John Jefferson Bray (1912-1995) was Chief Justice of South Australia from 1967 to 1978, and Chancellor of the University of Adelaide from 1968 to 1983. He was born 16 September 1912 in Adelaide, the first child of Harry Midwinter Bray (1879-1965) and Gertrude Eleanor Bray, née Stow (1886-1970). He was educated at St Peter’s College, Hackney, and the University of Adelaide.

Bray was born into prominent Adelaide families on both sides. While his father Harry had a lacklustre career as a share broker after failing twice to enter medicine, his grandfather John Cox Bray (1842-1894) was Premier of South Australia from 1881 to 1884, knighted in 1890 and the South Australian Agent-General in London from 1892 until his death two years later. He transformed a small cottage at 56 Hutt Street into a mansion known as Bray House, and bought a share of the iconic Adelaide Arcade, of which Bray family descendants remain major shareholders.

Gertrude Bray’s great-grand-father Thomas Quinton Stow (1801-1862) founded South Australia’s first Congregational Church in 1837, predecessor of the Pilgrim Uniting Church in Pirie Street. His eldest son Randolph Isham Stow (1828-1878) was appointed one of South Australia’s first three Queen’s Counsel in 1867, and was a Supreme Court judge from 1875 until 1878. The Stows shared common ancestry from the legendary Indian princess Pocahontas with notable American families such as the Randophs and third United States president Thomas Jefferson, from whom John Jefferson Bray received his middle name.

Bray was severely short-sighted, shy and physically awkward from an early age. At St Peter’s College, where sporting activities were an important part of the curriculum, his results were only a little above average. It was later, at the University of Adelaide, that he began to stand out. He won a Stow prize for his law studies in 1930, and the David Murray prize for law in both 1931 and 1932. He took his Bachelor of Laws in 1932 and his Honours Law in 1933. Subsequently, while working full-time as a lawyer, he undertook a doctorate in laws and presented his thesis entitled *Bankruptcy and the winding up of companies in private international law* on 2 March 1937. He was awarded the degree in July that year and won the Bonython prize.

Over the next ten years Bray tried unsuccessfully to apply for academic posts, yet despite the rarity of his doctorate, never succeeded. During World War II he filled in for Crown Solicitor Ralph Hague’s lectures in Roman Law at the University of Adelaide, and would continue part-time lectures there until his appointment in 1967 as Chief Justice.

Given little choice but to remain in the practice of law, Bray began to distinguish himself as a barrister over the 1950s and was appointed Queen’s Counsel in 1967. He took on cases across all jurisdictions, in estate settlements, divorces, civil matters, murders and defamation. In 1960 he successfully defended Rupert Murdoch’s paper *The News* and its editor Rohan Rivett against nine charges of seditious libel alleged by the South Australian government in its reporting of a Royal Commission into a murder case. The win embarrassed the government, and but for Labor taking office in 1965, Bray would have been unlikely to be appointed Chief Justice in 1967.

Over the 1950s and 1960s, Bray also became increasingly known in Adelaide’s small literary community. He was a long-time friend of poet Charles Jury (1894-1958) and after Jury’s death, joined the literary group led by Max Harris (1922-1995). His play *Papinian* was performed in 1955 in North Adelaide and in 1962 he published the...
first of several volumes of poetry, Poems, with F W Cheshire in Melbourne. Bray was a regular participant in the Adelaide Festival of Arts from its inception in 1960, frequently being invited to read his poetry at Writers’ Week events.

Bray was appointed Chief Justice of South Australia by the Dunstan Labor government on 28 February 1967. In The Advertiser the following day, Stewart Cockburn described him as “besides being a notable lawyer, is a poet, playwright, classical scholar – a humanist – and one of the most deeply-read men in the Commonwealth.”

