

THE ADELAIDE LAW SCHOOL 1883-1983

by

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Dr Edgeloe, Registrar Emeritus of the University of Adelaide, was Secretary of the Faculty of Law from 1927 to 1948, and Registrar from 1955 to 1973. Since his retirement Dr Edgeloe has written an account of the foundation and development of the Faculties of Law, Medicine and Music. His aim was, as he states in the preface, "to provide an administrator's history of the birth of the University's schools of law, medicine and music" which "summarises the relevant records of the University and the relevant comments of the public press of the day". The manuscript is held in the Barr Smith Library. It shows Dr Edgeloe's love of, and devotion to, the University which he served for forty-six years. The Adelaide Law Review Association is grateful to him for permission to include his history of the Law School in this collection of essays.

The Beginnings

In the 1870's the Province of South Australia was a pioneering community which was expanding rapidly in numbers and in area occupied. There was a clear need for a growing body of well-trained lawyers. The existing arrangements for the training of lawyers involved simply the satisfactory completion of a five-year apprenticeship with a legal practitioner (technically designated "service in articles") and the passing of a small range of examinations conducted by the Supreme Court. University teaching in law was available in the United Kingdom and had also been established in Melbourne.¹ The South Australian Parliament envisaged a similar development here for it empowered the University from its foundation in 1874 to confer degrees in law and thus give the University a major role in the training of members of the legal profession within the Province. The governing body of the newly-born University was constantly reminded of these expectations.

In May 1877 the University began tentative negotiations with Mr C H Pearson, a prominent and somewhat flamboyant personality in Victorian educational and political affairs, to give a series of public lectures on Constitutional Law later in the year. In order to assess the potential attendance, the University circularised the legal profession on 30 May. The response was both prompt and substantial: it gave rise to the question whether the University intended to establish a full course in

¹ Campbell, *A History of the Melbourne Law School 1857-1973* (1977).

legal education. On 8 June the Council appointed a Legal Education Committee (Vice-Chancellor S J Way, Messrs J W Bakewell, A Hardy and A von Treuer) to investigate the feasibility of introducing such a course. The Committee hurriedly devised a skeleton plan for a degree course in law which it submitted to the Council on 22 June. It provided for a professor and two part-time lecturers and for a curriculum comprising about half the first-year course for the degree of BA, further work in logic, and two years' work in legal studies.

The response to the circular about the Pearson lectures may have induced in the Legal Education Committee a degree of euphoria. In any case, on 18 June, four days before its skeleton plan for the course was to be submitted to the Council, the Committee asked the articulated clerks by circular whether, if such a course were established, they would enrol for it. The response was disappointing: of the twelve who replied only six indicated intention to enrol.

Negotiations with Mr Pearson came to an abrupt end in July when he was appointed the sole member of a Royal Commission to investigate educational needs and facilities in Victoria. This lapse and the discouraging response of the articulated clerks no doubt lessened the enthusiasm for the immediate introduction of a full law course in the University. But the SA Law Debating Society on 19 July requested the University to continue investigating the possible provision of such a course, and for many months the item "Report of the Legal Education Committee, if ready" appeared on the agenda papers of Council meetings.

The University was obliged, by the terms of the foundation endowments of Hughes and Elder, to maintain in its teaching programme a modest range of arts and science subjects, and when the report of the Legal Education Committee was eventually before it in May 1878 the Council decided that, while it approved in principle of the establishment within the University of a degree course in law, its financial resources precluded such establishment in the immediate future; and it did not suggest a time when it might be possible to resuscitate the proposal.

Nevertheless the need to expand the University's functions to embrace professional education was not allowed to sink into oblivion, and at the first apparent opportunity the Council again considered seriously the question of instituting a full course in law. The occasion was the vacancy in 1881 of the Hughes Chair of English Language and Literature and Mental and Moral Philosophy which arose as a result of the death of Professor John Davidson. It revived the Legal Education Committee and sought Mr Hughes' permission to modify the terms of his endowment of the Chair to the extent necessary to allow the Council to require the professor to teach law as part of his duties on the understanding that a lecturer would be appointed to take over part of the teaching responsibilities in philosophy and/or literature. Mr Hughes, however, refused to modify the terms of his benefaction.

The University then tried something of a subterfuge. It invited applications for the Hughes Chair on terms which provided that, if the professor were competent to teach a number of legal subjects also, and undertook to do so, the salary would be £1000 a year; but if he undertook only the range of teaching mandatory under the endowment, the salary would be only £600 a year, the income derived directly from

the endowment. Under this arrangement an appointment at £1000 a year was offered and accepted; but fortunately, we may well think, for the University in general and for the teaching of law in particular, the appointee was offered a chair in language and literature in the University of Melbourne a few days later and was released from his obligation to Adelaide.

The Council was now, however, determined to proceed with the establishment of a law course, and the necessary negotiations and complementary actions were pursued with vigour. In anticipation of the University's establishing a law course forthwith, the Supreme Court had agreed in 1876 that, for a graduate in arts or law, the period of service in articles could be reduced from five years to three. The Court now agreed that the University's course and examinations, together with service in articles prescribed by the Court, should become the only channel for qualifying locally for admission to legal practice. A statute creating a Faculty of Laws, and regulations establishing a degree of Bachelor of Laws and prescribing a three-year curriculum for the degree were made by the Council in September 1882. They were approved by the Senate and Executive Council to come into force on a date to be determined by the Council. The date fixed later was 8 February 1883, the Supreme Court's amendments of its Rules having been gazetted on 1 February.

In addition to defining what may be regarded as essentially the functions of any faculty, the statute included three provisions which are still operative (though in modified form) today. Those Judges of the Supreme Court who were members of the University Council were to be *ex officio* members of the Faculty of Law. The Dean of the Professorial Board was to be a member also, and the correlation of the Faculty's academic operations with those of the rest of the University was promoted still further by the complementary provision that the Dean of the Faculty should be an *ex officio* member of the Professorial Board. The third provision was designed to assure the Court authorities that adequate standards of professional knowledge would be observed in the University's examinations: it stated that the appointment of examiners in the legal subjects "required for admission to the Bar" should be subject to approval by the Judges of the Supreme Court. That provision has doubtless had a subliminal influence on the substance of the examinations, and thereby on the content of the course, in the relevant subjects throughout the history of the Faculty.

The record of a discussion between the Legal Education Committee and representatives of the SA Law Society on 28 October 1881 includes reference to the Society's expectation of a "thoroughly practical character of the teaching and examinations in legal subjects", an expectation that seems not to have been lost sight of in the detailed design of the course in the following year. The regulations for the degree, as adopted by the Council in September 1882, and operative in 1883, prescribed a curriculum comprising matriculation (passing the standard matriculation examination and including Latin as one of the optional subjects) and a three-year course of eight legal subjects (in effect nine, as there were two examination papers in Property while there was only one in each of the other seven subjects). The arrangement of the course was:

Year I: Roman Law; The Law of Property.

Year II: Jurisprudence; Constitutional Law; The Law of Obligations.

Year III: International Law; The Law of Wrongs (Civil and Criminal);
The Law of Procedure.

The regulations also provided for examinations to be held twice a year – in the first and third terms, for exemption from attendance at classes for any student articulated to a practitioner whose office was more than ten miles from the University, for a certificate to be available for each subject passed and for a Final Certificate to be issued on the passing of the five subjects required for admission to the Bar, namely, Property, Constitutional Law, Obligations, Wrongs, Procedure. As a transition arrangement, a person who had passed the intermediate or final examination conducted by the Supreme Court by December 1885, could proceed to the degree by passing in the subjects of the second and third years only, with Roman Law being substituted for Jurisprudence as part of the second-year course.

The course proposed by the Council was the subject of extensive appraisal in the editorial columns of *The Register* and *The Advertiser* before it was placed before the Senate. In general, both appraisals supported, for the initial years at least, the confining of the curriculum to legal subjects, and both professed to see a double advantage in the provision of the Final Certificate: it improved the existing standard of education for legal practice without making it too difficult for students to qualify for practice, while the other three subjects added a small element of “cultural” education for those who proceeded to the University degree. *The Register* saw the introduction of a professional course as “the one chief thing to impart to the institution increased vitality”. At the meeting of the Senate on 18 October 1882 the course was criticised in a number of minor details (eg that “Obligations” ought to be changed to “Contracts”), but was passed in the form submitted in order that there should be no cause arising from the Senate deliberations for the Council to delay proceeding with the inauguration of the new venture.

W R Phillips : 1883-1887

Discussions about staffing for the course proceeded and it was not until January 1883 that applications were invited for two part-time lecturers, each to lecture in four subjects, the salary for one being £300 a year and for the other £200 a year. Although the grouping of subjects was not predetermined, the Law of Property was apparently regarded as a double-weight subject, and it may be assumed that the group which included that subject would carry the larger emolument. An applicant might apply for and be appointed to both, in which case he would receive the combined salary of £500 but would be required to give his full time to the duties of the appointment.

Walter Ross Phillips, LL B Cambridge, appointed full-time Lecturer in Laws in March 1883 at the age of 28, had commitments in Melbourne which precluded his taking up duty before September. The University therefore negotiated with two local lawyers, one of whom had been an applicant for either or both of the two part-time lectureships, to begin teaching early in April. Aretas Young, BA Oxford 1871, admitted through the Inner Temple to the English Bar in 1873, who at one stage

of his career declined a colonial judgeship, undertook the Law of Property, and Robert G Moore undertook the Law of Obligations. Why it was thought, either by the University or by the two lecturers, that they could, with such inadequate notice, compose and deliver 60 lectures on their subjects within the next seven or eight months is something of a puzzle; but each was appointed to do so at a fee of £157/10/-. It soon became clear, however, that only one lecture a week was feasible. The courses and fees were adjusted accordingly, and for some years one lecture a week remained the standard for a "practical" legal subject.

Phillips began lecturing in Roman Law and Constitutional Law in September, and extended his lecture course well into December. All four subjects were examined in December. Thus, within eight months of the first lectures, the full first-year course had been provided and the adjusted second-year course made available for those students who were exempted from the Law of Property in the first-year course. Thereafter Phillips, as full-time lecturer, was required to accept responsibility for the teaching of all eight subjects. Apparently it was thought that what Francis Bacon could do in the whole realm of human knowledge in the early years of the seventeenth century, a lesser mortal could do in one branch of the realm in the ninth decade of the nineteenth century.

The student response must have afforded considerable satisfaction to the University Council. Twenty-four enrolments in the first year and eleven in the second year of the degree course, and four enrolments in subjects for the Final Certificate provided substantial justification for the University's venture into professional education.

That there was public support (perhaps mainly from the legal profession and from members of the Congregational Church) for the new course was demonstrated in an unusual way. Randolph Isham Stow, a Judge of the Supreme Court, a foundation member of the University Council, and son of the first minister of the Congregational Church in Flinders Street (for long called Stow Memorial Church and currently Pilgrim Church) had died in September 1878. On the inauguration of the law course £500 was raised and paid to the University to commemorate him. The statute made to govern the endowment provided for a prize of £15 to be awarded for distinction in each year of the course, and for a gold medal and the title of Stow Scholar to be awarded to a candidate who gained a prize in each of the three years. Awards were made on the results of the December 1883 examinations, with a prize for the first year going to Alfred Gill and one for the second year to Thomas Hewitson.

Another potential gift to mark the occasion was an offer by the Chancellor (Mr Justice Way) to provide a prize for special examinations in Roman Law and Jurisprudence, of which Phillips was to be the sole examiner. The gift did not eventuate as there was no candidate.

In March the Faculty of Law sought, and the Council granted, £100 for the purchase of books for the library, and in April the Faculty began to compile the list of books to be bought. It also asked the Council to seek, and the Council successfully sought, gifts of sets of their statutes from the Governments of the other Australian Colonies and of New Zealand. Thereafter for several years the library grant to the Faculty was £50 a year.

A matter of minor importance but indicative, perhaps, of one aspect of the social structure of the times was the initial refusal of one of the

lecturers — R G Moore — to keep a record of attendance at his lectures: he maintained that that function should be discharged by a more lowly servant, as was done, he understood, in British institutions of higher learning. On being told that the professors in the University of Adelaide performed that menial task, Moore accepted the practice. When no longer a lecturer, he acted as additional examiner in Roman Law from 1884 to 1886, and in Wrongs in 1887.

Phillips was lecturer-in-charge of the teaching of law until the end of 1887. He apparently managed to teach, or at least to guide studies in, eight subjects (at a level represented by one class a week in each). During those years there were few distractions from the normal business of running an undergraduate course: detailed syllabuses, student applications, timetables, and so on. The year 1884 was particularly quiet, partly, no doubt, because of the absence overseas of William Barlow, Registrar of the University from 1874 to 1882 and Dean of the Faculty in 1883, who amongst other activities in that year obtained the degree of Doctor of Laws in Trinity College, Dublin. But the first item of more than transient interest arose at the end of that year.

