



**What Albert did and what Albert did next:
Albert Bathurst Piddington – the High
Court judge who never sat**

Law Faculty Dinner, St Paul's College

2 September 2019

Law and politics at the turn of the century

MR. PIDDINGTON AT TAMWORTH!
TAMWORTH, Monday.—Mr. A. B. Piddington, freetrade candidate for Tamworth, addressed a monster meeting in the Olympic Hall, Tamworth, on Saturday night. Mr. L. M. Newman presided. The candidate had a magnificent reception, the large audience cheering wildly when Mr. Piddington made his appearance.

Evening News (Sydney), Monday 9 July 1894



*Piddington as a young barrister —
undated photographic print,
held by State Library of Victoria*

The High Court

Foreign No. No. of Words 18 0 Dated 2 Time 1.20p m.
 To To Piddington passenger
 Frederic de Grosse port said May
 Confidential most
 important know your
 views commonwealth
 versus state rights very
 urgent
 = O'Reilly =

*Confidential most important know your views
 commonwealth versus state rights very urgent
 "O'Reilly"*

*Cable from Dowell O'Reilly to Albert Bathurst Piddington,
 1913 – National Library of Australia MS 1095/1.1/12*

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In sympathy with supremacy of
 Commonwealth powers

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*In sympathy with supremacy of Commonwealth powers
 Cable from Piddington to O'Reilly, 1913 –
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The High Court

MR. PIDDINGTON'S WITHDRAWAL.

MEMBERS OF BAR ELATED.

MR. POWERS EXPECTED TO SURRENDER.

The Council of the Bar is elated at the capitulation of Mr. Piddington on the eve of his swearing-in as a member of the High Court judiciary.

On the other hand, there is no inconsiderable section of the Bar of this State which is strongly of the opinion that he has made a tactical mistake in resigning—private reasons or no private reasons.

The Sun (Sydney), Tuesday 25 March 1913
Clipping from National Library of Australia MS 1095/2/137

MR. PIDDINGTON, K.C.

CONGRATULATED IN HIGH COURT.

In the High Court yesterday Mr. A. B. Piddington announced his appointment as King's Counsel. The Acting Chief Justice (Mr. Justice Barton), Mr. Justice Isaacs, Mr. Justice Duffy, and Mr. Justice Rich were on the Bench.

The Acting Chief Justice said: "The Court congratulates you, Mr. Piddington. Perhaps in the circumstances which have lately occurred I may be allowed to depart so far from the practice of the Court as to say that the Court welcomes your accession to the rank of King's Counsel with more feeling from the fact that you were recently one of its members, and resigned your commission as a Justice in this Court under circumstances which nobody who knows you can doubt evinced motives of the highest honour and the most delicate feeling."

Mr. Piddington: "Thank you, your Honor."

Sydney Morning Herald, Saturday 10 May 1913

Commissions



An older Piddington. Glass plate negative from Fairfax archive, held by National Library of Australia.

The Kisch affair



*Egon Kisch, speaking in the Domain.
Photo held by State Library of NSW.*



*Christian Jollie Smith (1913).
Picture from Carolyn Skinner,
Christian Jollie Smith: a life (PhD
Thesis, Macquarie University, 2008)*

[HIGH COURT OF AUSTRALIA.]

PIDDINGTON APPELLANT ;
 PLAINTIFF,

AND

BENNETT AND WOOD PROPRIETARY } RESPONDENT.
 LIMITED }
 DEFENDANT,

ON APPEAL FROM THE SUPREME COURT OF
 NEW SOUTH WALES.

Evidence—Relevancy—Explanation of witness' presence at scene of accident—Cross-examination—Evidence in contradiction—New trial—Influence of inadmissible evidence on verdict.

H. C. OF A.
 1939-1940.
 SYDNEY,
 1939,
 Nov. 21-24.
 MELBOURNE,
 1940,
 Feb. 23.

Latham C.J.,
 Starke, Dixon,
 Evatt and
 McTiernan JJ.

In an action for negligence which arose out of an accident in a public street, a witness for the plaintiff stated that he was in the street and saw the accident, which he described. In the course of cross-examination he asserted that he had been doing a message for one J. at a bank which was distant a block or two from the scene of the accident. The bank manager, who was called by the defendant, said that there had not been any operation on J.'s account on the day of the accident, and he produced an authenticated copy of the account in support of his statement. The jury returned a verdict for the defendant.

Held, by Dixon, Evatt and McTiernan JJ. (Latham C.J. and Starke J. dissenting), that the bank manager's evidence was inadmissible and the misreception of the evidence could not be treated as an immaterial error not reasonably capable of affecting the verdict of the jury; therefore a new trial should be granted.

Decision of the Supreme Court of New South Wales (Full Court) reversed.

*From Piddington v Bennett and Wood
 Proprietary Limited (1940) 63 CLR 533*



Piddington's headstone in St Thomas' Rest Park, Crows Nest



Piddington with his son, Ralph. Glass plate negative from Fairfax archive, held by National Library of Australia.