that Court has become renowned for extending to all litigants before it and which I am indeed glad to see from a recent issue of the Bar News will be perpetuated under my successor. McColl's footnote will, I am sure, be omitted from later editions as familiarity gives way to servility.

I suppose I should attempt to lay one or two rumours about the reason for my early retirement. In the first place I am not going back to the Bar. Sir Anthony Mason was kind enough to reassure me that the High Court had now removed what would otherwise have undoubtedly been an impediment confronting me: in consequence of the recent High Court decision members of the Bar are not liable for negligence. I could accordingly have repaired back to Phillip Street with