Thomas Hewitson had been awarded a Stow prize for the second-year examinations in Obligations, Constitutional Law and (in his case) Roman Law in 1883, and a second prize for the third-year examinations in 1884. He submitted a detailed case, which the Council referred to the Faculty, that as he had had no opportunity of winning a prize for the first-year course he should, as a special case which could hardly constitute a precedent, be granted the title of Stow Scholar and the gold medal that accompanied the title. The Faculty decided that, under the statute governing the prizes and scholarship, it had no power to grant the application. Of the six candidates who qualified for the degree of Bachelor of Laws in 1884, Hewitson was the only one to have achieved first class results in either the second-year or third-year examinations, and was the only one subsequently to take part in the teaching programme of the School.

In 1886 Phillips gave notice that he wished to relinquish his appointment at the end of that year, but following negotiations which included an increase in salary from £500 to £600, he accepted re-appointment for 1887. It was apparently accepted on both sides that that extension was final, and in November the Faculty recommended that Frederick William Pennefather, BA, LL M Cambridge, be appointed at a salary of £500 a year to succeed Phillips from the beginning of 1888. The Council, however, required the post to be advertised. There were eight applicants (of whom one was Hewitson and another subsequently achieved a distinguished professional and public career in New South Wales). After reviewing the applications the Faculty again recommended Pennefather's appointment and the Council accepted it.

The appointment was not without criticism both within and beyond the Council. Critics argued that his academic qualifications were not distinguished, that his practical legal experience was slight, and that there was at least one more highly qualified candidate. In a letter to the Press it was stated that the appointment had been made on the casting vote of the Chancellor in the absence of two legal members who were opposed to it. But time was to prove the appointment a successful one.

Perusal of the details of subjects as prescribed or approved by the Faculty of Law for 1887, which may be regarded as the mature

curriculum of the Phillips years, suggests that the content of the five "technical" subjects was strictly of professional relevance and that the treatment would have been eminently practical (as urged by representatives of the Law Society in 1881). Even the "private" section of the course in International Law dealt with matters of substantial practical value in the day-to-day practice of a solicitor. The published material does not indicate that the subject matter was treated in depth or had an academic orientation; nevertheless, it would be easy to underrate the value of Phillips' contribution to the inauguration of a reasonably comprehensive course of professional education. The framework of the course had been determined by others, but it fell to Phillips as the sole teacher to convert the framework into a living body.

It is difficult to ascertain just what Phillips did in the years following his resignation from his position in Adelaide until 1899 when he was appointed to the Chair of Law in Yorkshire College. With the translation of the College into the University of Leeds in 1904, he became Professor of Law in that University. He occupied the Chair until 1919, when he accepted an appointment in the Khedival Law School, Cairo. From the opinions expressed by his university colleagues and responsible office-bearers in Leeds at the time of his resignation in 1919, it is clear that he was held in very high esteem as a teacher in the University and for his influence on the development of legal services in Yorkshire.

According to his entry in *Who was Who*, Vol III, he published articles on law and Assyriology, but they are not to be found in the Barr Smith and Salmond Libraries.

F W Pennefather : 1888-1896

Like William Barlow, the first Registrar and later a Vice-Chancellor of the University, Pennefather² was the son of a Queen's Counsel at the Irish Bar. At Cambridge University he graduated Bachelor of Arts in 1874 and Master of Laws in 1877, and was admitted to the English Bar in that year.

He came to Adelaide for reasons of health in 1881 and became private secretary to the Governor (Sir William Jervois) whom he accompanied to New Zealand in 1883 and in whose service he remained until 1886. In that year the New Zealand Government appointed him as its honorary commissioner at the Colonial Exhibition in London (The Victorian Commissioner was Nellie Melba's father). At the time of his appointment to the Adelaide lectureship he was in private practice in Wellington.

Pennefather had scarcely taken up duty in Adelaide when he was faced, in April 1888, with a problem of inter-university recognition. G H Downer, an Adelaide graduate in law in 1885, had been refused admission *ad eundem gradum* by the Professorial Board of the University of Melbourne. The ground given by the Board was that the Adelaide degree represented only three years of study whereas Melbourne's in

2 Pennefather's main publications were: *The Code of Civil Procedure in the Supreme Court of New Zealand* (with Brown) (1885); *Notes on the Management of Pauper and Criminal Children in Great Britain and in New Zealand* (1890); *A Handbook for Travellers in New Zealand* (1893); *A Visit to India* (1894); *Draft of a Code of Criminal Law*, Prepared for the Government of South Australia; together with Explanatory Letter, Notes, Schedules and Tables (1902); *Is Ulster Right?* (1913).

effect represented five (three for a BA degree followed by two years of legal studies). Pennefather drafted the case for rebuttal and reversal of the Melbourne decision. It may be summarised as follows: The Royal Letters Patent of each University provided that its degrees should "be entitled to rank, precedence and consideration in Our United Kingdom and in Our Colonies and Possessions throughout the world as if the said degrees had been granted by any University in Our said United Kingdom"; whereas Oxford and Dublin required a BA degree as prerequisite for a degree in Law, Cambridge and London did not; the matter of reciprocity of recognition of degrees between the various colonial universities was one of vital importance both to their mutual respect and to their external status; following earlier discussions, reciprocity of recognition of matriculation qualifications that were not identical in detail had been achieved. The Faculty added the recommendation that the Adelaide Council should negotiate with the Melbourne Council. The eventual outcome was that the Melbourne Professorial Board revoked its earlier decision and reciprocity of recognition of each other's LL B degree was established.

Pennefather's intellectual qualities and wide-ranging experience and achievements enabled him to exercise substantial and effective influence. In his first year he convinced his colleagues on the Faculty, and they convinced the Council, that to teach eight subjects competently was an impracticable undertaking, and even to try to do so an intolerable burden. Consequently two part-time assistant lecturers were appointed with effect from the beginning of the academic year in 1889; Thomas Hewitson, LL B 1884, as lecturer in the Law of Contracts (to which Obligations had been changed in 1886) at a fee of £75 a year, and Alfred Gill, BA 1882, LL B 1885, as lecturer in the Law of Wrongs at a fee of £50 a year. Hewitson held his appointment until 1897, and Gill held his until 1892.

In August 1889 Dr Barlow proposed to the Faculty that it should recommend Pennefather's elevation to a professorship. The proposal was not pursued in the Faculty, a small body of which Pennefather was himself an *ex officio* member. However, in December the Senate suggested to the Council that both the status of the law course and Pennefather's qualifications warranted his promotion to professorial rank. With those representations the Faculty, on being consulted by the Council, concurred unqualifiedly, and the Council made the appointment with effect from 1 January 1890. The salary, however, remained at £500 a year!

Consummation of the appointment had to await the preparation and adoption of a University statute creating the post, and then the issuing under seal of the University of a formal document of appointment. The former presented no difficulty but, although the Faculty and Pennefather himself were actively involved in the process, it was not until November 1890 that the document of appointment had reached a form acceptable to the Council for execution under seal. The wisdom of the appointment was confirmed by the quality of the Commemoration address entitled "The Study of Law" given by Pennefather on 20 December 1890 and published in full a few days later in *The Advertiser*.

Pennefather began the address by paying tribute to the development within the University over the preceding eight years of the courses in law, medicine and music. Moving to the present he thought that "the

most pressing need of the University” was the establishment of University residential colleges. Clearly he had in mind the Oxbridge system in which residence in such a college was an integral part of university education and compulsory for all undergraduates. To such residence he attributed the traditional educational values that were not seriously criticised or questioned until the second half of the next century. Recognising the impracticability at that time of either the University’s or the Government’s financing the provision of such residential institutions he appealed for private benefactions for the purpose. The appeal fell on drought-stricken ground.

While approving the prohibition of professors’ taking part in local politics, where the word “Federation” had acquired certain emotive connotations, he pleaded for “federation” in two fields which he regarded as being of a non-political nature: law and universities. In law, he said, the need for a thorough course of study and training was beyond question, but it ought to be possible for legal education and qualifications to be organised and recognised on an Australia-wide basis. He described as an “absurdity” the existing situation in which a practitioner in one State, no matter how professionally distinguished he might be, could be required to take anything from a formal examination to a full course of study and training before being permitted to appear in a court in another State, and he referred to the case of a Queen’s Counsel’s being required in such circumstances to undergo an “elementary” examination in law. There were, he acknowledged, manifold difficulties of an organisational kind to be overcome, but a difficulty was only “a thing to be got over”.

On the more specific subject of the nature of legal education he maintained that ideally the study of law should include the study of ethics, history, politics and economics, all of which were involved in the full understanding and scientific development of legal systems. He illustrated his thesis by referring to the revival of Roman jurisprudence and Greek philosophy and science in the Middle Ages, and the development over centuries of the law relating to contracts, wrongs, constitutions, and international relations.

What was the case for a “federation” of Australian universities? It would take a great many years, he thought, for individual Australian universities to achieve recognition comparable with that accorded the long-established British and European universities; an Australia-wide university might achieve such recognition much more quickly. Further, it would facilitate in the Australian scene the commendable German practice of students moving from one institution to another in accordance with what they judged to be the best site for their particular studies. As an associated measure he urged that Adelaide should seek from Oxford and Cambridge the recognition that they had granted to certain other colonial universities (eg Sydney and Cape Town) whereby the normal three years for a degree in those universities might be reduced to two in the case of students who had completed two years in the colonial university. Cambridge granted such recognition in 1893, doubtless partly as a result of Pennefather’s personal negotiations.

Pennefather sought leave of absence for the first two terms of 1891, and on his and the Faculty’s assuring the Council that the arrangements proposed for carrying on the teaching programme were entirely satisfactory, the Council granted the leave. The arrangements were simply

that the professor's teaching and examining responsibilities should be taken over by one George John Robert Murray as Acting Lecturer. Murray pointed out that he was about to set up in private practice, an activity which he could not wholly set aside or defer, but if the University found that circumstance acceptable he would be glad to act as Pennefather's substitute. His doing so began with acting as an examiner in all eight subjects in March and embraced lecturing in six subjects for two terms.

This is not the place to record Murray's many achievements and distinctions or his incalculable contribution to the service and advancement of the University as a whole, a contribution of such quality and extent as to distract attention and appreciation from his crucial service to the Law School over nearly two decades. In emergencies he acted for substantial periods as lecturer in six subjects in 1891 and 1893 and in three subjects in 1896-1897. At one time or another he acted as principal or co-examiner in every legal subject of the curriculum, in some of them many times: whenever the need arose he filled the breach. Similarly, in administrative matters, whenever there was need for an Acting Dean of the Faculty or an Acting Chairman of the Board of Examiners, his colleagues did not look further than Murray. In this writer's judgment no one made a more crucial contribution to the unbroken functioning of the Law School during the last decade of the nineteenth century and the first decade of the twentieth than Murray.

Pennefather's leave was profitable both to himself and to the University. Not only did he have a recuperative holiday in India (in company with the University's Chancellor, Samuel Way) and Europe, but he also qualified for the degree of Doctor of Laws in the University of Cambridge. The University's benefit lay in the recognition granted by the University of Cambridge, which Pennefather judiciously negotiated, under which Adelaide graduates might be granted status for up to three terms' work as candidates for Cambridge degrees.

With the creation of the Chair on a permanent basis and the appointment of two part-time lecturers, the infant Law School may be regarded as having passed into sturdy childhood. But passage through childhood to independent adulthood is often accompanied by trauma of one kind or another, and such was the experience of the Law School during the last decade of the nineteenth century and the early years of the twentieth.

The last decade of the nineteenth century was one of severe economic depression for Australia, and not least for South Australia, a colony extensively dependent upon agricultural and pastoral industry and on mining. Seasons were poor, prices for the products of primary industry were low, and the prosperity of mining was diminishing. The stringency of the general economic situation was reflected in the financial resources of the University. Interest rates fell and its returns from investments in properties declined sharply; during the first half of the decade enrolments, except in the Faculty of Medicine, declined; in the Law School they had fallen from a peak of fifty-nine in 1886 to twenty-eight in 1892, and of that twenty-eight, fourteen were taking final certificate subjects only. Enrolments in law remained at the 1892 level for five years. Consequently — since the Government's financial circumstances were such as to preclude the possibility of increased financial support

from that source — the University had to effect the greatest possible internal economies.

Repeatedly the Council asked the Faculty of Law to reduce expenditure. The Faculty recognised the overall need, but argued that its unhappy situation was no better than that of the rest of the University. In fact, Music was the only faculty in which fees continued to exceed direct expenditure. Nevertheless it co-operated to the extent that it deemed practicable. Only in one respect was it adamant: it could not agree to a reduction in its staff of one professor and two part-time lecturers or in the salaries paid to them. The allocation for library expenditure by the Faculty was reduced to £20 a year, and a number of other possible means of reducing expenditure were suggested: that the papers for the March examinations should not be printed; that fees for the undergraduate subjects should be increased by 50%; that the fee for examination for the degree of Doctor of Laws should be raised from £10 to £20 as insurance that the cost of conducting the examination would be covered if the candidate failed and therefore did not become liable for the fee of £10 for admission to the degree; that the March examinations should be abolished; that the co-examiners be asked to act without fee. In the event, the increased fee of £20 for the LL D examination was modified to £15/15/- and for three years — 1895-1897 — the co-examiners acted without fee.

