Register Oct 19th 1882

THE ADELAIDE UNIVERSITY.

A special meeting of the Senate of the Adelaide University was held on Wednesday afternoon, October 18, to consider the acceptance or rejection of statutes and regulations relating to the faculty of Law. Dr. Gosse, Warden of the University, presided. There were about thirty gentlemen present.

Mr. W. BARLOW presented the regulations of the degree of Bachelor of Law, and of lectures and examinations in law for students not studying for the degree, and gave a brief explanation of the scheme, saying that it had been most carefully elaborated, the Council, having expended a large amount of time and research for the purpose of deciding upon the best way of forming and carrying out the regulations with respect to the lectures and examinations. The whole would be under the supervision of the Council, and whatever was done would virtually be the act of the entire Council whose judgment could be depended upon. Amongst the provisions was one which included the Judges of the Supreme Court in the membership of the faculty, and with the Chief Justice at the head it must be admitted that what would be done would have the best advice and best consideration. By Statute the appointment of examiners was subject to the approval of Judges of the Supreme Court. In this colony, where the legal professions were not separated into branches, as in the old country, there was not the time to devote from actual practical work to the various theoretical studies incidental to the different branches, and therefore the student could not devote many years to theoretical reading. That point had been considered. The student was obliged to go into actual work in the office every day, and it was, therefore, deemed necessary to see that the term of study should not be unduly shortened. The regulations provided that the examination need not be passed in the academical year, nor need the terms constituting an academical year be all kept in one or the same year. It was also thought better to adopt a purely legal course, as it would not be advisable to overload the course through which the student had to pass. That was not without precedent, for in Scotland there were two degrees, he was told. The standard of the University must be kept up, however. There were young men who did not propose to devote themselves entirely to practise in Adelaide, and they might wish to take a course without going for a degree; therefore a regulation for this was provided, the Council omitting the subject of Roman law, jurisprudence, and international law leaving the student purely practical matter to take up. The first examination for the degree of Bachelor of Laws was in Roman law and the law of property; the second, jurisprudence, constitutional law, and the law of obligations; and the third, international law, the law of wrongs (civil and criminal), and the law of procedure. It was hoped that by the means he had pointed out a thoroughly systematic arrangement had been arrived at. A student could confine himself to merely professional subjects if he elected to do so, and were not ambitious to take a degree. The Council would see that they did not impose too heavy a burden of study upon the students, and the details would be limited according to the Council's judgment. Clause 12 provided that "any matriculated student who shall, before the 31st day of December, 1885, have passed the intermediate or final examination prescribed by the Rules of the Supreme Court shall be entitled to obtain the degree of Bachelor of Laws on completing the second and third years of the course for that degree, and on passing the examination proper to each of those years. Provided that at the examination in such second year he shall pass in Roman law, which he may substitute for jurisprudence." The principle embodied in that had been approved by the Council of the Law Society, and had also the approval of the Vice-Chancellor. The University

might in time become the only avenue through which the Bar here could be reached, and year by year the number of students must increase. He trusted that the regulations would be found to work well, as it was believed they would. He moved their adoption.

Mr. FRED. AYERS seconded.

Dr. SMITH said that was the first time the matter had been publicly brought before the legal profession, and he did not know whether the members of the Senate would consider that there was an obligation to accept the regulations just as they stood with the brief consideration they must necessarily receive at that meeting, or whether the Senate would think it desirable to deal with any amendments suggested in a more business-like and leisurely manner. The best way, perhaps, to give the matter full consideration would be to submit the regulations to a committee. The regulations were open to objections, one being that the degree of Bachelor of Laws should include a greater amount of learning than was demanded there. There was not the general amount of learning involved to entitle a man to the degree of Bachelor of Laws, as it was estimated elsewhere. He would, however, leave it to members to vindicate the honour of the University and address himself to the regulations. The law of property was the second matter after the Roman law, which was described as a foreign subject. The law ruling personal property formed a large proportion of the whole body of the law, and therefore he would suggest that the element of the law of real and personal property be included in the first year's course. It should be an elementary examination in law ruling personal property; and in the third year there should be a further examination in that branch, viz., the law ruling personal property and conveyancing, for only in the third year could the student be fairly considered to have acquired sufficient familiarity with the subject to make him worthy to pass. That was why he (the speaker) put merely the elementary matter in the first year. In the second examination he saw jurisprudence placed first, and he thought the word not a well-chosen one. He proceeded to explain the various meanings of the term jurisprudence, and suggested the substitution of the term "constitutional law," while for the "law of obligations" he suggested the substitution of the "law of contracts." As for the law of wrongs—civil and criminal—that meant a large amount of reading, as it meant the whole criminal law. "Procedure" no person could object to. He ventured to add the points of difference between English and South Australian law, as that was a very important matter to the student. When the young lawyer came here he had only his English training, and was left to pick the other up. It would be a very proper thing for him to acquire the colonial system. As to "International law," it was, he presumed, not intended for students to master public as well as international law in one year. Private international law was a matter covering a wide range, and involved complications arising in connection with special property questions, as, for instance, when an Englishman married in France and legal difficulties arose as to estate. Public international law concerned the questions of peace or war, with which the colonies, for the present at least, had very little to do. It would be much more satisfactory if the questions involved in amendments of the regulations could be discussed and dealt with by a committee; the delay would not be great nor inconvenient. The relation of the University to the law generally must not be forgotten. It must be remembered that it was not concerned with the legal profession, but if they choose to hand over the whole of their examinations to the University the Council would no doubt be gratified; but the legal profession could not be compelled to do that. What the Senate had to consider was its own degree of Bachelor of Law and the terms of examination. That was an im-