

Chief Justices of New South Wales



SIR FRANCIS FORBES
Chief Justice 1823 -1837

The first Chief Justice of New South Wales, Sir Francis Forbes, was appointed to oversee the reform of the administration of law and order in the colony of New South Wales, following the inquiry into the colony's affairs by Commissioner Bigge. Bigge was keen to grant greater jurisdiction to the

local courts which had previously been administered from England. As the colony's only judge, many of the judgments Forbes delivered established legal precedents which remain relevant today. He said that *"It has been my incessant endeavour, ever since I have been in this Colony to raise the character of the Supreme Court in the opinion and confidence of the colonists; that I have strained hard to preserve its independence and to prevent its being supposed to be capable of being influenced"*.



SIR JAMES DOWLING
Chief Justice 1837-1844

James Dowling succeeded Sir Francis Forbes in 1837 as Chief Justice of New South Wales and like his predecessor, he worked himself to death, a *"victim to scrupulous anxiety and excessive toil in the discharge of his judicial duties"*. He kept meticulous records of the cases tried before him and these survive today in

State Records New South Wales. An urbane and mild-mannered man, he survived several attempts by other judges to overthrow him on account of his lack of leadership and his inadequate knowledge of the law. He was much liked by the legal profession and was renowned for his support and encouragement of younger members of the Bar.



THE RIGHT HON. SIR ALFRED STEPHEN, G.C.M.G., C.B.
Chief Justice 1844 -1873

Alfred Stephen was sworn in as a puisne (or junior) judge in New South Wales in 1839 after a very successful legal career in Tasmania. For 39 years he administered justice in the colony of New South Wales. He is remembered as an architect of many of the State's laws and legal

institutions and author of works including *Supreme Court Practice* and *Rules of Court*. His judgements were sound, albeit sometimes severe. Stephen was totally dedicated to his work and like his predecessors, he was grossly overworked, causing him to implore to his colleagues *"...kill no more Chief Justices. Do not allow them to be tortured, not merely by the law, but by 'the law's delay'"*.



THE HON. SIR JAMES MARTIN
Chief Justice 1873 -1886

The early career of Sir James Martin as a member of the NSW Legislative Council and later the Legislative Assembly, suffered as a result of his lack of qualifications as a barrister. After his successful admission to the Bar in 1857, Martin was able to fulfil the requirements of the position. Appointed

Premier and Attorney-General of New South Wales in 1863, Sir James Martin collaborated with Sir Henry Parkes in a busy program of legislative activity which included the passing of many laws designed to promote social reform. He was renowned as a master of legal principle and court practice. Many of his judgments, particularly those in the area of commercial and common law, command respect today as legal precedents and models of judicial expression.



SIR JULIAN EMANUEL SALOMONS
Chief Justice 12-27 November 1886

The appointment of Julian Emanuel Salomons as Chief Justice of New South Wales began and ended in controversy. Salomons gained his legal education in England with the support of the Jewish community in Sydney and was admitted to the New South Wales Bar in 1861.

His unconventional style of charging set fees and aggressive demonstrative advocacy attracted much criticism, but he achieved the status of a great celebrity in a number of notorious criminal cases for his manner, wit and determination to win. Consequently, his appointment as Chief Justice came as a surprise to many of his judicial colleagues. Within two weeks, he had resigned, driven out under pressure from many in the legal profession who did not consider him a suitable candidate for the position.



THE RIGHT HON. SIR FREDERICK MATTHEW DARLEY, G.C.M.G.
Chief Justice 1886 -1910

Attracted by the opportunity for work in Australia, Frederick Darley left his native Ireland and sought admission to the New South Wales Bar in 1862. In 1868, Darley accepted a nomination to the Legislative Council and there he acted as an independent member,

unswayed by the government of the day. His contributions to debate in Parliament, particularly in matters of public works and the administration of justice, were considered to be models of clear argument. He was often called upon to draft or revise legislation. As Chief Justice, *"he wore his robes as though born to them"* and his judgments and decisions were highly regarded as forthright and pragmatic.