There were also recurring problems and changes in teaching staff. Gill relinquished his appointment as lecturer in the Law of Wrongs at the end of 1892, and Hewitson undertook responsibility for that subject as well as Contracts in 1893. During the early part of that year Pennefather was incapacitated through illness, and emergency arrangements, particularly in relation to the March examinations, were necessary. It was G J R Murray who again filled the breach.

In 1894, 1895 and 1896 the lecturing in Wrongs was undertaken by W J Isbister, who had been awarded a Stow Prize for the third-year course in 1887, the year in which he graduated. The appointment to lecture on Wrongs in 1894 was the beginning of a long career of varied and active service to the University.

In 1895 Pennefather sought leave of absence during the first two terms of 1896 in order that he might proceed to England for surgical treatment. On this occasion the Council required the leave to be for the whole of the year since arrangements to carry on his work could more satisfactorily be made for a full year than for two terms. In view of the University's precarious financial position it also laid down two further provisions: Pennefather should give at least six months' notice of intention to return or to resign, while the Council reserved the right to terminate the appointment by three months' notice. The teaching programme was shared by four people:

Murray: Roman Law, Property, Equity.

Hewitson: Contracts, Wrongs, Constitutional Law.

F L Stow (the first Stow Scholar in 1892): International Law, Jurisprudence.

R Ingleby: Evidence and Procedure.

In July 1896 Pennefather submitted his resignation on the ground of continuing ill health. He spent a year (1898/1899) in New Zealand as an

Acting Judge of the Supreme Court, and then returned to Ireland where he spent the rest of his life in retirement on an estate. He died in 1921.

J W Salmond : 1897-1905

After Pennefather's resignation the Council decided, despite the University's precarious financial situation, to continue the professorship. Applications were invited by public advertisement in the United Kingdom, New Zealand and the other Australian colonies, and in March 1897 J W Salmond³ of New Zealand was appointed. He immediately asked that the two subjects to be taken by part-time lecturers be Property and Evidence and Procedure. At the same time Hewitson asked to be released from his appointment as he intended to enter practice in a country centre. The way was thus conveniently opened for an appointment of the nature desired by Salmond. Frederick Augustus d'Arenberg, MA Dublin 1876, Barrister-at-Law, was appointed to lecture in both Property and Evidence and Procedure from June 1897. Salmond took up his duties at the same time, becoming responsible for the other six subjects. That arrangement remained in effect throughout Salmond's occupancy of the Chair.

D'Arenberg was the first of a substantial number of practitioners who gave long and valued service to the Law School as part-time lecturers. For ten years he was effectively responsible for three subjects, Property being a double subject. In 1907 he relinquished Property (Part I being taken over by the new professor and Part II by W J Isbister), but continued to be responsible for Evidence and Procedure for a further thirteen years.

Apart from matters of curriculum, which are dealt with separately, the affairs of the Faculty during Salmond's nine-year tenure of the Chair were carried on in a relatively placid and uneventful manner. On his arrival, despite the University's straitened financial circumstances, a special library grant of £100 was put at Salmond's (technically the Faculty's) disposal. Leave of absence for professors did not cease: G J R Murray acted as Dean from December 1900 to February 1901 while Salmond visited New Zealand, and again in 1904 when Salmond was on leave during the second and third terms.

3 Salmond's main publications were: *Essays in Jurisprudence and Legal History* (1891); *First Principles of Jurisprudence* (1893); *Jurisprudence or the Theory of the Law* (first published 1902; 12th edn 1966 by Fitzgerald); *Law of Torts: a Treatise on the English Law of Liability for Civil Injuries* (first published 1907; 18th edn 1981 by Heuston and Chambers); *Principles of The Law of Contracts* (first published posthumously 1927 by Winfield; 2nd edn 1945 by Williams).

After Salmond's death in 1924 Pollock wrote an obituary in the *Law Quarterly Review* in which he assessed Salmond's significance as a scholar as follows:

"His reputation as an author in our law has been established for many years. It was first made by a volume of learned and ingenious essays, of which the substance is now largely embodied in his books on Jurisprudence and on Torts. Those books attained a classical rank in his lifetime, far above that of the many well known and meritorious treatises whose chief aim is to furnish practising lawyers with a classified repertory of authorities."

The late Sir Samuel Way used to say that Salmond lacked a sense of humour. Had this been so, Salmond could hardly have written his collection of humorous aphorisms: "*My Son*", *Said the Philosopher. Being the Meditations of the Late Epaphroditus McTavish* (1920).

The Council continued to ask from time to time that the Faculty exercise the maximum economy; the Faculty continued to reply that the only area of possible economy was in the appointment of co-examiners. In accordance with the original agreement with the Supreme Court co-examiners could not be withheld from the subjects required for the Final Certificate, and the Council, no doubt circumspectly, did not seek release from that agreement. In general the Council adopted the policy that, since co-examiners were compulsory in some subjects, it would be desirable to have them in all. Nevertheless, in 1903 they were not appointed for the special subjects.

A matter of public concern, and of special concern to the Faculty and to the legal profession, was a Law Reform Bill before Parliament in 1898. In September of that year the Faculty prepared a petition to Parliament which corrected several misrepresentations of the existing arrangements for the training of lawyers put forward by proponents of the bill (political misrepresentation was not unknown eighty years ago), and which argued against change in those arrangements. The Faculty's arguments prevailed.

The terms of Salmond's appointment to the Chair, which he had accepted without demur, provided for resignation or termination of appointment at the end of a calendar year by six months' notice in writing given on or before the preceding 30 June. The University Council might therefore be excused for being annoyed at receiving, in mid-December 1905, Salmond's resignation to take effect at the end of February 1906; he had accepted appointment as Professor of Law in Victoria University College, Wellington, New Zealand and was required to take up duty there in March 1906. The Council protested by cable to the College, pointing out that the University was entitled to Salmond's service during 1906 and ought not to be expected to agree to release him at such short notice and in the academic circumstances obtaining. But the College and Salmond were not moved, and the resignation took effect as originally proposed. Dissatisfaction at the circumstances of the resignation was neither deep-seated nor long-lasting: in view of their academic quality, the University continued to use Salmond's book on jurisprudence and soon prescribed his book on torts as text and reference books, in 1919 it invited Salmond to represent it at the Jubilee celebrations of the University of Otago, and in 1964 the law library was named The Sir John Salmond Library.

Legend has it that the University of Adelaide failed to retain Salmond by refusing an additional £50 a year in salary. The facts are: (i) Salmond's salary in 1905 was £600, the same as those of other distinguished professors such as W H Bragg and William Mitchell; (ii) the University offered to raise Salmond's salary to £750 a year if he would increase his teaching load (already, of course, a heavy one) thereby reducing the University's expenditure on part-time lecturing; (iii) the salary attached to the New Zealand appointment was £700. Information received from the Victoria University of Wellington reveals that Salmond had expressed interest in returning to New Zealand some time before he was formally offered the appointment (possibly when negotiations between Victoria University College and the New Zealand Government for the establishment of a law school were in progress in July 1905); with the approval of the College's Law Committee he had been asked not later than early November whether he would accept the appointment if it were offered to him and had said that he would.

The College Council confirmed the offer of appointment to him on 13 December 1905; his resignation to the University Council was dated 14 December 1905 and was considered on 15 December 1905. It was considered further at a special meeting of the University Council on 18 December 1905 following exchange of the following cables:

From the University Chancellor to Sir Robert Stout:

“Professor Salmond’s transfer to Wellington came before Council yesterday. Engagement here terminable end next year. University interests require his remaining. We offered him seven fifty and think you ought not ask us to accept his resignation.”

From Sir Robert Stout to the Chancellor:

“Victoria College specialises law. Appointment first professor therefore matter great importance. Council consulted Salmond before offering him appointment. Time does not permit other arrangements and Council while regretting inconvenience your University is unable cancel appointment or consent withdrawal by Salmond of his acceptance. Trust you will facilitate us as you are established and we are beginning.”

The University Council minute of 18 December 1905 reads:

“The Council conferred with Professor Salmond and after a long consideration decided to grant the Professor’s request to be allowed to resign at the end of February. It also resolved that the Professor’s salary should be paid for January and February next.

In conveying this decision to Professor Salmond the Chancellor expressed the regret of the Council that he had decided to sever his connection with the University and that the Council highly appreciated the good work he had done in connection with the Law School. Professor Salmond thanked the Council for their decision and stated it was also with great regret that he had decided to leave the University.”

The Wellington appointment was for a term of five years from 1 March 1906; at some time during 1907 he moved to a new government post as Counsel to the Law Drafting Office.

Without advertisement on this occasion, the Council offered the Chair to W Jethro Brown, LL D Cambridge, Litt D Dublin, currently Professor of Comparative Law in University College of Wales, Aberystwyth. Brown accepted and assumed duty in June 1906. He had in fact been quietly “sounded” by the Chancellor about offering himself for the chair ten years earlier when he was Professor of Law and Modern History in the University of Tasmania. On that occasion he had been reluctant to do so and the matter had lapsed.

In the meantime temporary arrangements had to be made to carry on the work of the Faculty. Yet again Murray came to the rescue as Acting Dean and substitute examiner in all Salmond’s subjects at the March 1906 examinations. Isbister accepted responsibility for Property II, Wrongs and International Law, d’Arenberg took over Jurisprudence as

well as continuing in Property I and Evidence and Procedure, and two new faces appeared on the teaching scene: P E Johnstone, BA, LL B, in Contracts and Constitutional Law and T Slaney Poole in Roman Law.

The coming of Brown marked the beginning of a new era for the Law School. Before moving to that era we may, perhaps, look at the academic aspects of the School during its first quarter of a century.

Academic developments and achievements 1883-1906

(a) *The LL B Course*

The only change in the undergraduate curriculum during the Phillips years was one of nomenclature: Obligations became Contracts from the beginning of 1887. In May 1886, however, Phillips did propose to the Faculty major changes which would have converted the course into a four-year one; unfortunately details of the proposals are not recorded in the Faculty's minutes. Consideration of them was deferred to enable the Chancellor (Chief Justice Way) and Dr Barlow to submit their views on what changes they deemed desirable (and presumably their comments on the Phillips proposals). Owing, no doubt, to the uncertainty as to the future of the Law School when Phillips left at the end of 1887, the matter of curriculum revision was not pursued by the Faculty in that year.

Pennefather lost no time in bringing the need for revision to the fore again. In July 1888 he suggested changes which also are not recorded in the minutes, and in August Barlow submitted the following programme for a five-year undergraduate course, of which the first three years would fulfil the requirements for the Final Certificate:

- I. Elementary Property; Elementary Contracts.
- II. Advanced Property; Advanced Contracts; Elementary Wrongs.
- III. Advanced Wrongs; Constitutional Law; Procedure.
- IV. Roman Law; Private International Law.
- V. Public International Law; Jurisprudence.

Pennefather objected to it on three counts: the course was too heavy and long; there ought not to be "elementary" and "advanced" courses in a subject, but a single adequately comprehensive one; Roman Law should be in the first year.

In the British tradition of compromise, the Faculty recommended a four-year course which met in part the principal features of both Barlow's scheme and Pennefather's objections to it. The Faculty's proposal was:

- I. Real Property; Contracts; Roman Law.
- II. Personal Property; Contracts; Wrongs (Civil).
- III. Wrongs (Criminal); Constitutional Law; Procedure.
- IV. Private International Law; Public International Law; Jurisprudence.

The Council, however, did not adopt this scheme.

Following the action of the Professorial Board of the University of Melbourne in refusing, initially, to recognise the Adelaide degree of

Bachelor of Laws because of its lack of arts subjects, the extent to which such subjects should form part of the education of a graduate in law became a very controversial matter both within the University and beyond. The Senate, the Press, and the profession had their conflicting views. Protracted discussion resulted in the approval by the Council and the Senate at the end of 1890 of the following four-year course to come into operation in 1891:

- I. Latin I; Roman Law; Constitutional Law; English I.
- II. Latin II (or Greek I); Property; Logic or Pure Mathematics.
- III. Jurisprudence; Principles of Equity; Contracts.
- IV. International Law (Public and Private); Wrongs (Civil and Criminal); Procedure (or Mental and Moral Science III as prescribed for the degree of BA).

The course in Mental and Moral Science III comprised the history of philosophy from Descartes to Hegel and Herbert Spencer's books on psychology and ethics.

Another feature of the new regulations, which was to give rise to considerable trouble for both the Faculty and the students, was the introduction of terminal examinations, attendance and reasonable performance at which were to be compulsory. Adumbrations of continuous assessment!

The most significant revision of the regulations took place in 1899, when Salmond had established his influence in the Faculty of Law and William Mitchell his in the Faculty of Arts. The latter Faculty decided to introduce in 1900 a completely new structure for the ordinary degree of Bachelor of Arts. Instead of annual examinations in selected ranges of subjects the course for the degree was reconstructed as six "subjects", each "subject" being of such stature as to represent half a year's work for a full-time undergraduate. Clearly the Faculty of Law needed to amend its regulations at least to the extent necessary to comply with the changed organisation of arts subjects.

