

THE LATE THE HONOURABLE FRANCIS CHARLES HUTLEY

Tuesday, 3 September 1985

IN THE SUPREME COURT)
OF NEW SOUTH WALES)
COURT OF APPEAL)

CORAM: KIRBY P
PRIESTLEY JA
McHUGH JA

TUESDAY: 3 September 1985

THE LATE THE HONOURABLE FRANCIS CHARLES HUTLEY

One of her Majesty's Counsel,
One Time Judge of the Supreme Court of New South Wales
And Judge of Appeal

KIRBY P: Before calling on the list for hearing this morning I should record with sadness the passing of the Honourable Francis Hutley QC, a former Judge of Appeal who died yesterday in Sydney.

This is not the time nor the place for a panageneric in his praise. He would have thoroughly disapproved of anything sentimental or maudlin concerning himself. He would also have disapproved of anything at all that interfered with the prompt despatch of the Court's business. Above all he was a thoroughly professional lawyer and proud of that fact.

Mr Justice Hutley was born in October 1914 and he thus retired as a Judge of this Court in October last year. This was soon after my own appointment to this Court and he was succeeded as a Judge of Appeal by Mr Justice McHugh who sits with us today and whose appointment brought him great satisfaction.

After war service, his distinguished academic career at Sydney University flourished into appointments to the Faculty of Law of that University. Between 1948 and 1971, in the midst of a busy and most varied practice at the Bar, he lectured most of the lawyers

in this State in the mysteries of Probate, Succession and Admiralty Law. In that role he became a familiar and unique personality of the legal profession. But his fine scholarship in the law was put to its most sustained test when he was appointed as an additional Judge of Appeal in 1972 and as a Judge of Appeal later in that year. For more than a decade he lent his fierce intellect, his demand for high professional standards at work, his passion for truth and his uncompromising logic to the service of the law and to the community on this Bench.

When he made a ceremonial farewell in the Banco Court less than a year ago he begged his colleagues in the law to let their servant depart in peace. Now he has departed from our midst and it is hard for those who knew him and worked with him to think of his vivid personality as being no more.

It is a source of pride and strength to me that I had his friendship and advice as a judicial colleague even if only for a short time. He was respected by all of the Judges of Appeal. His death, so soon after his retirement, is a cruel and premature loss to his family and to us, his friends, colleagues and admirers.

On behalf of the Judges of Appeal I extend to his widow, to his children and to his family our expression of sympathy and respect.