THE HON. SIR WILLIAM PORTUS CULLEN, K.C.M.G., LL.D.
Chief Justice 1910-1925

The first Australian born Chief Justice of New South Wales was William Portus Cullen who was appointed on 28 January 1910. Prior to his appointment Cullen had served at the Bar before his election to the Legislative Assembly as the member for Camden. Following his

defeat three years later, Cullen was nominated as a member of the NSW Legislative Council, where he supported Sir Henry Parkes' plan for Federation. He was a sound jurist, a capable administrator with an extensive knowledge of the law and a fearless and independent voice. During his term as Chief Justice of New South Wales, he greatly increased the efficiency of the court and cleared an enormous backlog of cases.



THE HON. SIR PHILIP WHISTLER STREET, K.C.M.G.
Chief Justice 1925 -1934

The appointment of Philip Whistler Street as Chief Justice of New South Wales in 1925 established the tradition of elevating a senior judge to the position of Chief Justice. Until then, previous Chief Justices had been directly involved in the legislative work of

government in addition to their judicial work. Street presided over the Supreme Court during a period of great turmoil which arose out of the legal, commercial and social problems created by the First World War and the Great Depression. He was also involved in matters of a constitutional nature, including attempts to introduce legislation to abolish the Upper House of Parliament and the dismissal of the Lang Government.

Chief Justices of New South Wales



**THE HON. SIR
FREDERICK RICHARD
JORDAN, K.C.M.G.**

Chief Justice 1934 -1949

Frederick Jordan was gifted in the mastery of law and applied his talent to the extraction and application of principles to solve complex legal issues. With his colleagues, he carried a heavy responsibility in administering justice at a time of inadequate manpower and resources, and in

interpreting and enforcing emergency laws and regulations during World War II. Despite the difficulties, Jordan maintained the composure and dignity of the court and according to Sir Kenneth Street, his successor, his pronouncements were *"unflinching in the exact dispensation of the law"*.



**THE HON. SIR
KENNETH WHISTLER
STREET, K.C.M.G., K.St.J.**

Chief Justice 1949-1960

The second member of the Street family to serve as Chief Justice of New South Wales was Kenneth Whistler Street, the son of The Honourable Sir Philip Whistler Street. During his term of office, he trebled the number of Judges of the Supreme Court in response

to the huge increase in litigation which followed World War II. He also improved and expanded the number of courtrooms and support facilities for the Supreme Court. Sir Leslie Herron remarked of him, *"He had a scholarly and erudite knowledge of English literature and a fine command of its language, much of which you will see translated into those illuminating judgments that he gave from his bench."*