The prevailing climate of academic change was not to be lost, and the Faculty seized the opportunity to make changes in its own curriculum. It divided the subjects for the degree in law into "ordinary" and "special", and specified the curriculum as follows:

- Ordinary Subjects: Property, Contracts, Wrongs, Evidence and Procedure, Constitutional Law.
- Special Subjects: Latin I (half a BA subject), two other arts subjects, Roman Law, Jurisprudence, International Law, Equity and Insolvency.

The course remained a four-year one, and the five ordinary subjects remained the academic requirements for the Final Certificate. But in 1901 Equity and Insolvency was replaced by Property II which was classified as an ordinary subject and increased the number of subjects for the Final Certificate to six.

No further change of significance occurred until 1907, when Jethro Brown had established himself firmly in the Chair.

(b) *The LL D Degree*

In February 1885 Dr Barlow was appointed by the Faculty to submit proposals for the creation of the LL D degree, and in April he

submitted draft regulations which were adopted substantially unchanged. To qualify for the degree a candidate had to be a graduate in law of at least four years' standing, to submit an original essay on one of three subjects prescribed by the Faculty, and to pass an examination in Roman Law, Constitutional Law and History, and either International Law or Jurisprudence and Principles of Legislation. The three subjects prescribed by the Faculty for the essay, particularly the third, further strengthened the emphasis laid on the academic nature of the Doctorate. They were: The Influence of Roman law on English Equity; Recent Developments in Public International Law; Bentham's Influence on English Legislation. These regulations remained in effect for seven years, but there was no candidate during this period.

One change operative in 1893 allowed the candidate to submit, for approval by the Faculty, a subject of his own choice for the initial essay. But of much greater significance was reconstruction of the subjects of the examination; they became: Roman Law; Public International Law; Constitutional History; The Law of Specific Performance *or* The Law as to the Sale of Chattels; essays and problems on the subjects of the examination. The only candidate under this set of regulations failed to satisfy the examiners.

Before that failure occurred, however, another revision of the regulations had been made, and for eleven years from 1894 the subjects of the examination (in addition to the initial essay) were: Roman Law; Jurisprudence and Principles of Legislation; Public International Law *or* Law of Partnership; essays and problems on the subjects of the examination.

Salmond did not seek to change that programme until the eve of his departure. In 1905, with effect from 1906, the requirements were revised to comprise two stages: a thesis of sufficient merit on a subject approved (not prescribed) by the Faculty, and an examination in Roman Law, Jurisprudence, and Public International Law for which a fairly extensive reading list was recommended. The "satisfactory essay" had become a "thesis of sufficient merit" and the subject-matter of the examination had become less immediately "practical" in nature.

(c) *The Stow Prizes and Scholarship*

As recorded earlier, the Stow Prizes, Scholarship and Medal were established in 1883, the year in which teaching for the degree in law began;⁴ and, indeed, two awards of prizes were made at the end of that

⁴ Not more than four Stow Prizes may be awarded each year for exceptional merit in at least two subjects at an annual examination in November. Three prizes entitle the winner to be styled Stow Scholar and to receive a gold medal.

Awards

- 1892: Stow, Francis Leslie.
- 1897: Young, Frederick William.
- 1901: Bennett, Richard William.
Skipper, Stanley Herbert.
- 1904: +Gordon, James Leslie.
- 1907: +Bray, Marmion Matthews.
- 1910: Ligertwood, George Coutts.
- 1918: Buttrose, Ian.
- 1919: Stevens, Edgar Loveday.
- 1921: +Piper, Francis Ernest.
- 1923: +Ure, Gwendolen Helen.

year. Both prizemen subsequently contributed to the teaching in the School: Alfred Gill as lecturer in Wrongs for four years and Thomas Hewitson as lecturer in Contracts for eight years and in Wrongs and Constitutional Law for one. Both (especially Hewitson) also acted on a number of occasions as co-examiners in other subjects.

But it was not until 1892 that the title of Stow Scholar was achieved, and several years later still before the first Stow Medal was struck and given to the winner, for the Faculty spent much time during the 1890's in discussion of the design and inscription of the medal. The first winner of the title and medal was, very appropriately, Francis Leslie Stow, son of the man in whose honour and memory the prizes and scholarship had been founded. Stow subsequently contributed to the work of the Faculty as temporary lecturer in Jurisprudence and International Law in 1896 and as co-examiner in those subjects and in Constitutional Law on several occasions. He was also the first Adelaide graduate to obtain (in 1909) the degree of Doctor of Laws for a thesis on criminal liability of the insane.

Of the next three Stow Scholars and Medallists, two later became financial benefactors, in a modest way, of the law course. Richard William Bennett bequeathed £500 to found prizes and a medal similar to, but naturally in detail different from, those maintained by the Stow endowment.⁵ Stanley Herbert Skipper and his wife gave £150 to found a prize in memory of their son who was killed in action in World War II,

4 *Cont.*

- 1932: + Hague, Ralph Meyrick.
- 1937: + Kelly, Francis Peter.
- 1939: Palmer, Ernest William.
Menzies, Duncan Campbell.
- 1945: Wells, William Andrew Noye.
- 1953: + + Wilson, Ian Bonython Cameron.
- 1959: + Cornish, William Rodolph.
Prior, Graham Clifton.
- 1962: Finnis, John Mitchell.
- 1965: Lindell, Geoffrey John.
- 1966: Doyle, John Jeremy.
- 1967: Haynes, Jennifer May.
- 1968: Dyki, Nick.
- 1969: Abbott, Anthony Norman.
- 1970: Basten, John.
- 1972: Crawford, James Richard.
- 1973: Wallace, Richard Johnstone.
- 1980: + Ericson, William Marcus.
- 1983: Robertson, David Alexander C.
+ Won a Stow Prize in each of four years.
+ + Won a Stow Prize in each of five years.

5 Not more than two R W Bennett Prizes may be awarded each year for exceptional merit in any Ordinary subject at the November examinations. Three prizes entitle the winner to be styled R W Bennett Scholar and to receive a bronze medal.

Awards

- 1950: White, James Michael.
- 1953: + Wilson, Ian Bonython Cameron.
- 1960: Finnis, John Mitchell.
- 1965: Doyle, John Jeremy.
- 1969: Abbott, Anthony Norman.
- 1974: Measday, Anne Shirley.
- 1981: Robertson, David Alexander C.
+ Awarded four R W Bennett Prizes.

the prize to be awarded to a law student for meritorious participation in general student life in the University.

Changes in the curriculum for the degree necessarily entailed changes in the conditions governing the award of the prizes and the scholarship. The subjects of consideration concerned the value to be assigned to the arts subjects introduced in 1891, the problems (if any) associated with the extension of the course to four years, and the question whether performance at the March examinations should be taken into consideration. In 1883 it had been determined that the November examination would be the only venue for awards; in 1899 it was prescribed that a candidate must pass at a November examination in three subjects at least and show exceptional merit in not less than two; in 1907 the requirement to pass in at least three subjects was withdrawn, thus establishing the criterion of exceptional merit in not less than two subjects at a November examination which is still operative today.

(d) *Public Service*

In its first quarter of a century, the Law School produced ninety graduates and sixty-five holders of the Final Certificate. What contribution to community service, other than their professional work as legal practitioners, did some of those people make? Apart from those listed separately as having been prominent in the teaching and administration of the School, the record is an impressive one. Let us look at it chronologically:

Thomas Hewitson, LL B 1884 with two Stow Prizes, LLD 1922: part-time lecturer in Contracts and Wrongs for ten subject-years; a magistrate 1918-1923; Deputy President of the SA Industrial Court 1923-1927; President 1927-1930.

Alexander Melrose, LL B 1886: active and extensive service to the State Library, the Art Gallery, the Botanic Gardens and the Royal Institute for the Blind, being a member of the Governing Board of each for many years and chairman for substantial periods.

Noel Augustin Webb, LL B 1886: Mayor of Port Augusta while in private practice there; Deputy President of the SA Industrial Court and of the Federal Arbitration Commission 1916-1922.

William James Isbister, LL B 1887: KC 1916; MBE 1918 for work with the Red Cross in Egypt; a member of the University Council 1905-1949.

William Ashley Magarey, LL B 1888: founder of the Magarey Medal awarded annually by the South Australian National Football League.

Edward Erskine Cleland, LL B 1890: KC 1912; lecturer in the Law of Wrongs for three years, Judge of the Supreme Court 1936-1943.

Edward Warner Benham, LL B 1891: lectured in the Law of Property for twenty-nine years; responsible for Private International Law for four years; bequeathed more than a quarter of a million dollars to the University.

Frank Beaumont Moulden, FC 1895: Lord Mayor of Adelaide, 1919-1921; Kt 1922.

- Hermann Homburg, FC 1896: a member of Parliament for fifteen years and a Minister for eight.
- Robert Homburg, FC 1897: a member of Parliament for three years.
- Herbert Angas Parsons, LL B 1897: KC 1916, Kt 1936; a member of Parliament for six years and a Minister for three; a Judge of the Supreme Court 1921-1945; a member of the University Council 1915-1945; Warden of the University Senate 1927-1945; Vice-Chancellor 1942-1945.
- Frederick William Young, LL B and Stow Scholar 1897: Kt 1918; a member of Parliament for nine years and a Minister for three; Agent-General for South Australia 1915-1918; a member of the House of Commons 1918-1922.
- Percy Emerson Johnstone, BA 1894, LL B 1898: lectured in Contracts 1906-1918 and in Commercial Law 1905-1918.
- Henry Newman Barwell, LL B 1899: KCMG 1922; Member of the SA Parliament 1915-1925, Minister for Industry 1917-1920, Premier and Attorney-General 1920-1924; Senator 1925-1928; Agent-General for SA in London 1928-1933.
- Henry Mortimer Muirhead, FC 1900: Registrar of the SA Industrial Court 1913-1923; Magistrate 1923-1933; Chief Magistrate of the Adelaide Court 1933-1950.
- John Howard Vaughan, LL B 1900: CBE 1932; a member of Parliament for six years and a Minister for two.
- Thomas John Mellis Napier, LL B 1902: KC 1922, KCMG 1945; Judge of the Supreme Court from 1924; Chairman of the Royal Commission on Banking 1936-1937; Chief Justice 1942-1967; Lieutenant Governor 1942-1971; Lecturer in Constitutional Law for four years and in Evidence and Procedure for three; Chancellor of the University of Adelaide 1948-1961.
- Ronald Nickels Finlayson, LL B 1903: lectured in Roman Law for five years, in Evidence and Procedure for six, and in Commercial Law for ten; a member of the Boards of Governors of the State Library and of the Art Gallery.
- Herbert Kingsley Paine, LL B 1904: CMG 1944, Kt 1953; Judge in the Insolvency Court 1926-1948; Chairman of the Farmers' Assistance Board; Acting Judge of the Supreme Court, 1949-1950 and 1951-1952.
- Francis Villeneuve Smith, FC 1906: KC 1919; President of the Law Society of SA 1933-1934; President of the Law Council of Australia 1936-1937.
- Reginald John Rudall, LL B 1906: Rhodes Scholar from South Australia for 1908; a member of the House of Representatives for three years; a member and Minister of the State Parliament for seventeen; lecturer in Constitutional Law 1920-1925.

W Jethro Brown : 1906-1916

Jethro Brown⁶ took up duty in June 1906. Salmond had lost no time in letting the University know to which subjects he wished the provision for part-time teaching to be applied. Brown lost little time in putting before the University Council a statement of the extensive function which, in his judgement, a law school should discharge in the educational programme of the University and thereby in service to the community. The opening paragraph of the statement, which he submitted to the Council in August 1906, was as follows:

“The present students of the Law School, almost without exception, desire to qualify as legal practitioners. In most countries, a very large number of the students who pass through the Law Schools have other ends in view. The training which such Schools afford has been found of the highest value, not only as a severe mental discipline and a sound culture, but also as a direct preparation for a career in Politics, Diplomacy, Magistracy, &c. Still more obvious is the direct utility of certain special subjects of Law for those who intend to become Journalists, Accountants, Clerks, &c. Several of the students who attended the Law School of the University College of Wales were preparing themselves for the profession of Journalism. A man of business, who aspires to be a Captain of Industry, ought to know something of the Law of Contracts and of Sale. The higher class of Civil Servants should have some acquaintance with Constitutional and Administrative Law. Finally, such a subject as the general theory of Law and Legislation — a subject which should certainly be taught in a Law School — must appeal to every conscientious citizen who aspires to become an elector.”

And in the next paragraph he went on to say:

“If, as appears to me indisputable, a Law School offers a training of the highest value to whole classes of the community who have no intention of entering the legal profession, then its gates should be open to a much wider class of student than is at present attracted to the Adelaide Law School.”

