
Chapter 1

ATHENS, 1974

*But I left with high steps, for the moment convinced of two propositions,
Propositions I had always hoped and sometimes believed to be true,
One concerning the power of the arts, one concerning the nature of man.*

John Bray, from 'Epidaurus 1974'

The sun seemed to beat down on Athens even hotter and harder that late July afternoon. The temperature was rising, and so were the Athenians. The colonels' military dictatorship had outstayed its welcome.

It was late July 1974. A week earlier in Cyprus, the colonels had sponsored a *coup d'état*, replacing President Makarios with a newspaper photographer, Nikos Sampson. Five days later the Turks invaded Cyprus, removed the freshly appointed President Sampson, and now it looked like they would also invade Greece.

The colonels were panicking. They called up all available men to fight and imposed a dusk-to-dawn curfew. Tourists were abandoning the Greek capital as fast as they could, but the airport was closed and many were stranded.

In the old Plaka district, the Electra Palace Hotel sat at the foot of the northern slope of the Acropolis under the gaze of the Parthenon. The males among the hotel staff were among those called up, so guests were filling in as amateur cooks and waiters.

One of the guests, not taking on a service role, was defying the blistering heat and climbing up to the Parthenon. This was his first trip to Greece and his first trip outside of far-off Australia in 37 years. It might be his last chance to see the aging architectural triumph of the classical period.

He was leaving Athens that night; his fellow traveller Peter Ward had bought some tickets on the black market for a boat leaving for Italy from Piraeus.

They had arrived in Greece a month earlier and had witnessed an amazing event in the theatre at Epidaurus. The colonels unwittingly turned up to the classic play about resisting tyranny: *Prometheus Bound*. The 14,000-strong audience jeered them relentlessly and they left.

Under the suspicious eyes of the junta police, the two Australian visitors had also reunited with actress Miranda Murat, whom they had met at the Adelaide's Writers' Festival a few years before. The colonels had imprisoned her along with other Greek artists who contested their claim to govern. She had been liberated thanks in part to their efforts, her health broken, but not her Promethean defiance.

The climber held his large head a little to one side, as if his thoughts were heavy. With a long flowing beard he might have been Socrates, Sophocles or Euripides, all of whom were living when the Parthenon was being built.

The ascent was as hot as Orpheus's from Hades. The temperature was around 40 degrees Celsius. Today the cradle of Western civilisation was abandoned and the climber seemed to have it to himself. His shirt was soaking in sweat and he was out of breath, when he saw a tap.

He sat down, pulled off his shirt and turned it on. He rinsed his shirt in the cool water and splashed himself. He put the wet shirt back on and got up to march on to the time-worn marble steps at the base of the Parthenon. He suddenly heard a step echo and looked up. Two well-dressed women, complete with hats and parasols, were looking down at him from the columns. Having been spotted, they came down the steps hesitantly, not sure of their reception.

'Excuse me', said one of them, 'aren't you Dr John Bray, the Chief Justice of South Australia?'

The climber nearly fell down the Acropolis hill. He was indeed John Bray. He was astonished to be recognised so far from home, by the only two people

in sight, in the place that had so deeply influenced his life. He nodded and shyly mumbled what might have been a 'yes', then continued up the steps.

John Bray and Peter Ward escaped Athens safely that night by sea. After a few days in Italy they flew home to Australia, on the other side of the world, to a city that some then were comparing to classical Athens.

Colonised in 1836, around the time Athens became capital of modern Greece, the city of Adelaide in 1974 was enjoying a golden age. Echoing a little of Pericles, Premier Don Dunstan was also a skilful orator who challenged conservative factions of government and put a lot of money into new infrastructure and reforming laws. There was a general sentiment of change, of moving forward. The policy development from 1970 to 1975 in South Australia has been described as 'probably without emulation in this country'.¹ In a few years Dunstan had transformed its small capital into the leading social and cultural city of Australia. The Festival Centre opening the previous year was the most visible sign of this cultural ebullience, attracting 20,000 visitors. The smaller Playhouse was opened in November 1974, and Premier Don Dunstan read a poem written for the occasion by the Chief Justice, John Bray.

