



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

25 May 2018

Dear Forbes Society Member

Re: Membership renewal – Forbes Society 2018-2019

At this time of year, renewal of your subscription to the Forbes Society is sought. Memberships are renewed annually, and run for the period from 1 July 2018 to 30 June 2019.

Membership fees will remain the same as in 2017-18:

- (a) Ordinary member – \$60 incl GST
- (b) Ordinary member - full time student – \$20 incl GST
- (c) Corporate member – \$120 incl GST

The Society is dedicated to studying and documenting the history of Australian law. Its membership includes legal practitioners, academics, journalists and students.

Lectures in 2018

The Forbes Lecture – the Hon Justice Virginia Bell AC

The Annual Forbes Lecture is an important event in the Forbes Society calendar. It provides a forum for prominent legal identities, selected by the Society's Council, to present a public lecture on a substantial topic of interest.

This year's Forbes Lecture, *By the skin of our teeth – the passing of the Women's Legal Status Act 1918* will be delivered on Wednesday 30 May 2018 by the Hon Justice Virginia Bell AC to mark the Centenary of the *Women's Legal Status Act 1918* (NSW). It will be delivered at 5.15pm in the NSW Bar Association Common room and will be chaired by Arthur Moses SC.

The JH Plunkett Lecture

Another important, annual event in the Forbes Society's calendar is the JH Plunkett Lecture, to honour the memory of one of the State's pivotal Attorney-Generals. Plunkett (1802-1869) arrived in New South Wales in 1832. For more than 30 years thereafter he made a major contribution to colonial law and society serving, *inter alia*, as Solicitor-General and Attorney-General. In 1835 he published *The Australian Magistrate*, the first Australian legal practice book. He was the first Australian lawyer to be granted a commission as Queen's Counsel.

The 2017 Plunkett Lecture *John Hubert Plunkett QC and the Myall Creek murder trials* was presented by Mark Tedeschi QC on 9 November 2017 and chaired by the Attorney General, the Hon Mark Speakman SC. Mark Tedeschi's book *Murder at Myall Creek*:

The trial that defined a nation about the two trials in 1838 of 11 men charged with the murder of 28 Aboriginals was also about the life story of JH Plunkett as the prosecutor. In his book, Mark Tedeschi analysed the extraordinary steps adopted by Plunkett to try and achieve justice for those murdered.

Australian Legal History Tutorials

A major activity for the Forbes Society over recent years has been the conduct of tutorials on Australian legal history on a regular basis. The tutorial program is continuing.

Professor Wilf Prest delivered the first tutorial in the 2018 series, *Lawyers and the law in the "Glorious Revolution"* on 24 April 2018, which drew on Professor Prest's contribution to volume 9 of the *Oxford History of the Laws of England*, ed. J H Baker, titled "A New History of Law in Post-Revolutionary England, 1689-1760" (with co-authors David Lemmings and Mike Macnair).

On 15 May 2018 the Hon Arthur Emmett AO QC spoke on *The Roman Consensual Contracts: Sale, Hire and Partnership*.

Other scheduled tutorials in this year's series are:

- Professor Mark Lunney, History the law of tort on Tuesday 19 June 2018;
- The Hon J Campbell QC, History of Equity, in two parts, on Wednesday 25 July and Wednesday 22 August 2018; and
- a tutorial by the Chief Justice, the Hon T F Bathurst AC, on 18 October 2018.

(All tutorials are open to members and friends of the Forbes Society generally).

The Forbes Flyer and circular letters

The Forbes Society endeavours to keep its membership aware of developments in Australian legal history by publication of its electronic newsletter, "*The Forbes Flyer*", and by the distribution of updates by email.

All members of the Society are cordially invited to participate actively in its affairs.

The Forbes Fund

One of the Society's objects is to encourage and promote research into Australian legal history and it maintains a fund for that purpose to which donations may be made – the Francis Forbes Fund. As trustee of the Fund the Society is able to assist work undertaken through, or in association with, Universities. Members and Friends of the Society are reminded that donations to the Forbes Fund (in the sum of \$2.00 or more) are tax deductible.

(2017) Pitt Cobbett's grand opus called 'The Government of Australia': Members will recall that last year the Council approved a grant from the Fund to the University of Sydney to support this project. We are pleased to share this update from Professor Anne Twomey:

Professor Pitt Cobbett wrote his grand opus on *The Government of Australia* in his retirement, leaving it as an 'unfinished symphony' upon his death in 1919, with a request to his executors that it be finished, edited and published. But the High Court handed down its judgment in the *Engineers Case* the following year, and the executors decided the manuscript was out of date. It was instead donated to the University of Sydney and has sat quietly moulding there ever since. It

is now a work of great historic importance, showing how the Constitution was understood in the first twenty years of its existence.

The Forbes Society has kindly supported the project of finishing, editing and publishing this work. The aim is to publish it upon the centenary of Pitt Cobbett's death, in 2019. The Society donated \$8300 to pay a PhD student to check the footnotes of the book and to help subsidise publication to make it viable. Unfortunately, the full \$8,300 was spent on the footnote checking, as it turned out that as Pitt Cobbett's illness increased, the accuracy of his footnotes decreased and considerable work had to be undertaken to find the correct sources. I am therefore hoping for some additional assistance from the Society later in the year to subsidise publication so that it can be published as a hardback book for libraries and scholars to consult for generations. The support of the Society is essential for this type of work, which would otherwise not see the light of day and remain moulding away, unseen and forgotten. We will not learn from our past unless our history is readily accessible. The Francis Forbes Society ensures that it is.

(2015) Biography of Sir Francis Villeneuve Smith, the third Chief Justice of Tasmania: Dr J.M. Bennett AM and Dr Ron Solomon are currently working on a biography of Sir Francis Villeneuve Smith. Sir Francis was Premier of Tasmania from 1857 – 1860, a judge of the Supreme Court from 1860 – 1870, and Chief Justice from 1870 – 1885. In 2015 the Society approved a grant of \$6,000 to support the writing and publication of the monograph.

We welcome all further donations to enable us to support such worthy projects – a form for donations is available here: [Forbes Fund Donation Form](#) and on our web site www.forbessociety.org.au at DONATIONS.

Benefits of Membership of the Forbes Society

These include:

- (a) timely notification of legal history events *via* circular emails sent to members from time to time;
- (b) receipt of the members' newsletter, *The Forbes Flyer*, which is published regularly and available on the Society's website at www.forbessociety.org.au;
- (c) opportunities to obtain discounts on publications from time to time published or arranged by the Society.

MEMBERSHIP RENEWAL FORM

To renew your membership fill in the 2018/2019 Membership Renewal form **attached**.

Membership renewal forms should be sent to:

The Treasurer

The Francis Forbes Society for Australian Legal History
c/- New South Wales Bar Association
DX 1204 SYDNEY

Lower Ground Floor, Selborne Chambers
174 Phillip Street, SYDNEY NSW 2000

Or may be faxed to: (02) 9221 1149.

If you have any queries, please contact Fiona Williams: telephone: 9224 1586 (email: membership@forbessociety.org.au)

Alternatively you may contact the Council Secretary or Treasurer:

Secretary: Simon Chapple

Telephone: 9335-3082 (email: secretary@forbessociety.org.au)

Treasurer: Carol Webster SC

Telephone: 9224 1550 (email: treasurer@forbessociety.org.au)

We look forward to your continued membership and support of the Francis Forbes Society.

Yours,

Carol Webster SC
Treasurer

Simon Chapple
Secretary