As an immediate step in that direction he suggested that certain law subjects should be available as an optional part of the curriculum for the degree of Bachelor of Arts. The suggestion met with ready approval of the Faculty of Arts, and from 1908 a subject called Jurisprudence was included in the list of subjects from which a student might, within certain guidelines, choose six for the BA degree or subsequently three for the MA degree. In this context Jurisprudence as an Arts subject

⁶ Brown's principal publications were: *Why Federate?* (1898); *The New Democracy; a Political Study* (1899); *Study of the Law* (1902); *The Austinian Theory of Law* (first published 1906; 2nd edn 1912); *The Underlying Principles of Modern Legislation* (first published 1912; 3rd edn 1915); *The Prevention and Control of Monopolies* (1914). Further publications are listed in Roe, *William Jethro Brown, An Australian Progressive 1868-1930* (1977).

comprised both Constitutional Law and Theory of Law and Legislation, two separate subjects in the law course.

Studies in commerce had begun in 1902 and had included a course in Commercial Law; the teaching in that subject, however, was conducted quite separately from the Law School and remained so for more than half a century. Indeed, when, in 1961, the Law School accepted responsibility for teaching Commercial Law for the Faculty of Economics, it continued to provide for that purpose courses separate from those for the law degree.

A feature of existing arrangements for the education and training of candidates for the legal profession which was of great concern to Brown was the concurrency of studies in the University and practical training in a practitioner's office. From the institution of the law course in 1883 the Supreme Court had amended its rules to provide that, while five years' service in articles should continue to be required of candidates who relied academically upon the Final Certificate, the period of such service would be reduced, in the case of graduates, to three years. At the same time the educational qualifications for admission to articles were specified as University matriculation or an acceptable equivalent. Thus, while the course remained a three-year one, there was every inducement for the student to enter articles simultaneously with enrolment in the University. Even when the course became a four-year one in 1891 there was still strong inducement to enter articles during the first year at the University in case the student had ultimately to be satisfied with the Final Certificate.

Brown held strongly that such an arrangement severely reduced both the academic discipline and the cultural value of the course: indeed, he suggested that it meant that the academic study must effectively be rather superficial since it had to be done on a part-time basis, and that the student was largely precluded from participation in the valuable experience of community student life. In his view the academic and professional training should extend over five years; the first three should be given wholly to the academic studies in the University, the fourth shared between further academic study and professional training as an articled clerk, and the fifth given completely to service in articles. This plan however, was set aside without serious consideration as impractical in the existing circumstances. And presumably that view prevailed for the next twenty years, for it was not until 1926 that passes in certain subjects of the law course itself became requisite for entry into articles, thus making the first year of the course available for full-time study in the University. Full achievement of the Brown plan of a minimum of three years' full-time study in the University before entry upon service in articles had to wait a further forty years.

On material resources of an established law school — as he held Adelaide's to be — Brown's view was that a separate set of rooms was essential for staff, students and teaching, including a "court" room for the conduct of mock trials. The walls of the school's quarters should be "adorned by engravings of the great judges of the past and the present". The submission did not refer to library resources, no doubt because a special grant of £100 for that purpose, apart from the regular annual grant, had already been approved.

Brown's views on the curriculum, teaching and examining may be summarised as follows:

On the undergraduate curriculum he proposed re-organisation of the contents of the course in Jurisprudence to promote a different purpose of the subject and its re-naming as "Theory of Law and Legislation"; he thought that Public International Law should be omitted from the curriculum as, in his judgement, that subject would appear to students to be both "superficial and remote" unless they had a general knowledge of European history; and while supporting strongly inclusion of a significant amount of arts content, he was emphatic that it should not exceed one full year's work and should be taken early, preferably as much as practicable in the first year of the course. For the Doctorate he urged that "the present examination . . . should be either abolished altogether and the test of a thesis substituted, or else that the presentation of a thesis should be made an alternative to the existing examination". While admitting that the scope and resources for significant independent research were relatively limited in Australia in comparison with Britain, he thought that "the increasing variations between English and Australian Law suggest a field of work in which the enterprising student might at once prove his capacities and serve the legal profession and the community".

On staff requirements he was emphatic: two professors and £200 a year for use by the professors in supplementing their teaching with lectures by practising lawyers. Of the two professors one should encompass the field of Comparative Jurisprudence — Jurisprudence, Roman Law, Constitutional Law and International Law; the other should cover the professional subjects of Property, Contracts, Wrongs, and Evidence and Procedure. A less satisfactory, and little more economical, arrangement for the professional field would be an adequate number of part-time lecturers. Four subjects was the absolute maximum that a professor could teach effectively. He valued the contribution that lectures by practitioners, as envisaged under the £200 provision for them, could make to the educational process. "Lectures of this kind exercise a good influence upon a school in several ways. They prevent a school from becoming too academic; they improve its relation to the legal profession; they raise its prestige in the eyes of the students, the profession, and the public; and they introduce into the teaching a new personal element of a kind likely to stimulate a student's ambition."

On teaching he held that "it is not enough that a teacher in class or lecture should seek to train his students in right methods of thinking and study; he must meet the students individually, and at frequent intervals, in order to ensure that individual excellence is developed and individual deficiencies and difficulties met".

Two-thirds of a century before it became an item in student pressure for revision of traditional teaching and examining practice, Brown advocated "class discussion" and what he called "terminal record". The latter was a valuation of the student's contribution to the class discussions and of his private reading. It was to be quite separate from the terminal examinations and should carry some weight in the annual examination. If today's term had been in use then, Brown might well have been regarded as an advocate of continuous assessment.

How far did Brown succeed in having his views put into effect? For the Doctorate, he secured at the end of 1907 a significant further move of emphasis from examination to thesis, which became the primary criterion. Only if the examiners of the thesis deemed it necessary would

the candidate be required to undergo examination, and then only in the subject-matter of the thesis. In the undergraduate course the title of the subject Jurisprudence (for law students) became "Theory of Law and Legislation". His views on the maximum professorial teaching load were recognised to the extent that, from 1907, the courses in Roman Law, Theory of Law and Legislation, and Private International Law were to be given in alternate years only, and part-time lecturers relieved him of Property II, Contracts, Wrongs, and Evidence and Procedure.

In 1910 the Government appointed a committee to investigate and report on the needs of the University. In December the Faculty adopted, with only one amendment, the statement on behalf of the Law School drafted by Brown. In it he —

re-iterated emphatically the view that he had expressed to the University Council in August 1906 on the extensive role that a law school should play in the education of prospective members of a wide variety of professional occupations other than legal practice itself;

pressed that the financial provision for part-time lecturers underwritten until 1911 by an anonymous benefactor should be assured from the University chest;

supported the general university case for extension of the library accommodation and resources and for more lecture rooms (whereby the use of one room as the Law School's library and lecture room could cease); and

sought financial provision for the expansion of the teaching in some subjects (specifically in the Law of Evidence and Procedure in which only one lecture a week was given).

No significant increase in the University's financial or accommodation resources emanated from the Government Committee (the shadow of the drastic drought of 1914 was beginning to impinge on the State which was heavily dependent on primary industry). Nevertheless the Faculty successfully sought on the eve of the outbreak of the Great War in August 1914 a special grant of £160 for the purchase of a set of English Law Reports, and re-stated effectively, in response to yet another request from the Council, the necessity for additional examiners in all law subjects.

In January 1916 the State Government invited Brown to be President of its newly established Industrial Court. He was unwilling to accept the appointment unqualifiedly because, as he said in a letter to the University Council, he was doubtful of his "business capacity" to discharge efficiently the functions of the office. He therefore sought (and was granted) twelve months leave of absence from the duties of the professorship on the understanding that he would be able to say, after six months' experience in the presidency, whether he would retain it or return to the Chair at the end of the twelve months. Messrs Benham (Property I), Finlayson (Private International Law), and Napier (Constitutional Law) undertook the relevant lecturing.

It became necessary in July and again in September 1916 for Brown to seek further postponement of his decision on two grounds. One was

what he regarded as the unsatisfactory status and tenure of the presidency, which he thought should be the same as that of a judge of the Supreme Court; the other was the inadequate ancillary staffing of his office. It is interesting to note that an element in the uncertainty about the future of the presidency was the current impingement on the responsibilities of the State of the Federal Government's increasing activities in industrial matters which could give rise to abolition of the presidency, leaving the occupant without employment or pension. By November, however, Brown had succumbed to the pressure being exerted on him to remain in the presidency, and with considerable reluctance he submitted his resignation to the University which accepted it and decided to continue indefinitely the existing temporary teaching arrangements.

In October 1918, believing that the end of the war was "in sight", Brown sought reappointment to the Chair of Law. The Council replied, however, that it did not intend to make an immediate appointment to the Chair; and there the matter rested for nearly a year. Late in 1919, when the University had received applications in response to open advertisement, Brown was asked whether he wished his application of October 1918 to stand. He avoided a specific answer by saying that that application had not been made in response to an open advertisement and that it was the province of the University Council to deal with it as the Council saw fit. The outcome was that Coleman Phillipson was appointed.

Brown did not immediately cease to be interested in legal education. In 1920, when major revision of the law course was under consideration by the Faculty (of which he was still a member), he sent to the Dean (W J Isbister) a commentary in which he —

repeated his 1906 advocacy of a substantial period of pre-articles study in the University;

supported a five-year course which should include not more than two years in articles;

urged the provision of an introductory course in elementary law in the first year;

affirmed the importance of an advanced course in Jurisprudence late in the course; and

supported the division of Constitutional Law into two parts.

The proposal for an introductory course had been conceived in 1917 by T J M Napier, then lecturer in Constitutional Law. But, as with Brown's much earlier proposal for a compulsory pre-articles period of academic study in both legal and non-legal subjects, it was not until 1926 that the period of gestation ended with successful birth.

Coleman Phillipson : 1920-1925

Like his predecessor, Jethro Brown, Coleman Phillipson⁷ held doctoral degrees in both law and letters. He had had brilliant academic records as an undergraduate in the University of Manchester and as a postgraduate student in University College, London.

⁷ Phillipson's main works are listed in Shearer's contribution, *infra*, nn 29 and 30.

Relatively little change was sought or achieved in the undergraduate course during Phillipson's tenure of the Chair. In 1923 Phillipson persuaded the University to abandon Jethro Brown's "Theory of Law and Legislation" and to revert to "Jurisprudence" as the title of a subject in the course. In 1925 the requirement of compulsory attendance at terminal examinations was withdrawn; it is not easy to ascertain what influence, if any, Phillipson had in the decision. In two ways, however, Phillipson improved the resources and service of the School for undergraduates: in 1921 the Council made a special grant of £200 (a substantial sum in those days) for the law library, and in 1924 the law library was opened on three nights a week during the academic year.

In 1924, arising from discussions on various aspects of academic development at a conference of the six Australian universities, the University established the degree of Master of Laws. To qualify a candidate had to pass an examination in the History of English Law and in any two of Public International Law, Common Law and Statute Law, Equity, Roman Law. The regulations governing the degree of Doctor of Laws were also amended to make the degree of Master the qualification for proceeding to the Doctorate — a state of affairs that obtained until 1930 when the degree of Bachelor again became the basic qualification for proceeding to the Doctorate.

Phillipson by no means confined his activities to legal education and the more general elucidation of the law. He felt qualified — and perhaps he was — to talk authoritatively on a wide range of topics, as is evidenced by the subjects of the many addresses that he gave to various societies and of the many articles that he wrote for the Press. In 1924 alone the subjects included: the national decline; sea power; statesmanship; democracy; wit and humour; Thomas Hardy; Dante; crime and society; the death penalty; the art of Norman Lindsay; truth, good and purity; Hedda Gabler. In the stormy controversy occasioned by the public exhibition in a private gallery of a collection of works by Norman Lindsay he was strongly condemnatory of their artistic merit and of their claim to be regarded as art at all (the works were defended by Charles Schilsky, newly appointed teacher of violin in the Elder Conservatorium of Music). On Hedda Gabler he went on record as profoundly disagreeing with Bernard Shaw's assessment of Hedda as a woman.

It has been cynically said of Ives, the first Professor of Music and one of the three professors in the history of the University to have had their appointments terminated, that he was interested in money at least as much as in music. Phillipson also was deeply interested in money. Soon after his arrival in Adelaide he sought permission, which the University refused, to undertake private practice in addition to the responsibilities of his Chair. A competent linguist, he taught, with the approval of the University, Italian to students of the Conservatorium for the fees, less 12½%, that they paid. He wrote so many articles, as distinct from brief comments or statements, for the Press that it is reasonable to assume that he was paid for many or all of them. And finally there was the case, which led in effect to termination of his appointment by the University Council, of his offering to coach a student of one of his classes for a substantial fee.

In March 1925 a parent reported to the Chancellor of the University that Professor Phillipson had offered, for a fee of 200 guineas, to coach

the son in a law subject on which the Professor lectured and examined. The matter was of such grave importance that the Council appointed a committee of three — Justices Slaney Poole and Angas Parsons and Mr W J Isbister, KC — to investigate the complaint. Phillipson readily admitted to the committee that he had in fact made the offer, but hotly disputed the circumstances giving rise to it as alleged by the complainant. The student's mother claimed that Phillipson had initiated the matter; Phillipson asserted that it was the mother who had done so.

