



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

THE 2020 ANNUAL FORBES LECTURE

Lawyers' uses of history, from *Entick v Carrington* to *Smethurst v Commissioner of Police*

PROGRAMME

Lecturer:	The Hon Justice Mark Leeming NSW Court of Appeal
Chair:	The Hon Justice Stephen Gageler AC High Court of Australia
Date:	Tuesday 19 May 2020
Time:	5.30pm – 6.30pm
Venue:	virtually from Banco Court Law Courts Building, Queen's Square, Sydney

CONTEXT: The Forbes Society, and the annual Forbes Lecture sponsored by the Society, are named for Francis Forbes (1784-1841), the first Chief Justice of the Supreme Court of NSW, 1824-1837. He was knighted in 1837.

ORDER OF EVENTS

1. **WELCOME** – by the Hon Justice Stephen Gageler, High Court of Australia
2. **PRESENTATION OF THE LECTURE** – by the Hon Justice Mark Leeming

THE FORBES LECTURER

Justice Mark Leeming was appointed a Judge of Appeal of the Supreme Court of New South Wales in 2013, before which he had practised at the New South Wales Bar since 1995 and had been appointed Senior Counsel in 2006. He has taught at the University of Sydney part-time since 1995, where he is Challis Lecturer in Equity.

He is the co-author of two leading practitioner texts and a casebook on equity and trusts, and has published widely in the areas of constitutional law, administrative law, equity, trusts and intellectual property, including *Resolving Conflicts of Laws* (2011); *The Statutory Foundations of Negligence* (2019); *Authority to Decide: The Law of Jurisdiction in Australia* (2012), (2nd ed 2020). He is a member of the Editorial Boards of the *Journal of Equity* and the *Australian Bar Review*.

LEGAL HISTORY NEWS

Legal History Tutorials convened by the Forbes Society are open to the public, without charge.

LEGAL HISTORY TUTORIALS:

The Forbes Society's annual programme of legal history tutorials has, since its inception in 2013, included presentations by senior judges, academics, members of the Bar and Court staff.

In 2019, presentations were made by:

- Dr Simon Chapple (Secretary of the Society), "Introduction to Australian Legal History" (21 May 2019),
- Professor Mark Lunney (Junior Vice President of the Society; Professor of Law University of New England), Dr Tanya Josev (Senior Lecturer, Melbourne Law School) and Dr Susan Bartie (Lecturer, University of Tasmania Faculty of Law), "Legalism in the twentieth century: the chameleon concept" (3 September 2019),
- the Hon J C Campbell QC "The History of Equity" (in two parts: 6 August 2019 and 13 August 2019); and
- the Chief Justice, the Hon T F Bathurst AC "History of the legal profession in NSW" (18 September 2019).

COVID-19 restrictions affect our ability to commence the 2020 tutorial series. Nonetheless the Chief Justice has kindly agreed to give a tutorial on the topic "The History of Defamation Law", scheduled for Thursday 24 September 2020.

If you would be interested to attend, either as a presenter or in the audience, please advise the Secretary of the Society, Dr Simon Chapple (secretary@forbessociety.org.au)

THE 2019 PLUNKETT LECTURE:

The Eighth Annual JH Plunkett Lecture on "Attorneys-General in Eighteenth-Century England" was delivered on 13 November 2019 by Professor Wilfrid Prest (Professor Emeritus of History and of Law, University of Adelaide) chaired by the Hon Justice Andrew Bell, President of the Court of Appeal. Professor Prest spoke on the office of attorney-general in the 18th century, with particular reference to Sir Dudley Ryder (1691-1756), the second-longest serving holder of that office. The Plunkett Lecture honours the memory of one of the State's pivotal Attorneys General. John Hubert Plunkett (1802-1869) arrived in NSW, from Ireland, in 1832.

THE 2019 FORBES LECTURE:

On 5 June 2019 Professor Anne Twomey delivered the Annual Forbes Lecture titled 'By Pitt Cobbett - A Pre-Engineer's Ghost Speaks from the Grave'.

THE FORBES FUND:

One of the Society's objects is to encourage and promote research into Australian legal history and it maintains for that purpose the Francis Forbes Fund, to which donations may be made. Donations to the Forbes Fund (in the sum of \$2.00 or more) are tax deductible.

(2019 grants): Grants were made to support:

The digitisation of the notebooks of Sir Keith Officer and Sir Robin Sharwood – a proposal from Professor Lunney, Dr Tanya Josev (Melbourne Law School) and Ms Carole Hinchcliff (senior law librarian at Melbourne),

A Biographical Dictionary of Barristers and Solicitors in Early NSW, 1824-1861 (to Peter Moore through the University of Adelaide),

For the Australian and New Zealand Legal History Society Annual Prize in Legal History, an annual award for the best piece (book or article) of legal history writing by a member of ANZLHS about Australian / New Zealand history.

(2017 and 2018 grants) Pitt Cobbett's grand opus 'The Government of Australia': In 2017 and 2018 the Council of the Society approved grants from the Fund to support the publication of Pitt Cobbett's 'The Government of Australia'. William Pitt Cobbett was appointed to the Challis chair of law at Sydney University in 1890 and became the first Dean of the Law School in 1891, retiring in 1909. He completed a handwritten manuscript of about 275,000 words before he died in October 1919. In early 2018 Professor Twomey said of the project:

... 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 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.

The book *The Constitution and Government of Australia, 1788 to 1919* by William Pitt Cobbett and edited by Anne Twomey was published by Federation Press in October 2019.

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.

MEMBERSHIP OF THE FORBES SOCIETY:

Membership of the Forbes Society is open to everybody. Membership application forms can be downloaded from the Society's website. Benefits of membership include timely notification of events organised by the Society and ready access to the Society's newsletter, the *Forbes Flyer*, edited by David Ash of the NSW Bar.

THE 2020 AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION:

The Forbes Society's Annual Essay Competition is open to all students enrolled in an Australian secondary school or an Australian undergraduate university course (including courses leading to a qualification for legal practice). Guidelines, together with sample questions and essay questions set in previous years' competitions, are published on the Society's website: www.forbessociety.org.au.

THE ANZ LAW AND HISTORY SOCIETY ANNUAL CONFERENCE:

The 39th Annual Conference of the ANZLHS will be held in Auckland from 9-12 December 2020. The 2020 theme: "One Empire, Many Colonies, Similar or Different Histories?" invites a comparative lens on British imperial and colonial histories (<https://anzlhs.org/>).