



# Forbes Flyer

THE NEWSLETTER OF THE FRANCIS FORBES SOCIETY FOR AUSTRALIAN LEGAL HISTORY

Spring 2007

## History reports itself

This year's Forbes Lecture is to be on the life and times of the extraordinary William Charles Wentworth. Details are here. Book it in the diary now. I shall leave to a later edition an exploration of the hypothesis that good barristers make bad poets, but Wentworth and Barron Field, take note. However, it does allow me to flag the publication of *The 50<sup>th</sup> Anniversary Commemorative Book* by Counsel's Chambers Ltd to celebrate the jubilee for one of Sydney's leading chambers, Wentworth Chambers. An extract of an article by Ronald McKie in the Australian Women's Weekly for 11 September 1957 reads 'With practically every judge and senior "legal eagle" in Sydney there in striped pants and black coats, the law was almost at a standstill while the Police Band played fragments from "Sympathy" and "Trial by Jury"'. There are still some copies of the booklet available, at a cost of \$40.00 ex GST. Please contact Margaret Carson on 02 9231 3644 or [mcarson@counselschambers.com.au](mailto:mcarson@counselschambers.com.au).

While on the New South Wales Bar, I am delighted to record that it played host last week, launching Catherine Douglas's thesis, *Felons, Mutineers and Other Learned Friends: A History of the Development of the Colonial Bar in Australia, and the Contribution of its Advocates to the Evolution of the Colonies 1788-1856*. Readers will recall that Catherine was the inaugural editor of the *Flyer*. There will be a review of the work in a forthcoming edition. Congratulations, Catherine, on a well-earned doctorate.

**David Ash**  
Editor

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## 2007 Forbes Lecture: Life & Times of William Charles Wentworth

The Francis Forbes Society for Australian Legal History invites you to attend its annual lecture, to be held on Thursday, 8 November 2007 at 5pm in the Bar Association Common Room. This subject of this year's lecture, to be delivered by Mr Andrew Tink will be the career of William Charles Wentworth.

Accepting the invitation to deliver the lecture, Mr Tink remarked that, "As a member of the NSW Legislative Assembly, I was confronted in the parliament every sitting day for 19 years by an aggressive, larger than life portrait of William Charles Wentworth, a founder of the Bar, a free press, trial by jury and responsible government in NSW."

"Despite Wentworth's achievements and his brilliant, volcanic personality – the product of a convict mother and a father who was the black sheep of one of Britain's most distinguished families - no full length biography of him has yet been written", said Mr Tink.

After standing down as shadow attorney general and shadow leader of the House, Mr Tink accepted an offer from Allen and Unwin to write Wentworth's biography.

## Blackstone Symposium: 14 and 15 December 2007

In the Winter 2006 edition of the *Flyer*, we noted the publication of Sir William Blackstone's letters, and Sir William's immortalization, courtesy of Hermann Melville, in *Moby Dick*. The editor of those letters, Professor Wilfred Prest, is one of the speakers at an international conference on the life, thought and influence of Blackstone, who was author of *Commentaries on the Laws of England*, the most influential law book in the English language.

Speakers from Australia, Canada, Europe and the USA will explore the current state of research and thinking on the man and his writings. This workshop is supported by the School of History & Politics, the Faculty of Humanities and Social Sciences, the Law School and the Centre for British Studies of the University of Adelaide.

Registration for the two days of the symposium is now open. An early registration discount applies; places are strictly limited, so prompt registration is recommended. All registrants are eligible to receive pre-circulated copies of papers to be delivered at the symposium.

Other confirmed Speakers include:

Carol Matthews - University of Adelaide / Norma Aubertin-Potter - University of Oxford / Tony Earls - University of Melbourne / Emily Kadens - University of Texas / John Langbein - Yale University / Tim Stretton - St Mary's University, Halifax / Thea K Huntley - Princeton University / Morris Cohen - Yale University / Horst Dippel - University of Kassel / Vincenzo Fiscoe - University of Macerata, Naples / Michael Hoeflich - University of Kansas / Steve Sheppard - University of Arkansas / Kate McCarthy - University of Exeter / Nicole Graham - Macquarie University / John V Orth - University of North Carolina, Chapel Hill.

For details as to the program, as to registration, and as to accommodation, go to the site @ [www.hss.adelaide.edu.au/historypolitics/conferences/blackstone/](http://www.hss.adelaide.edu.au/historypolitics/conferences/blackstone/).