John had also written a poem about his extraordinary experience seeing the Greek colonels booed out of the arena during the performance of 'Prometheus'. 'Epidauros 1974' was later published in his *Poems 1972-79*. In a review of the collection, Kevin Pearson wrote that the poem 'carried the full weight of a man's whole life and belief'.² It was John Bray to the core, expressing his most cherished principle, that people had the right to live their own lives, and to resist attempts to curtail that right. More than that, it was also an expression of a fundamental optimism: that the Arts could move people to act.

1 Andrew Parkin, 'Transition, Innovation, Consolidation, Readjustment,' in *Flinders History of South Australia (Political)*, 292-338. Adelaide: Wakefield Press, 1986), p 302.

2 Friendly Street Poetry Reader, 1980. Adelaide: Adelaide University Union Press.

Rare if not unique for an Australian judge of his time, John had published on themes of resisting oppression, censorship and class values. Even his judgments were becoming known for their defence of human rights: including privacy, individuality and the right to a fair trial. Living in Australia, he had been protected against the extreme forms of political rule. His only brushes against dictatorships were during his first overseas trip in 1937 when he had watched Mussolini's black shirts in Rome with alarm, and in 1974 in Greece during the colonels' *junta*.

Nevertheless, hard-line conservative governments had dominated post-war Australia; and South Australia in particular. Premier Sir Thomas Playford had attracted industry to South Australia and invested in fundamental infrastructure that the State benefits from to this day. But his record 27-year rule got uncomfortably close to unofficial dictatorship over his citizens' private lives, and John unintentionally fell foul of the Playford vision of justice.³ In 1960, the Playford government sued the editor of Rupert Murdoch's *News* for seditious libel. John was his lawyer and successfully defended him. The government was furious, but John had no other motive than his professional obligation to defend his client against injustice. There would be reprisals, however, hidden from sight until later.

The two respectable ladies watching their Chief Justice rinse his shirt out in the scorching heat on the Acropolis did not know about Police Commissioner John McKinna's attempt to prevent John Bray's appointment to the Supreme Court of South Australia, nor of the preceding seven years of police surveillance, nor of the politically motivated reasons behind why he was watched. They would never have imagined that the file kept on their Chief Justice would directly motivate a sequence of events leading to the sacking of John McKinna's successor as Police Commissioner, Harold Salisbury, in 1978.

Brigadier John McKinna was undoubtedly one of the State's most historically significant Police Commissioners. In early 1967, he learnt that his

3 Even Stewart Cockburn's biography written with Sir Thomas Playford's son John was entitled Playford: benevolent despot. Published by Axiom: Kent Town, 1991.

good friend and fellow churchgoer at Pilgrim's Church, Mr Justice Roderic Chamberlain, would not be Sir Mellis Napier's replacement as Chief Justice. The new Labor Premier Don Dunstan's choice was John Bray, the defence barrister from the *News* case. The Police had been unofficially keeping patrol reports on John since the *News* case, which suggested a lifestyle that did not conform to the Playford ideals. John was not married, he stayed out late on weeknights, he associated with literary and artistic people, and he did not wear a hat. Most seriously from their point of view, however, was that their patrol reports implied John was possibly homosexual. In those days, there could be legal implications.

A later chapter discusses John's reaction to those patrol reports. His eleven years as Chief Justice more than justified Don Dunstan's choice; in more than 600 judgments written over that time, on no matter what area of law, one detects overwhelmingly a sense of fairness and respect for not just the basic rights of the common law citizen, but of all human beings. His succinct articulations of often profound principles have been cited across Commonwealth jurisdictions since.