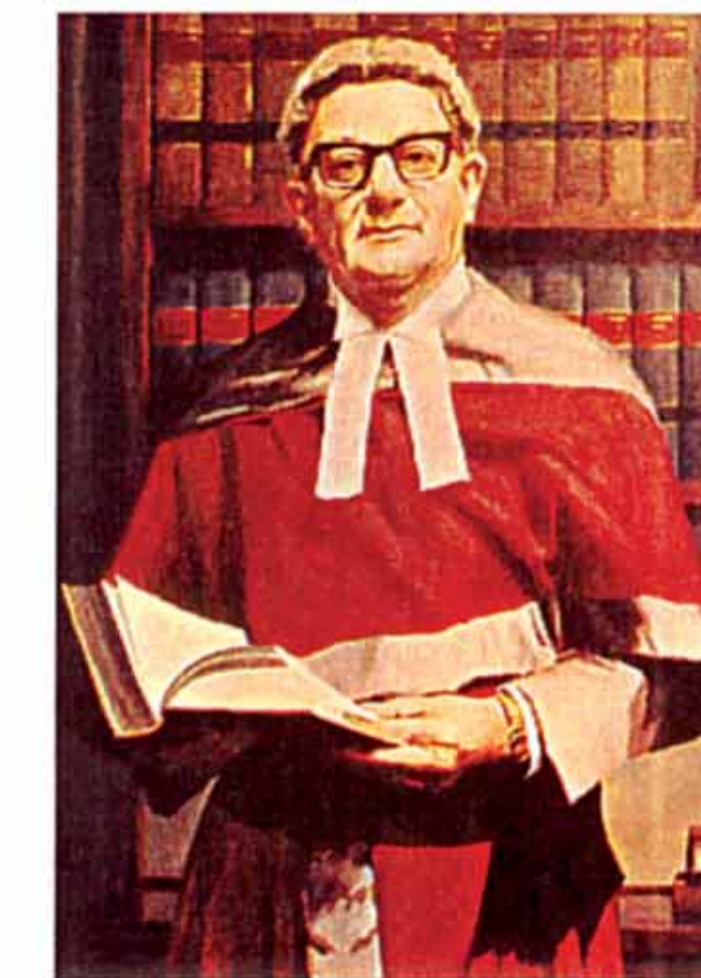


**THE RIGHT HON.
HERBERT VERE EVATT,
LL.D.**

Chief Justice 1960 -1962

During his unique career, Herbert Vere Evatt made a significant contribution to law, scholarship, international relations and politics in Australia. Dr Evatt was remembered for *"delivering great judgments showing the width of learning and profundity of mind...some of*

the judgments expressed views of the law that were well in advance of his Honour's time". Following his resignation from the High Court in 1940, Evatt pursued a political career in the Curtin and Chifley Governments, culminating in his appointment to the British War Cabinet and to the General Assembly of the United Nations Organisation.



**THE HON. SIR LESLIE
JAMES HERRON, K.B.E.,
C.M.G., K.St.J.**

Chief Justice 1962 -1972

Following a successful career in common law cases and a leading advocate in jury trials, Leslie Herron was appointed Chief Justice of New South Wales on 25 October 1962. He held the view that his long experience with the daily work of the court and his wide ranging

interests, particularly in sport *"may have endowed me with that even greater quality of a judge, namely, sound judgment"*. He saw the work of the court *"to determine issues, criminal and civil, which arise in an orderly society between citizens in their daily commercial and social activities, and to preserve law and order in the community"*.



**THE RIGHT HON. SIR
JOHN ROBERT KERR,
A.K., G.C.M.G., K.St.J.**

Chief Justice 1972-1974

During his time as Chief Justice of New South Wales, John Kerr implemented major reforms under the Supreme Court Act of 1970, and established an Executive Office to bridge the administrative and judicial responsibilities of the court. He oversaw the

construction of new accommodation for the Federal and State law courts building in Queen's Square. A distinguished lawyer, diplomat, with a brilliant academic mind, Kerr was an enthusiastic supporter of legal aid, legal reform and legal education. Sir John Kerr resigned from the office of Chief Justice of New South Wales in 1974 to accept the position of Governor-General of Australia.



**THE HON. SIR
LAURENCE WHISTLER
STREET, K.C.M.G., K.St.J.**

Chief Justice 1974 -1988

Three generations of the Street family have occupied the position of Chief Justice of New South Wales during the 20th century. Sir Laurence Street's distinguished career began as a legal practitioner, specialising in equity, commercial law and admiralty. In November

1965 he was appointed a Judge of Appeal and Chief Judge in Equity. Following his appointment as Chief Justice of New South Wales in 1974, Sir Laurence became Lieutenant-Governor of New South Wales, as had his father and grandfather before him.



**THE HON. ANTHONY
MURRAY GLEESON, AC**

Chief Justice 1988-1998

In 1998, Chief Justice Murray Gleeson resigned his commission as Chief Justice of New South Wales to take up the appointment of Chief Justice of the High Court of Australia. During his term of office in the Supreme Court he implemented major reforms to the administration of the court, resulting in increased efficiency. His

judgments demonstrated an unflinching commitment to legal principles, saying *"The principles of law in question do not exist merely to protect the private interests of a person in securing a fair trial in respect of alleged crimes. They protect the interests of the public in having persons who are accused of crime in our community dealt with by the system established for the administration of justice according to law"*.



**THE HON. JAMES
JACOB SPIGELMAN**

Chief Justice from 1998

At his swearing-in ceremony, the present Chief Justice, The Honourable James Spigelman noted that *"We are the inheritors of an 800 year old tradition which represents one of the most extraordinary constructs. The common law and the adversary system - a manifestation of the power*

of Socratic dialogue - is one of the greatest mechanisms for the identification of truth and the maintenance of social stability that has ever been devised. ... The judgments of this Court are part of a broader public discourse, by which our society and polity affirms its core values, applies them and adapts them to changing circumstances."