On the substance of the charge Phillipson argued that the statute precluding him from giving private instruction, without the sanction of the Council, to persons not being students of the University did not preclude him from giving such instruction to persons who were students of the University, even members of his own classes; that his offer had been conditional pending his consulting the appropriate University authorities on the matter; that the complainant had apparently been quite willing to proceed with the arrangement until the amount of the fee had been mentioned; and that, when the complainant had then raised the question of the propriety of his (Phillipson's) doing so, he had immediately withdrawn the offer and asked that the matter be regarded as closed.

During the extensive investigation by the committee two other cases were mentioned. In one, the parent admitted that he had approached Phillipson, who had declined to proceed; in the other the parent (a professional man) asserted that Phillipson had originated the offer which he (the parent) had declined as soon as the fee — 90 guineas for two terms — had been mentioned, and he had subsequently consulted his lawyer on the propriety of the matter.

The committee found that Phillipson's offer of private tuition for a fee to a student who was a member of one of his classes was incompatible with his duty to the University (his interest *qua* coach would be in conflict with his duty as an examiner); and it recommended in May that the Council terminate the appointment by giving the requisite six months' notice terminating on 31 December 1925 and allowing Phillipson to leave Adelaide as soon as he saw fit to do so. It is, perhaps, of special interest to note that the committee recommended giving the notice of termination twice; once forthwith and again on 30 June.

In the event, however, it was not necessary for the Council to deal formally with the committee's report and recommendations. Phillipson's resignation was submitted to the Council at the relevant meeting and the Council agreed to allow him to resign, but not in the terms of the letter before it. The Vice-Chancellor was authorised to accept the resignation when it was resubmitted in terms which he regarded in the light of the Council's discussion as satisfactory. As the special committee had proposed, salary to the end of the year was then paid forthwith and Phillipson told that he might leave Adelaide as soon as it was convenient for him to do so. He left on 8 August 1925.

After Phillipson's departure W J Isbister undertook the deanship of the Faculty (and continued in office during 1926 also), and Phillipson's teaching was carried on by E W Benham, P E Johnstone and H Thomson.

The Appointments Committee for the Chair decided not to advertise the Chair on this occasion but to seek an appointee by private inquiry

within Australia. The initial inquiries were made by the Dean and brought forth four names; the Committee passed over two, largely on account of age, and concentrated on the two aged in the middle or upper thirties, one from Melbourne and the other from Sydney. Those two were invited formally to offer themselves as candidates for the Chair and to submit detailed applications. The successful candidate was A L Campbell who had had a very distinguished academic record in the University of Sydney. He took up duty in March 1926.

Arthur Campbell : 1926-1949

An immediate teaching responsibility for Campbell was the introductory course in Elements of Law and Legal History, first proposed by Napier in 1917, strongly supported by Jethro Brown in his report on the legal curriculum to the Dean in 1920, and legislatively provided for in 1925. Brown and Phillipson had argued that three subjects were the maximum that the professor should be expected to teach, and Phillipson had taught only three; Campbell undertook the new course in Elements in addition to Contracts, Wrongs and Constitutional Law. Towards the end of his career, however, he was emphatic to the Secretary of the Faculty that he would certainly be the last professor to teach four subjects as a regular programme; and his successor taught only two-and-a-half.

In association with the University's golden jubilee celebrations in 1926, Sir Langdon Bonython gave £20,000 to endow the Chair of Law, and in appreciation of that splendid gift the University established from its general funds a prize of the value of £100 to be known as the Bonython Prize.⁸ A statute governing the prize was enacted in 1928; it provided for the prize to be awarded for an adequate thesis on a subject approved by the Faculty of Law. The wording and detailed structure of the statute suggest that W J Isbister, Dean of the Faculty at the time of Sir Langdon's gift and a fellow member of the University Council, exerted the greatest influence on its composition. The first award was made in 1929 to Thelma Bleby, and in the next year, when the requirements for the LL M degree were being fundamentally revised, it was decided that the standard for award of the prize should be the same as that required of a thesis for the degree of Master. That standard has not subsequently been varied, but two theses awarded the prize — those of J J Bray and W Anstey Wynes — were accepted for the doctoral degree also.

Campbell was not one to press for immediate action on any change in the curriculum that he or his colleagues might think desirable; rather did he subscribe to the adage "more haste less speed". His first four years accordingly saw only a minor amendment to the undergraduate course: the provision was added in 1927 that a candidate who failed, or did not

8 The prize may be awarded for an original thesis or book on a legal subject approved by the Faculty of Law.

Awards

- 1929: Bleby, Thelma Evelyn.
- 1933: Wynes, William Anstey.
- 1937: Bray, John Jefferson.
- 1956: O'Connell, Daniel Patrick.
- 1962: Howard, Colin.
- 1980: Crawford, James Richard.

present himself for, an examination would be required to attend the course of lectures in the subject again unless exempted from doing so by the Faculty.

Honours degrees of bachelor in Arts and Science had been inaugurated in 1901. When the degree of Bachelor of Agricultural Science was being established in 1928 provision had been made for an honours degree. Regulations for the degree of Bachelor of Economics proceeded through the legislative machinery in 1930 and also provided for an honours degree. By that time the Faculty of Law also thought it desirable to introduce one. But the law course required a minimum of four years, and for many students five. The Faculty was therefore unwilling to impose a compulsory further year's work for honours. Instead, it adopted a detailed specification of standards for passing at the first attempt the subjects for the ordinary degree, on fulfilment of which the candidate should proceed to a special examination in the History of English Law. The latter need not statutorily involve an additional year's work, but in practice it would normally do so.

Collaterally the regulations for the degree of Master were amended in three respects: the honours degree of Bachelor carried exemption from the examination in the History of English Law (which, however, remained for candidates who had not qualified for the honours degree); a thesis on a subject approved by the Faculty replaced the advanced examination; and provision was made for acceptance in approved cases of a thesis which had been submitted unsuccessfully for the Doctorate. The qualification for proceeding to the Doctorate itself reverted simply to the degree of Bachelor; the work for the degree remained an adequate thesis and an examination on its subject-matter if the examiners so required.

By 1930 the Great Depression had fully established itself. The financial situations of the State and the University were such that there was a general cut of 10% in salaries and wages and the University had necessarily to keep its day-to-day maintenance expenses to a minimum. There was therefore no prospect of early expansion beyond existing commitments in the teaching programme — in law or in any other course.

In 1933, however, the general economic climate had begun to improve and by 1935 it was feasible to make proposals for the expansion of the law curriculum with a reasonable expectation of their ultimate adoption. A root-and-branch revision resulted in the provision of separate courses in Mercantile Law and in the Law relating to Companies, Partnership, Bankruptcy and Divorce, bringing the number of ordinary subjects to nine; and the revised course in Property II was renamed Equity and Conveyancing. The number of special subjects was reduced from six to five by the amalgamation of Roman Law and Jurisprudence, and this new joint subject and Private International Law would continue to be given in alternate years only. In these days (1978) when there is no "extraneous" subject in the course, it is interesting to note that in 1935 three arts subjects (which must include Latin I) were required as part of the curriculum for the LL B degree.

The changes in curriculum brought about significant changes in the part-time teaching staff. E W Benham, who had taught Property II from 1910 and Property I also from 1916, retired from the lectureship in

Property I at the end of 1937 and lectured in Equity and Conveyancing for the last time in 1938. The two new subjects introduced two new part-time lecturers who were to give long service, exceeded only by that of Benham and d'Arenberg. Earnest Phillips taught Mercantile Law from 1938 to 1959, and Louis Whittington the Law Relating to Companies, Partnership, Bankruptcy and Divorce from 1938 to 1960.

On the eve of World War II Martin Kriewaldt reported to the Faculty that discussions were taking place for the establishment of an association of Australian law schools. The proposal lay dormant throughout the war years but was revived and brought to fruition during 1945-1947. In reporting the establishment of the association (of which Professor George Paton of the University of Melbourne was the first president) Campbell raised the question of sharing the unequal costs to the various schools that would arise in the attendance of representatives at conferences of the association. The Council agreed, for an experimental period, to the equal sharing between the Universities involved of the expenses per delegate attending.

The war, as the depression had done a decade earlier, precluded even consideration of any significant change in the law course. Indeed there was difficulty in maintaining the existing teaching programme for the greatly reduced number of students (72 in 1939, 29 in 1942). On the outbreak of war Campbell had been appointed censor for South Australia, an office which he discharged while carrying on his normal teaching duties. In the middle of 1942 he was transferred to Sydney, which was effectively the Australian centre of censorial responsibilities, and Martin Kriewaldt, part-time lecturer in Real and Personal Property, also left Adelaide on war service. It was thus necessary to make temporary arrangements, which extended to the end of 1944, for the teaching of about half the curriculum. The practitioners who came to the rescue were J E Kelly (Property), A L Pickering (Contracts, in addition to his normal responsibilities in Evidence and Procedure), D B Ross (Wrongs), E Phillips (Elements, in addition to Mercantile Law) and K L Ward (Constitutional Law).

There were two minor amendments involving Latin made to the curriculum in 1943 and in 1948. Neither had any significant financial or academic effect on the overall teaching responsibilities of the Faculty of Arts. The earlier change simply provided for Latin II and Latin III, or Latin II and some other Arts subject to be presented as the "two other" Arts subjects for the degree. The later change was more far-reaching in academic significance within the Law curriculum. A powerful factor in its adoption were the problems faced by some ex-service students who had passed matriculation Latin before enlistment. A knowledge of matriculation Latin was assumed at admission to the class in Latin I, and at least some ex-service students found difficulty in reviving their knowledge of the language to the standard necessary to cope successfully with Latin I. The legislative change provided for a student, whether ex-service or not, who had failed in Latin I to pass an examination in the translation of prescribed passages from Justinian's *Institutes* and then to present English I as the compulsory Arts subject for the degree; such a student was given the right to present English II and III in the same way as other students could present Latin II and III. The status of Latin as a subject with which a graduate in law should have some acquaintance was deteriorating, as had that of Roman Law a decade earlier.

At the end of the war two pressing problems arose: to cope adequately with the great influx of ex-service men and women who wished either to resume or to enter upon the law course, and to provide rehabilitation courses for graduates whose war service had involved substantial absence from legal practice and developments in the law during their service. In collaboration with the Universities, the Commonwealth Government devised a priority scale for discharge which was based on both length of service and seniority in the course, thus spreading the intake into the University over the years 1946 and 1947. No change in the curriculum was practicable in the quinquennium following the war, and Campbell died suddenly in the middle of 1949, necessitating emergency arrangements for the remainder of that year.

The Law Society played a leading part in urging the need for and devising the nature of refresher courses for practitioners returning to practice from the services. Campbell collaborated on behalf of the University, to which the detailed administration, such as collecting the fees from the CRTS authorities and paying those who conducted the courses, fell. Five refresher courses were mounted: Office Practice (W A Norman), Contracts (S H Skipper), Crimes (J L Travers), Property (J E Kelly), and Torts (R F Newman); and between late 1945 and mid-1947 they were given three times.

In 1939 the Law Society raised again the question of scheduling the undergraduate course into "years" as was the case in the Medical School, a pass in one "year" being pre-requisite for proceeding to the next, and two failures in the same "year" placing the student in the situation of having the Faculty consider whether he should be excluded from the course. With the outbreak of war the matter lapsed. The Society also raised with Their Honours the Judges of the Supreme Court the question of abolishing the Final Certificate and making the degree the educational requirement for admission to practice, but their Honours refused.

Campbell did not subscribe to the academic doctrine, prevalent in the United States after the war, of "publish or perish". Indeed, his only publication was an annotated edition of the NSW Companies Act in 1920. Instead of publishing he gave generously of his time and capacity to the good management of student societies and activities in the University and in more general public service. In 1928 he acted as chairman of the Australian Commonwealth Association of Simplified Practice established in 1927, a particular function of which was to deal with conditions of contract. Immediately after the end of the war the Playford Government sought his services as a member of the Royal Commission to investigate the supply of electricity in South Australia (and in particular the use of Leigh Creek coal for the purpose) which recommended conversion of the independent Adelaide Electric Supply Company into the Electricity Trust of South Australia.

Within the University Campbell gave valuable opinions on certain matters which lay in a grey area between statute law, common law, and university policy. One such was the desirability of allowing an undergraduate undergoing imprisonment for a serious criminal offence to continue his studies as an external student exempted from attendance at lectures. Despite a professional opinion from a King's Counsel to the contrary, Campbell argued that, in accordance with the ancient academic principle "once a graduate always a graduate" no matter how heinous, immoral or illegal some of the graduate's subsequent actions might be, it

would be improper for the University under its then statutory authority⁹ in effect to exclude a student from the University because of criminal conduct outside the jurisdiction of the University. The University should not seek to interfere with the administration of the law in such a case, but it might permit such study provided (i) that the prison authorities (who had responsibilities for the rehabilitation of prisoners) initiated negotiations on the matter and undertook to provide acceptable study conditions, and (ii) that the University was satisfied that the nature of the study involved was suitable for study by an external student. His opinion was accepted by the Council after discussion of both opinions by the late Sir George Ligertwood and the late A J Hannan.