The man behind the lawyer, the poet, the playwright and the judge was as complex as any human being might be. As we see in the lines quoted at the head of the Prologue, from his unpublished play 'A Word in your Ear', he did not necessarily attempt to understand himself, nor others. Rather, he accepted the essential difference in people, tolerated it, respected it, and hoped only to be given the same respect in return.

Chapter 2

POCAHONTAS

*The air serene, yet sombre
Where sun and shadow join
The bank of summer failing
Pays out in copper coin.
The mood is introspective.
The ghost walks in the groin.*

John Bray, from 'Indian Summer'

At the beginning of the 17th century, a 'soldier of fortune' arrived on the Virginian coast with two other adventurers hoping to establish a colony there. The soldier, Captain John Smith, seemed to have the good fortune of being saved by beautiful women whenever he was caught and on the point of execution, or at least he told people that. According to his own word, he had been saved at the last moment by a Greek slave imprisoned in Turkey, and at another timely moment, by the wife of a Russian nobleman. On the 26 April 1607, he was again miraculously saved seconds from death. As he knelt down waiting for the Indian chief Wahunsunacock to ritually kill him with a stone, the 12-year-old chief's daughter Pocahontas threw herself over the very vulnerable Captain Smith, pleading for his life.

This is the story the Captain told in a letter sent ten years later to Queen Anne, asking for her to treat the Indian princess with dignity. Diplomatic relations with her father's tribe had collapsed since Captain Smith's near death with the realisation that they were not being courted but conquered. Wahunsunacock had taken some prisoners and in response, in 1614, the

English took Pocahontas. She was held hostage for a year, feeling betrayed by her father's refusal to compromise, and during that time she met John Rolfe, the original pioneer tobacco grower. They fell in love and married on 5 April 1614. She gave birth to a son, Thomas, on 30 January 1615.

Probably if not for these extraordinary events, the unique genealogical web that produced John Bray would not have existed, and hence, neither would he. Pocahontas died at age 22 in 1617 leaving only the one son Thomas, who in turn only had one daughter. But over the decades and centuries that followed, some of the most influential families of Virginia – like the Randolphs and the Jeffersons – and later of other parts of the world, could trace their ancestry back to the precociously fearless Indian princess. John Bray was Pocahontas's distant descendant, though he knew up to two million people could make the claim.¹ Among them are President Woodrow Wilson's wife Edith; Admiral Richard Byrd; socialite Pauline de Rothschild; Nancy Reagan; first Chief Justice of the United States John Marshall, President Thomas Jefferson and first Australian Commonwealth Solicitor-General Sir Robert Garran.

John used to mockingly refer to himself as 'John Jefferson Pocahontas'. He is related to her through his mother Gertrude, who was the great-granddaughter of Thomas Quinton Stow, a founder of one of South Australia's first churches. Thomas's wife Elizabeth was in turn the granddaughter of Captain William Randolph, and from the Randolphs the family traces back to Pocahontas. John was named after his distant ancestor third United States President Thomas Jefferson, as are a number of the Stows and Randolphs.

Thomas Quinton Stow arrived in Adelaide with his wife and four young sons in October 1837 on the *Hartley*. The family had come from Suffolk where Thomas's family had been farmers over generations around Stowmarket and Hadleigh. He was one of the pioneer religious dissenters who left Anglican England seeking to found a society that supported religious freedom. A month after arriving, he was part of the group who built a hut

1 J J Bray Papers, State Library of South Australia, PRG 1098/66.

on North Terrace out of eucalyptus posts, pine rafters, walls of old sail cloth and a reed-thatched roof. This was the Congregational Church in South Australia.

It is tempting to see in him a trace of John. Douglas Pike wrote: 'Stow was proud of the Independent tradition, and in the pulpit and in private was assiduous in expounding the case for Dissent. [...] He would not join in political movements nor tolerate radicalism in politics.'² Thomas nevertheless managed to exert sufficient influence in the volatile politics of the late 1840s. He was emphatic that States should not fund churches. The South Australian government was proposing grants, and he succeeded in the idea being abandoned in 1851. He suffered financially for this, and had to lease a farm next to the River Torrens to augment the meagre takings from congregations. The suburb of Felixstowe is named after his farm.

