

A PERSONAL RECOLLECTION

John Kearney QC

I am pleased to contribute to a Festschrift for my friends David Allan and Mary Hiscock.

At the Owen Dixon Society Dinner at Bond University held on 6th August 2003, at which Philip Ayres and Geoffrey Robertson QC spoke, I said a few words about my personal recollection of Sir Owen Dixon, his home and his family. The editor has suggested that I commit them to print.

Like all members of the Melbourne Bar I looked up to Sir Owen with pride - a great Lawyer and Chief Justice. He was an Olympian figure. Sir Owen retired around the time I took silk. I appeared before him in the High Court in some cases but merely as a Junior – a Minnow.

Dixon's son Franklin, who was about my age, was a student in my drafting tutorials in the Law School of the University of Melbourne.

Franklin was a very bright and potentially able but eccentric student. He was stooped and plagued by myopia and other ill health. He was likeable and friendly - childlike but not childish. He had a considerable depth of intellect and character, and was very scholarly. However he was not focused on the practical. He was a man of compassion for victims of injustice in the spirit of the International Commission of Jurists of which I was the Victorian Chairman. Franklin was a scholar in Classical Greek and Latin – disciplines also of my sons.

Franklin wrote me several letters and I was invited to the Dixon home "Yallabee" in Hawthorn. It was an old Victorian era house and garden. There I met Sir Owen on some occasions during his retirement. He was then elderly, not in robust health. We discussed Franklin and the ICJ. Dixon had been prominent in the ICJ being the inaugural Australian President. However he had lost interest and become disengaged about a range of things. I had the feeling that he had stayed on the Bench too long and was rather tired when he left, as he himself hinted at the time. Like judges of his day, appointed for life, Dixon had devoted himself totally to his work in the law – foregoing sustained hobbies and planned retirement activities.

Lady Dixon seemed a quiet, intellectual person and was always Dixon's loyal companion.

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It may have been better for the Law if Dixon had retired earlier, closer to his prime, and devoted himself to writing his memoirs and essays on the law.

My interlude at “Yallabee” evokes a family scene of a man who loved and encouraged his son – and a son struggling to return that affection and to be worthy of himself and his father.

Franklin died in 1977 just 5 years after Sir Owen.

It is hard to be the son of a legendary, Olympian father.