Other valuable opinions concerned the provision of alcoholic liquor at functions, especially dances, in the Union buildings, the position of the Royal Adelaide Hospital in respect of providing accommodation for medical students, the disposition of cadavers, and an obscure case of succession duty. In view of the last-named it is, perhaps, particularly ironical that Campbell died, albeit suddenly, intestate.

An assessment that, during his twenty-four year occupation of the Bonython Chair of Law, Arthur Lang Campbell did little more than discharge his teaching obligations would be superficial and misleading. Apart from his heavy teaching programme, he made significant and substantial contributions to the management of the University in general and to the well-being of extracurricular services and activities in particular.

A New Era

In 1949, in contrast to what it did in 1925, the University invited applications for the Chair of Law throughout the United Kingdom and New Zealand as well as Australia. The successful candidate was Richard Arthur Blackburn, who had graduated in 1939 with first class honours in English Language and Literature and had been awarded the Rhodes Scholarship for 1940.¹⁰ Before taking up his scholarship he served for five years in the AIF, rising to the rank of Captain. In legal experience he fell far short of the majority of candidates for the Chair, and his appointment was yet another case where the University, as it had done on several occasions in the past, preferred potential distinction to competent achievement. When he had settled into the Chair, Blackburn began to introduce reforms, but the wind of change was then only a breeze in comparison with what was to occur under his successors.

9 Clause 12 of Chapter XXV of the Statutes, enacted at the end of 1950, extended the range of the University's jurisdiction. A decision whether an extension should be acquired was necessitated by the question whether it would be in the public interest to allow a schizophrenic to complete the medical course.

10 The following law graduates have been awarded Rhodes Scholarships:

- 1908: Rudall, Reginald John.
- 1910: Thomson, Harry.
- 1939: Menzies, Duncan Campbell.
- 1941: Wells, William Andrew Noye.
- 1955: Wilson, Ian Bonython Cameron.
- 1962: Finnis, John Mitchell.
- 1967: Doyle, John Jeremy.
- 1970: Disney, Julian Henry Plunkett.
- 1971: Magarey, Michael Rupert.
- 1983: Robertson, David Alexander C.

In 1949 A P Rowe, the University's first full-time salaried Vice-Chancellor, with the staunch support of Kenneth Wills as acting chairman of the Finance Committee, had obtained in the State grant to the University for 1950 an increase, immense by the standards of those times, which enabled the University to make, on a tenured basis, twenty eight new appointments to the full-time academic staff. The School of Law secured a readership, the highest sub-professorial position, and the post was filled in 1951. Extensive discussions about the great expansion in 1950/1951 convinced the Government of the need of the University for continued growth, and it agreed to maintain the University's annual grant on a scale comparable with those of the Universities of Melbourne and Sydney. The immediate benefit to the Law School was the addition of a lectureship in 1953 in association with the most far-ranging revision of the course since its foundation seventy years earlier.

During 1952 the Faculty, under the guidance of Blackburn, now in his third year as Bonython Professor, made extensive changes in the studies under its immediate control. The most significant change was that the first three years became years of full-time study for most students. Constitutional Law was divided into two parts, of which Part I should be completed before Part II was taken. Similarly the first part of the Law of Wrongs was named Criminal Law and Procedure and the second, Torts. Roman Law and Jurisprudence became separate subjects again, and a new course in Legal History was introduced. But the total content was not increased as much as a simple count of the number of subjects might suggest. Some of the revised subjects were less extensive than a normal two-lecture-a-week course throughout the academic year, and — the shadow of events in the next two decades was beginning to fall — the number of Arts subjects was reduced from three to two. Nevertheless, seventeen subjects were required for the degree and ten for the Final Certificate, together, in each case, with satisfactory attendance and interest in a short course in Legal Ethics.

The Faculty was still unwilling formally to prescribe the course in terms of "years", but it went a good way in that direction by (i) prescribing a substantial number of pre-requisites for admission to the more advanced subjects, and (ii) formally *recommending*, without making it mandatory, a four-year programme covering the seventeen subjects in "years" as follows:

- I. Elements; Constitutional Law I; Criminal Law and Procedure; the two Arts subjects.
- II. Contract; Torts; Property; Constitutional Law II.
- III. Jurisprudence; Roman Law; Legal History; Equity; Mercantile Law.
- IV. Private International Law; Companies Partnership; Bankruptcy and Divorce; Evidence and Procedure.

The short course in Legal Ethics also would normally be taken in the fourth year by a student who had not stumbled academically in the first three years.

Hitherto examination results in law had been published in three classes in order of merit in each. The other faculties had, however, adopted a three classification scheme under the titles Distinction, Credit, Pass, order of merit being observed in the first two and alphabetical order in the

third. Law adopted the same standards for inclusion in the different classes and the same practice in regard to order of merit and alphabetical order, but retained the titles of First, Second and Third Class until 1956 when it adopted the nomenclature operative elsewhere in the University.

Two other changes were made during Blackburn's professorship. In 1955 new requirements for the honours degree were introduced, including in the final year a general honours examination of not more than two papers for which access to the resources of the law library would be permitted. The other was the transfer of the prescription of fees from the regulations (which needed the approval of the Senate and allowance by the Governor) to a schedule made by the Council under relevant authority conferred in the regulations. The change arose from the need of the University to be in a position to prescribe fees which would bring in a proportion of the University's total income comparable with the proportions operative in the other Australian universities.

Although anxious to expand the full-time staff of the School, Blackburn paid tribute in 1952 to the value of the special qualities associated with the teaching of part-time lecturers actively engaged in the daily practice of their profession and of their special aspects of it. This value was, apparently, to depreciate as the numbers of students and the financial resources of the University grew.

Like Campbell, Blackburn took an active and responsible interest in the extra-curricular activities of students generally, as well as those of the Law Students' Society. Soon after assuming duty, he took over from the author the technical supervision and guidance of the University Debating Club and of the members of the intervarsity team, and on more than one occasion he supported requests from sporting clubs for modification of existing restrictions in some respect or other. His main contribution, however, lay in the Adelaide University Regiment which had been established in 1948. Son of one of Australia's few holders of that pre-eminent mark of distinguished conduct in a situation of extreme personal danger, the Victoria Cross, and himself a participant in active service in the Middle East and in Papua-New Guinea, he was Commandant of the regiment with the rank of Lieutenant-Colonel from 1955 to 1957. The interest in military training and preparedness did not lapse on his vacating the Bonython Chair in 1957, for he was Commandant with the rank of Colonel of the First Battalion of the Royal South Australian Regiment from 1962 to 1965.

On resigning from the professorship with effect from August 1957, Blackburn undertook to carry on his full teaching and examining programme for the remainder of the year and to make himself available as a part-time lecturer, if required, in one subject — Contract — in succeeding years. To fill the Chair the Council reverted to the course of action that it had taken in 1925 — private inquiry within Australia — with the result that the Chair was offered to Norval Morris,¹¹ Associate Professor of Criminology in the University of Melbourne. But Morris

11 Morris' main works are: *The Habitual Criminal* (1951); *Cases on Torts* (with Morrison and Sharwood) (1962); *Studies in Criminal Law* (with Howard) (1964); *Capital Punishment Developments* (1967); *The Honest Politician's Guide to Crime Control* (with Hawkins) (1970); *The Future of Imprisonment* (1974); *Proposals for Prison Reform* (with Jacobs) (1974); *Letter to the President on Crime Control* (with Hawkins) (1977); *Madness and the Criminal Law* (1982).

had commitments which precluded his taking up duty in Adelaide before August 1958. There was thus something of a hiatus in the settled headship of the School at a time turned out to be the even of great expansion in the whole range of the University's operations. The Dean of the Faculty during 1958 — a year of profound importance — was Dr D P O'Connell,¹² Reader since 1953, whose special field of interest was International Law.

The Murray Report of 1957 presaged a new era for the Australian universities. It firmly involved the Commonwealth Government on a continuing basis in the general funding of the universities, recommended emergency funds for both capital and annual expenditure for three years beginning in 1958, and proposed the establishment of an Australian Universities Commission to recommend, after consideration of submissions from the universities, the scale of financial provision that should be made on a triennial basis for each. Sir Thomas Playford was the first State premier to announce that his Government would participate in the new arrangement for financing his State's university, the University of Adelaide, on the basis proposed in the Murray Report. Clearly the University was entering upon a period of extensive growth in its resources, both human and physical.

The Faculties of Arts, Economics and Law in particular were faced with acute problems of inadequate accommodation for current activities, let alone growth. Plans were in progress for substantial new buildings, but in the meantime, for example, departments of the Faculty of Arts were housed in many different buildings — Prince of Wales, Mechanical Engineering, Civil Engineering, Mathematics, and the Mawson Laboratories. And to cope effectively with the impending wholesale growth of the University it was imperative that the central administration, proportionately to the size of its university the smallest in Australia, should expand greatly.

In 1958 the Administration and the Law School (including its library) shared what is now known as the Mitchell Building. A committee of the Council investigating the accommodation needs of the whole University proposed that the Law School should transfer to the new extensions of the central library until the new accommodation for it, envisaged on the upper level near the Bonython Hall, became available in the early or middle sixties. This proposal the Faculty, led by the Dean, vigorously opposed, and the opposition provided the unique occasion of a registrar's attending a faculty meeting to point out, *inter alia*, some inaccuracies in a document circulated by the Dean. The Faculty argued that its essential expansion could be accommodated within the Mitchell Building supplemented by a staff room or two in the Prince of Wales Building; the Administration's necessary expansion should take place in the Prince of Wales. It argued further that, if it were compelled to move into the library extensions, it should occupy the whole of the top floor instead of, as proposed, the southern halves of the ground and first floors. This the Library Committee opposed with equal vehemence, since it would reduce significantly the additional reading areas which had been a prime objective in the design of the extensions. In the outcome the new Vice-Chancellor, Henry Basten, was authorised by the Council to adjudicate

12 For details concerning O'Connell's publications, see Shearer's contribution, *infra*, nn 43-45. See also the obituary and bibliography in (1980) 7 Adel L R 167-171.

between the conflicting claims. His decision, based, as he was careful to emphasize, on the interests of the University as a whole, was that the Law School should move to the ground and first floors of the southern half of the library extensions; and there the School had unhappily and uncomfortably to live until the Napier Building became available early in 1964.

Norval Morris assumed duty in August 1958. His resignation took effect at the end of June 1962. His consuming interest and his overseas reputation in Criminology had led to his being a teaching fellow in the subject at Harvard and a visiting professor in Criminal Law in the University of Utah during a long vacation before his appointment. During the four years of his occupation of the Bonython Chair he had leave of absence during the long vacation 1958/1959 to serve on a special commission in Ceylon, during May 1960 to participate in a relevant United Nations seminar in Tokyo, and for twelve months from August 1961 to be a visiting professor in the Harvard Law School.

Early in his time at Harvard he was invited to be the inaugural director of the United Nations Asia and Far East Institute in Japan, and required to give a firm decision promptly as it was intended to establish the Institute from mid-1962. He accepted the appointment and resigned from his Adelaide appointment with effect from the time of his taking up duty in Japan.

The negotiations in 1958 about accommodation (referred to earlier) had been, and continued to be, conducted for the most part by the Dean, Dr D P O'Connell. Despite the distractions that overseas opportunities in Criminology must have caused him, Morris did not spare attention and effort in revising the law course to meet current needs as he saw them. Law's share of the provision for staff development in the University during the triennium covered by the Murray Report in 1957 enabled the full-time staff of the Law School to be increased from a professor, a reader and two senior lecturers at the beginning of 1958 to a professor, a reader, four senior lecturers and two tutors at the end of 1960, with relatively little reduction in the part-time teaching staff. In the fifties and sixties all Australian law schools argued vehemently that satisfactorily qualified tenured staff could not be acquired at less than senior lecturer level, an argument that became untenable as the number of graduates who proceeded to postgraduate studies in the later sixties came onto the market.

Curriculum development exploded in 1960. The course in Companies, Partnership, Bankruptcy and Divorce was disbanded, Mercantile Law was divided into two parts, new courses in International Law (as an alternative to Roman Law), in Family Law (as an alternative to Private International Law), and in Administrative, Local Government and Industrial Law (as an alternative to Mercantile Law II) were instituted. A course in Taxation Law was provided as a postgraduate subject which undergraduates in the final year might be permitted by the Faculty to take. The total number of subjects, including two Arts subjects, remained at seventeen, and the Faculty's advice as to how they should be encompassed in four years was not basically modified. A legislative change of administrative significance was the transfer of authority to prescribe prerequisite subjects for admission to various classes from the regulations themselves to the subject-syllabuses, a course of action long operative in other faculties which did not have specified "years" of study.

In 1961 the Faculty of Law accepted responsibility for providing the courses in Commercial Law I and II for commerce students in the Faculty of Economics. The current two part-time lecturers working under the latter faculty were transferred, and the Law School continued to provide separate courses appropriately designed for commerce students.

Apart from the reconstruction and expansion of legal studies available in the undergraduate course in the University, Morris made two major contributions to the general development of legal education in South Australia: the foundation of the Adelaide Law Review Association and the establishment of the Committee on Postgraduate Legal Education.