Thomas also taught classics in a daily academy he began in the same reed and sail-cloth hut, and can therefore be credited with effectively founding tertiary education in South Australia. By November 1840 that reed and sail-cloth hut had evolved into a stone chapel in Freeman Street. The chapel in its turn was the predecessor to the Stow Memorial Church in Pirie Street, opened in 1867, five years after Thomas's death.

His eldest son, Randolph, John's great-great-uncle, became one of South Australia's first three Queen's Counsel in 1865, and a judge of the Supreme Court from 1875 until his sudden death from liver disease in 1878. As well as being a successful lawyer, he was a member of South Australia's upper house of government, the Legislative Council, from 1861 to 1875.

Thomas's second son Jefferson, born in 1830, was John's great-grandfather. After his first wife died he went off to the Victorian gold rush, returning in 1854 to marry again and father 12 children. One of his five daughters was named Jourdiana Claire Pocahontas. The oldest child, John Wycliffe Stow, was Gertrude's father. Wycliffe, as he was known, became a lawyer, but

2 Douglas Pike. *Paradise of Dissent: South Australia 1829–1857.* Melbourne: Melbourne University Press, 1967, p. 257.

died in July 1892 at 35 years of age. Gertrude Eleanor Stow (born 16 May 1886) was only six years old and hardly knew her father. She married Harry Midwinter Bray on Saturday, 12 June 1909, two days after Harry's thirtieth birthday, at St Michael's Church in Mitcham. She was 23 years old. There is no record of their early relationship and, in fact, little survives about them at all.

Harry was at the time recorded as earning his living as a share-broker. He had attempted to study medicine after leaving school, but failed, at two separate institutions. Much later, his second son, Bill, admitted knowing little about his father's education: 'He certainly studied medicine at Trinity College, Dublin for, I think, one year but failed his exams. My memory is that he also studied some course other than medicine at some Australian university (Melbourne) and also failed the first year but it remains vague in my mind.'³

It certainly would not have helped that, at the time he was ready to enter medical school, Adelaide was the victim of an ongoing strike. From March 1896 to March 1900, there were no courses in medicine at the University of Adelaide because of Premier Charles Kingston's hot-headed intervention in the Royal Adelaide Hospital board. The entire medical fraternity of South Australia were on strike, most audibly the 17 members of the hospital's honorary medical staff who were also the lecturers in medicine.

Harry's surviving results from 1894 at St Peter's College when he was 15 are not promising. In the third and fourth terms he passed with average marks and when placed against the rest of the class he was third from bottom each term. But he had only started at St Peter's in the middle of that year after returning from two and a half years in England. His father had died in June on the voyage back.

Harry's grandparents, Tom Cox Bray (1815–1881) and Sarah Pink (1813–1877), were two of the first wave of immigrants to South Australia. They came from Portsmouth to the tent and mud hut camp that was Adelaide in

3 Letter to Peter Ward, 5 October 1996. Private Correspondence.

1838, where Tom set up shop as a humble cordwainer – shoe-maker. Sarah's father, William (died 1853), also migrated to South Australia and worked as a labourer with the survey team.

At this point, no one would have predicted that one of their sons would one day become Premier and build a large mansion on Hutt Street. Even less would they have suspected that the shoe-maker, himself the son of a shoe-maker, would shortly inherit a fortune, and go and spend the rest of his days in England as a wealthy gentleman. But this is exactly what happened.