Alternatively or additionally, please address any questions and/or requests for further information in the first instance to

**Ms Julie McMahon**  
**School of History and Politics**  
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## Vexatious litigants

Simon Smith is a post-graduate student at Monash University. He is engaged in legal history research toward a doctorate, and is tracing the stories of people declared vexatious litigants in the first 50 years of the sanction, from 1930 to 1980. In that period the superior courts of Australia made ten declarations.

An important part of what promises to be an informative insight into our legal history, is the collection of oral histories from people who intersected with these litigants. Is anyone able to assist with oral recollections of the following?

- ❖ Rupert Millane (1930)
- ❖ Ellen Barlow (1931)
- ❖ Edna Isaacs (1941)
- ❖ Goldsmith Collins (1952)
- ❖ Geza Laszloffy (1963)
- ❖ Constance Bienvenu (1969)
- ❖ Dieter Soegemeier (1980)

If "yes", please contact Simon @ [sbsmi1@student.monash.edu.au](mailto:sbsmi1@student.monash.edu.au) or on 03 9531 5278.

## The NSW Legal Profession at Gallipoli

Based largely upon military records, Tony Cunneen has written a working paper on the involvement of NSW lawyers in Australia's Gallipoli campaign in the First World War. It is entitled *Engaged to Act on Another Front*, and can be viewed at [www.forbessociety.org.au/documents/gallipoli.pdf](http://www.forbessociety.org.au/documents/gallipoli.pdf).

Tony invites comments, corrections, criticism and the provision of research assistance from members of the legal profession, their families and the public generally so that this area of Australian social history can be elaborated. Please email [acunneen@bigpond.net.au](mailto:acunneen@bigpond.net.au).

# Tim Castle's Capital Punishment Database

The names, crimes and fate of the 1300 people who were sentenced to death between 1826 and 1837 are contained in the Castle Database. Some were executed, and many others were reprieved by the Governor and the Executive Council only to face a term of transportation to places such as Norfolk Island or Moreton Bay. Find out more @ [research.forbessociety.org.au](http://research.forbessociety.org.au).

## The Australian Legal History School Essay Competition

The Society has launched a competition, with the support of the New South Wales Bar Association, the Law Society of New South Wales, Macquarie University Division of Law, Abbey's Bookshop, The Federation Press, The State Library of NSW, State Records NSW and the *Sydney Morning Herald*.

### Eligibility

The Competition is open to all Students enrolled in an Australian Secondary School, not limited to NSW or to Students enrolled in a formal course of study in History or Legal Studies. Prior experience in the study of law or history is not necessary. Research material is available online.

### Prizes

#### Senior Secondary School Category

- School Prize (for the School of the Winning Essayist): \$1,000 cash and a \$1,000 Abbey's Book Voucher.
- Essayist's Personal Prize: \$200 cash and a \$500 Abbey's Book Voucher.

#### Junior Secondary School Category

- School Prize (for the School of the Winning Essayist): \$750 cash and a \$750 Abbey's Book Voucher.
- Essayist's Personal Prize: \$100 cash and a \$250 Abbey's Book Voucher.

#### Participation/merit certificates

- Each Essayist will receive a Certificate of Acknowledgment acknowledging his or her participation in the Competition. At the discretion of the Society, Merit Certificates may be issued to selected Essayists.

### Essay submission deadline

5.00 pm, Monday, 12 November 2007.

### Competition theme

Lessons for Today in Development of the Rule of Law in a Frontier Society, focusing on the Rum Rebellion of 1808 and the Waterloo Creek Massacre of 1838.

### Essay winners announcement

Australia Day (26 January) 2008, the 200th Anniversary of the Rum Rebellion and the 170th Anniversary of the Waterloo Creek Massacre.

### Competition rules/research assistance

- The Rules of the Competition and substantial Research Assistance are available on the Website of the Forbes Society ([www.forbessociety.org.au](http://www.forbessociety.org.au)).
- Background Papers published on the site provide a detailed outline of each of the Rum Rebellion and the Waterloo Creek Massacre, with references for further study and explanations of legal issues.

## Spring Quarters

### In spring 1807

On 23 November 1807, Lord Eldon LC lays the foundation of the modern law of undue influence, setting aside a settlement by a widow upon a roguish member of the clergy: see *Huguenin v Baseley* (1807) 33 ER 526.

### In spring 1857

On 26 November 1857, the first Australian parliament opens, in Melbourne.

### In spring 1907

On 1 July 1907, the Asiatic Registration Act became law in Transvaal, South Africa.

### In spring 1957

On 21 September 1957, the TV series featuring Raymond Burr as advocate extraordinaire Perry Mason, premiers on the US network CBS.

## Contacting the Forbes Society

### The Francis Forbes Society for Australian Legal History

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