The Law Review Association consisted almost entirely of students and staff of the Law School, and in April 1960 it published the first number of the now widely known and respected Adelaide Law Review. The Review's editorial board consisted of nine students, almost all of whom later achieved academic or professional distinction. It was assisted by three "Faculty Advisers" of whom Morris and Castles were members of the full-time academic staff and the third was a practitioner, Howard Zelling. The first Law Review contained four original articles, eleven summaries of recent cases, and ten book reviews, a general format that each subsequent issue has followed.

In December 1960 Morris suggested to the Faculty that the legal profession might welcome the provision of short courses of lectures by leading members of the profession, and the Faculty authorised him to discuss the matter with the Law Society. The Society welcomed the suggestion, and the outcome of the discussions was the formation of a Postgraduate Legal Education Committee charged to organise, supervise and control courses of lectures. Its original membership of five comprised Morris and Colin Howard as representatives of the Faculty and three nominees of the Law Society: D S Hogarth, Roma Mitchell, and A K Sangster (all of whom later became Justices of the Supreme Court of South Australia).

The Committee began its activities in April and May 1961 with a series of lectures on "The New Matrimonial Law and Practice" by Roma Mitchell. Since then it has presented regular programmes of continuing legal education. In 1972 the Committee, which, until then, had acted as an independent body, indicated that it wished to become accountable either to the Faculty of Law or to the Law Society. By agreement between those two bodies, it became a subcommittee of the Law Society Council, operating under the name "Committee for Continuing Legal Education".

The Law School, as did all other departments in the University, grew tremendously over the next decade or so. By 1977 the total student enrolment in the School, which had been 235 in 1962, exceeded 600, the full-time staff had grown to three professors, two readers, eight senior lecturers, twelve lecturers and three tutors, and the part-time staff comprised five lecturers and seventeen tutors. The curriculum had expanded to the provision of twenty-five separate subjects and two seminar courses in which a range of topics determined annually was provided. Students for the degree were still required to present seventeen subjects including at least one of the two seminar courses.

Perhaps the most radical educational change, apart from methods of teaching, was the omission in 1966 of the two Arts subjects that a

graduate in law had had, for some eighty years, to include in his curriculum for the degree. A layman may, perhaps, be permitted to doubt whether a course in Institutional Business Transactions, for example, is of the same educational value, as say, one in history or in a language.

A change of practical significance was that, while a course in the Law of Evidence remained part of the compulsory core for the degree, the complementary course in the Law of Procedure was included in the list of fifteen optional subjects from which five or six (depending on whether one or two seminar courses were taken) had to be chosen by the student. The Supreme Court continued to require the Law of Procedure as part of the curriculum of a graduate who sought admission to legal practice.

Another change followed the declaration of policy by the Australian Universities Commission that universities should not continue to provide courses of subgraduate status. This policy affected the Law School only indirectly, since the subjects and standard specified for the Final Certificate in Law were identical with those forming the larger part of the curriculum for the degree. Nevertheless, the University deemed it politic to abolish legislative recognition of the Final Certificate; in practice a student could, quite properly, take only those subjects of the degree course specified by the Supreme Court as the minimum educational qualifications for admission to practice.

The great growth in student numbers had a profound effect on the practical training of aspiring members of the legal profession; the demand for service in articles greatly exceeded the capacity of the profession to supply the required number of such clerkships. The problem was solved by the provision of a one-year full-time course in legal practice by the South Australian Institute of Technology which the Court agreed to recognise for graduates as an acceptable alternative to service in articles.

Most of the change and growth since the resignation of Norval Morris has been the work of persons who are still professionally active in South Australia, and who, in many cases, are still members of the staff of the Law School. It would be inappropriate to attempt any detailed account or evaluation of their work at this stage. Thus, this brief historical account of the Law School must effectively end in the mid-1960's.¹³ In view of the prominent role played for many decades by part-time lecturers, it may be a fitting conclusion to give a brief account of the practitioners who have given service to the University as part-time lecturers, and as directors of the moot court programme. Many more practitioners have assisted the Law School as part-time tutors and as examiners. Their work has been just as valuable, but space does not allow a complete listing.

This record of part-time teachers in law is confined to those who were appointed for a specified term of not less than one year and were

13 The late D P O'Connell, BA, LL M (NZ), Ph D, LL D (Cambridge) was Professor of International Law from 1962-1974. Arthur Rogerson, MA Oxford, was Bonython Professor of Law from 1964-1978. The following professorial appointments have been made since the mid-1960's: Castles, Alexander Cuthbert, LL B Melbourne, JD Chicago (1967-); Lücke, Horst Klaus, Dr Jur Cologne, MCJ New York, LL B (1967-); Kelly, David St Leger, BCL Oxford, LL B (1980-).

responsible for the teaching of their subjects. Temporary appointments during the absence of, or during short-term vacancies in, the full-time staff are not recorded, except for the two long-term vacancies in the Chair: the three-year vacancy from 1917 to 1919 and the absence on leave for war service of Professor A. L. Campbell from 1942 to 1944.

The date in brackets after the title of a subject records the year in which the course was given for the first time. In general the absence of years in relation to a subject indicates that for the period involved responsibility for the subject lay with the full-time staff. But in a few cases, for subjects which were given in alternate years only, the absence of one year only may simply indicate that, the course of lectures not being required, there was no formal appointment for that year.

Roman Law (1883)

- 1917-1921: Finlayson, Ronald Nickels, LL B.
 1923-1926: Hannan, Albert James, MA, LL B.
 1927-1937: Brebner, Charles Cave, LL B.
 1939-1958: Amalgamated with the course in Jurisprudence.
 1959-1966: Bray, John Jefferson, LL D.

Property and Associated Subjects

From 1883 to 1890 the subject was known simply as "The Law of Property", but there were two papers in it at the annual examinations, the second being headed "Personal Property". In 1891 the second paper was replaced by a separate subject entitled "Equity and Insolvency"; 1901 saw the amalgamation of the courses in Property and Equity into The Law of Property, Parts I and II. Major revision of the curriculum in 1936 involved reversion to separate courses in The Law of Property (Real and Personal) and in Equity and Conveyancing, and the introduction of new courses in Mercantile Law and in The Law relating to Companies, Partnership, Bankruptcy and Divorce.

The Law of Property (1883)

- 1883: Young, Aretas, BA Oxford.
 1897-1906: d'Arenberg, Frederick Augustus, MA Dublin.
 1906-1909: Isbister, William James, LL B.
 1910-1937: Benham, Edward Warner, LL B (Part II only until 1915; both Parts thereafter).

The Law of Property (Real and Personal) (1937)

- 1937-1942 }
 1946-1952 } Kriewaldt, Martin Rudolf Chemnitz, BA Wisconsin, LL B.
 1943-1944 }
 and 1953 } Kelly, John Erwin, LL B.
 1945: Duffield, Kenneth Churchill, LL B.
 1954-1968: Wells, William Andrew Noye, MA, BCL Oxford, LL B.
 1969-1971: Prior, Graham Clifton, BCL Oxford, LL B.

The Law of Equity and Conveyancing (1938)

- 1938: Benham, Edward Warner, LL B.
 1939-1955: Stevens, Edgar Loveday, LL B.
 1956-1975: Hunter, Brian Oswald, LL B.

Succession (1981)

In 1981 this subject was separated from Trusts.

- 1981- : Strickland, Steven Andrew, LL M Br Col, LL B.

The Law of Contracts (1883)

From 1883 to 1886 this subject was called "The Law of Obligations".

- 1883: Moore, Robert George.
 1889-1897: Hewitson, Thomas, LL B.
 1906-1919: Johnstone, Percy Emerson, BA, LL B.
 1941-1942: Millhouse, Vivian Rhodes, LL B.
 1943-1944: Pickering, Arthur Lawrence, LL B.
 1940 and }
 1949-1951 } McEwin, John Neil, LL B.
 1958-1960: Blackburn, Richard Arthur, BA, BCL Oxford, BA.

Constitutional Law (1883)

The subject was divided into two courses in 1957.

- 1916-1919: Napier, Thomas John Mellis, LL B.
 1920-1925: Rudall, Reginald John, B Litt Oxford, LL B.
 1943-1944: Ward, Kevin Leonard, LL B.
 1949-1956: Zelling, Howard Edgar, LL B.

Constitutional Law I (1957)

- 1963: Matheson, Roderick Grant, BA, LL B.

Constitutional Law II (1957)

- 1957-1959 }
 and 1963 } Zelling, Howard Edgar, LL B.

The Law of Wrongs (1884)

- 1889-1892: Gill, Alfred, BA, LL B.
 1893: Hewitson, Thomas, LL B.
 1894-1896 }
 and 1906 } Isbister, William James, LL B.
 1907-1909: Cleland, Edward Erskine, LL B.
 1910-1918: Poole, Thomas Slaney, MA Melbourne.
 1919: Browne, Thomas John, LL D.
 1920-1925: Thomson, Harry, MA Oxford, LL B.
 1943-1944: Ross, Dudley Bruce, LL B.

Jurisprudence (1884)

From 1907 to 1919, on the recommendation of Professor Jethro Brown, the subject was called "Theory of Law and Legislation". A subject called "Jurisprudence" in the Arts course embodied both this subject and Constitutional Law.

1917-1919	Hannan, Albert James, MA, LL B.
1925-1937	Mayo, Herbert, LL B.
1939-1940 } 1947-1950 }	Hague, Ralph Meyrick, LL B.
1941-1946 } 1951-1952 }	Bray, John Jefferson, LL D.

The Law of Evidence and Procedure (1884)

In 1961 the subject was divided into two.

1897-1919:	d'Arenberg, Frederick Augustus, MA Dublin.
1920-1922:	Napier, Thomas John Mellis, LL B.
1923-1928:	Finlayson, Rona'd Nickels, LL B.
1929-1935:	Reed, Geoffrey Sandford, LL B.
1936-1955:	Pickering, Arthur Lawrence, LL B.
1956-1960:	Scarfe, Elwyn Bewell, LL B.

The Law of Evidence

1961-1968:	Scarfe, Elwyn Bewell, LL B.
1969:	Wells, William Andrew Noye, MA, BCL Oxford, LL B.
1970-1971:	Rice, Phillip John, LL B.

The Law of Procedure

1961-1966:	Walters, George Henry, LL B.
1967-1971:	Forster, William Edward Stanley, LL B.
1971-1975:	Boehm, Jack, LL B.
1976- :	Doyle, John Jeremy, BCL Oxford, LL B.
1977- :	Duggan, Kevin Patrick Michael, LL B.

International Law (1884)

1906:	Isbister, William James, LL B.
1922:	Finlayson, Ronald Nickels, LL B.
1923-1926:	Benham, Edward Warner, LL B.
1928-1935:	Reed, Geoffrey Sandford, LL B.
1936-1950:	Piper, Francis Ernest, LL B.
1952-1953:	Wells, William Andrew Noye, MA, BCL Oxford, LL B.

Elements of Law and Legal and Constitutional History (1926)

1943-1944:	Phillips, Earnest, LL B.
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Legal Ethics and Accounts (1939)

1939-1943:	Reed, Geoffrey Sandford, LL B.
1944-1952:	Moulden, Arnold Meredith, LL B.
1953-1967:	McEwin, John Neil, LL B.
1968-1978:	Magarey, Brian Attiwill, LL B.
1979-1981:	Bollen, Derek Willoughby, LL B.
1982:	Whittaker, Veronica, LL B Monash.

Mercantile Law (1938)

1938-1959: Phillips, Earnest, LL B.

The Law Relating to Companies, Partnership, Bankruptcy and Divorce (1938)

1938-1960: Whittington, Louis Arnold, LL B.

Criminal Law (1946)

1946-1953: Chamberlain, Reginald Roderic St Clair, LL B.

1957-1958: Forster, William Edward Stanley, LL B.

1964: Matheson, Roderick Grant, BA, LL B.

Legal History (1957)

1957-1959: Bray, John Jefferson, LL D.

The Law of Torts (1957)

1957-1958: White, James Michael, BA, LL B.

Family Law (1960)

1960-1965: Mitchell, Roma Flinders, LL B.

Taxation Law (1960)

1960-1969: Sangster, Alexander Keith, LL B.

1971-1973: O'Loughlin, Maurice Francis, LL B.

Industrial Law (1961)

1961-1981: Portus, John Hereford, BA Sydney and Oxford.

Local Government Law (1961)

1961-1964: Norman, Harold Ashley, LL B.

Directors of Moots (1961)

1961-1966: Ziesing, George Ignatius.

1965-1971: Legoe, Christopher John, MA Cambridge.

1967-1968: Detmold, Michael James, LL B.

1969-1970: Mohr, Robert Finey, LL B.

1971: Millhouse, Robin Rhodes, LL B.

These practitioners, and many others who have assisted the Law School from its inception, have given their services willingly and devotedly for fees which would scarcely meet, sometimes even fall short of, their private professional expenses during the time that they spent in their actual teaching, quite apart from the time given to preparation, administration and associated responsibilities. The debt that the University and the profession owe to such dedicated teachers should not be overlooked: it is well-nigh incalculable.