Tom Cox Bray's father William had been estranged by his own father, Charles, for marrying Ann Cox (1789–1840), the daughter of a farmer, before dying at age 26 in 1816. But William's father, Charles, was no shoe-maker. He was a wealthy merchant who had made a lot of money from shipping between England and Australia, and when he died he left all his fortune to Tom. Exact details and dates are mysteriously absent from the records and biographical accounts, but it must have been around 1860. The shipping records show a Mr and Mrs Bray departing Adelaide 11 March 1862 on the *Harwick*.⁴ At the time, Tom and Sarah had two sons and two daughters, born in Adelaide around the 1840s. They moved back to England with three of their Australian-born children, and left one behind to continue his law studies. This was John Bray's grandfather, John Cox Bray, named in honour of his maternal grandmother.

Also absent from the records for Tom and Sarah was a marriage certificate. John Jefferson Bray obtained an extract of the birth certificate of his grandfather's sister Sarah after a request from a cousin:

This shows that she was the daughter of Thomas Cox Bray, described as of Hindley St., bootmaker, and Sarah Pink.

It also discloses that these two were not married. John was older than Sarah, so if the parents were not married when she was born, it follows

4 Horner index [microform] to shipping departures 1836–1887, State Library of South Australia.

that they could not have been married when he was born. This does not upset me but I wait curiously to see if Nancy [his grand-aunt] wants me to pursue these enquiries any further.⁵

There has been little kept about this John Cox Bray's early life. He was born in Adelaide on 31 May 1842. Most of his biographical material concentrates on the period after he entered State Parliament as MP for East Adelaide in 1871. St Peter's College records for that period are not complete, but John Cox Bray is recorded as being enrolled in 1853, when he was eleven. His last year there was probably 1856. He was admitted as a lawyer in 1870, but only practised briefly. What he did in the ten or more years between leaving school and being admitted has been lost. But his family did return to visit him in 1864, when he was 22 years old. Tom and Sarah, with two daughters, Sarah, who was 20, and Blanche, who was 16, travelled in a first class saloon on the *City of Adelaide* on its maiden voyage. They were living in splendid style in Harrogate, Yorkshire.

John Cox Bray married Alice Hornabrook in January 1870 at St Michael's Church in Mitcham. There are five of Alice's dance cards remaining from the late 1860s. They list between 16 and 24 different dances, such as polka, galop, quadrille, waltz, with a blank line next to each to write the name of the respective dance partner. Three are undated but Alice's first dance on each is with John Cox Bray, and on a fourth card he is her second partner of the night. One of these is at the Town Hall, which was only finished in 1866, except for the clock, which had to wait until 1935. On three of the dances one other name also appears – a possible rival suitor – C W Draper. One dated card is for the Bachelor's Ball in 1866 and the other of a dance on Friday, 4 December 1868 on the ship *South Australian*. There were 20 dances, and John Cox Bray was the only partner Alice danced with twice – for the second, a quadrille 'Gorilla', and the tenth, a polka mazurka. C W Draper was again testing his instep – he was her partner for the 18th dance, a valse.

5 Letter from John to Bill, 5 April 1986. Private collection.

Over the course of the 1870s, John and Alice founded their family while John built his successful political career. Cecil was born in 1874, Arthur in 1875, Harry in 1879 and Blanche in 1881. Arthur died two months short of his fourth birthday in 1879 – one story says he was killed in a carriage accident and another that he was scalded to death. Their father in the meantime became Minister of Justice and Education in 1875, Attorney-General from 1876 to 1877, and Leader of the Opposition to the Jordan ministry from 1877 to 1881. In 1883 and 1891 he attended the Federation conventions in Sydney.

In 1881, two events lifted John Cox Bray's life into a new level. First, his father Tom died and left him a significant part of the shipping fortune, and second, he became Premier of South Australia, and governed for a record three years. In the 24 previous years of South Australia's self-government there had been 32 premiers, some lasting as little as ten days.