In the eleven years that he was Chief Justice, John Bray proved himself one of the Commonwealth’s most capable judges. According to former High Court judge Michael Kirby, the High Court came to rely on Bray’s reasoning in areas as diverse as criminal law and procedure, legal remedies and the award of costs, evidence, legal ethics, company law and the law of tort. In 1975 Bray was cited by each of the five judges in a single Privy Council appeal from Northern Ireland involving an IRA joint murder conviction in which one of the men claimed duress. In an earlier South Australian Full Court appeal, R v Brown and Morley, Brown claimed duress and had appealed his conviction. The other two judges, Mitchell and Bright, dismissed Brown’s appeal, but Bray dissented, and even challenged respected legal authorities such as Hale, Blackstone and Lord Denman. Despite these challenges and his being in the minority, three of the five Privy Council judges adopted his reasoning. One of the Privy Council judges, Lord Morris, commented on Bray’s “closely reasoned judgment, the persuasive power of which appeals to me”, and another, Lord Wilberforce, called it “an impressive judgment”.

Bray’s judgements are characterised by clarity of language, a solid historical approach in articulating principles of the common law, and his belief in the right of the individual to protection from the changing whims in social morality. He often found himself in dissent in Full Court appeals due to the fact that he would use authorities evolving over centuries rather than the most immediate past decades, which would naturally go further than the Victorian morality that was still dominating at the start of the 1970s.

Bray’s style and approach is illustrated in the following quote, which also shows his occasional use of wry humour. This was the first of a series of cases in which Bray expressed strong opposition to the out-of-date censorship practices of that time:

I am bound, that is, to assume that there are classes of persons and age groups who are liable to be depraved or corrupted by literature, films, paintings and the like, though presumably those classes do not include the customs officers, police officers, court officials, barristers, solicitors, clerks and members of the magistracy and judiciary whose unhappy duty it may be to peruse the perilous material.

Bray’s judgments have continued to be cited in courts across Australia and the Commonwealth.

In January 1978 Don Dunstan sacked Police Commissioner Harold Salisbury over the existence of 45,000 files kept on South Australians, including Bray. He retired from active judicial work on 27 May 1978, and officially retired on 27 October that year. He cited ill health as the reason.
Bray remained Chancellor of the University of Adelaide until 1983 while devoting his time to producing three more volumes of poems, essays and translations. The poet A D Hope (1907-2000) described Bray’s essay on Shakespeare’s *Coriolanus* as “one of the most profound analyses of the subject I have come across and poses a new view of Shakespeare’s major tragedies and the dramatist’s intentions in them.”

Besides his professional career in the law, and his occasional publications in literature, Bray was a respected scholar of classics. His life-time work was a detailed biography of Roman emperor Gallienus (218-268), which Wakefield Press published post-humously in 1997. Nicholas Rothwell reviewed *Gallienus* in *The Australian’s Review of Books*, and believed the work to be “Bray’s veiled self-portrait, an exploration, often intuitive, of key aspects of his own nature.” Given that Gallienus was also a poet, an intellectual, and in Bray’s own words, “addicted to freakish and exhibitionistic behaviour”, this is an interesting observation. Bray gives the example of Gallienus’s celebration of his ten-year reign with a procession of “1200 gladiators in women’s gold embroidered dresses”. Bray’s analysis of a statue of Gallienus as having a gaze that “hints at secrets but not at despair or weakness” inspired Rothwell to speculate: “Is this not John Bray, also, or one aspect of him?”

Bray was a bachelor who only left home, Bray House at 56 Hutt Street, Adelaide, after the death of his mother in 1970. His correspondence reveals that occasionally he attracted the affections of both male and females, but that he resisted forming relationships, instead preferring long-term friendships. While a young adult in the 1930s, he fathered a son with a female friend. Portraits hang in the University of Adelaide’s Bonython Hall and the Supreme Court of South Australia, and a bronze bust by John Dowie sits in the State Library of South Australia. He died on 26 June 1995 at home.

A scene from the performance in 1955 of John Bray’s *Papinian*