In 1884 and 1885 he left South Australia to visit England and America, and returned to serve over the next seven years at various times as Chief Secretary, Treasurer and Speaker. Around 1886 he began turning the house he had bought on Hutt Street into a mansion. His income for that year was £1,358 – £630 from 'exertion' and £728 from property – a total income a little more than a Supreme Court judge's salary at that time. The property income made it possible to leap up the ranks.⁶ Sir George Strickland Kingston designed the house, and it was built in 1847. The original dwelling on the site – that had previously served as a temporary residence for Captain Grey in 1840 until he replaced Governor Gawler in Government House – became the laundry. Sir George also designed Ayer's House on North Terrace. John commissioned architect Rowland Rees to add a large, ornate front wing, complete with Italianate columns on the full verandah facing Hutt Street. Visitors could be shown into either of the two enormous front rooms through towering panelled doors.

⁶ Just as a point of interest, taxation then was considerably less. Sir John's income was around 13 times the average, yet his tax bill for the year was just over £26, or 5 per cent.

POCAHONTAS



Sir John Cox Bray, around 1885. Courtesy State Library of South Australia.



Bray House, around 1885. Courtesy State Library of South Australia.

In 1890, John Cox Bray was awarded a Knight Commander of the Order of St Michael and St George, and his grandson kept the 53 congratulatory letters and telegrams that followed. The writers included *Advertiser* proprietor, J. Langdon Bonython; future long-time premier, Charles Kingston; former premier, Sir Henry Ayers and Chief Justice Samuel Way. With the combination of Sir John's successful political career, inherited capital and the knighthood, the Bray family's status in Adelaide was unbroachable.

On one day of that year, Sir John was walking with a friend down Rundle Street past the recently opened Adelaide Arcade. He told his friend that he had been offered some shares in it and was still deciding to accept or not. His friend advised him that although he would see little return himself, future generations of Brays would. The Adelaide Arcade had been built five years earlier in 1885. It stretched over almost a hectare from Rundle Street to Grenfell Street and included 50 shops with a second-storey workroom and Turkish baths. Sir John bought the shares and the Bray family have remained shareholders since.

In January 1892 he was appointed Agent-General for South Australia in London and he resigned after more than 20 years of politics. A farewell was held at the Adelaide Town Hall on 19 January. The menu included oysters, oxtail soup, suckling pig, Bavarian pudding, strawberry ice-cream and ‘wines of South Australia’: riesling, chablis, hock, claret and frontignac. The family moved to England, but Sir John’s mental health began to fail him after just two years and he was recalled home, with symptoms that suggest a brain tumour or encephalitis. His oldest son, Cecil, was 18 and the letters he wrote on that voyage home reveal the tragic circumstances of his father’s illness.

On 6 June 1894, the ship reached Port Said and he started having paranoid delusions that his London doctor had plotted against him and his cashbox was going to be robbed. Two days later he was much better and playing whist and euchre with Harry, Alice and Cecil. His health began to worsen again and the letters die out after 10 June, Harry’s 15th birthday. Sir John died on 19 June between Aden and Colombo, and was buried at sea. The Adelaide newspapers over the two days following reported his death, and the Adelaide Town Hall flag was flown at half-mast. Two weeks later, the family arrived back in Adelaide, and moved back into the mansion on Hutt Street.

In the intervening 18 years before John was born, tragedy would again strike the family. Blanche, who was 13 when the family returned to Adelaide, married John Lavington Bonython (1875–1960), son of John Langdon Bonython (1848–1939) owner of the *Advertiser* daily paper, in 1904. They had two daughters and one son, John Langdon, named after his grandfather. Then, in 1908, Blanche died in childbirth with the third child. She was just 27. John Lavington Bonython would marry again, to Constance Warren (1891–1977), whose mother was a Downer.⁷ Among their children was Kym Bonython, John’s cousin by marriage, who later would be known for his art and jazz collections. By Adelaide standards in the early 20th century, John Jefferson Bray would be virtually born into the aristocracy.

7 Joyce Gibberd, *Australian Dictionary of Biography*. Online adb.anu.edu.au.