

Abstractan Register October 19th 1882.

portant question, and should not be lightly regarded. He proposed that the Senate be recommended to adopt the following amendments:— That the subjects of examination stand as follows in lieu of the subjects as stated in clauses 3, 4, and 5. First year.—1. The Institutes of Justinian. 2. The elements of the law of real and personal property. Second year.—1. constitutional law. 2. The law of contracts. Third year.—1. The law of real and personal property and conveyancing. 2. The law of wrongs (civil and criminal). 3. Procedure. 4. The points of difference between South Australian and English law. 5. Private international law, subject to the option of the candidate to postpone any two of the third year's subjects, and to offer himself to be examined in them at a subsequent examination, and to omit clause 6, viz.:—"Students who in accordance with the regulations pass the examinations in the law of property, Constitutional law, the law of obligations, the law of wrongs (civil and criminal), and the law of procedure, and fulfil all other conditions prescribed by the statutes and regulations, shall be entitled to receive a final certificate that they have passed in those subjects."

Mr. LABATT seconded for the purpose of discussion.

Mr. W. SYMON said it had been his fortune to have considered the regulations in connection with the Law Society, although they were not framed exactly as they were placed before the Council of that Society. The Council of the Law Society had no great necessity to consider what degree the Bachelor of Law should bear in relation to them, but what they had to regard was their relation to the University. He supported the motion that the regulations be approved, not because he had no suggestions for amendment to propose, but because there should not be any delay simply on account of comparatively trifling alterations. He did not agree that the degree of Bachelor of Laws should be limited. His own opinion

was that for students for a learned profession like the law it would be a simple waste of time to study books at the Institute. He could not favour, therefore, the study of the Roman law. The regulation might be severe enough to compel the student to acquire a knowledge of the Roman law and jurisprudence; he thought study at the Institute of little or no use. What was wanted was a practical knowledge of the subjects for examination, so that the student could work in the details of the profession. With respect to the arrangement of the subjects, he considered it a mistake to place the law of property in the first year's study. Every one knew that the principal book on real property (Williams's) was one that required a matured mind to cope with. Every student who had studied it before he had acquired a practical knowledge of the profession certainly did not understand that book. It was a task for any man in the profession to master that book unless he previously had some practical knowledge of the principles involved. He would put property law in the second or third year. The "law of contracts" would have been more intelligible, perhaps. He did not agree with Dr. Smith that international law should be limited. Lawyers in the colonies should know the way the mother country carried out its operations, and when the colonies came to be federated they might have to fight their own battles. At the very end he noticed the law of procedure. Procedure was the first thing the young law clerk had to learn—how to conduct practical work, and therefore procedure should not be put last. It was the highest importance for articled clerks to study the practice of the profession first, and not launch at once into the study of the law of real and personal property, which was a most difficult subject. Law of property should come last on the list. He did not agree with Dr. Smith about separating the points of difference between South Australian and English law. If the student studied the law of real property he must study the difference between English and Australian law. He thought

the details of the subjects might be safely left to the Council and the faculty. The regulations were subject to alteration by Council by approval of the Senate. He differed from Dr. Smith as to the position of the Law Society. There was the approval to the scheme of the Chief Justice, both as a lawyer and as Vice-Chancellor of the University. There was also the approval of the Attorney-General, who was President of the Law Society. It might safely be said that the Law Society represented the profession here. There was no doubt that the University examiners would be the best for the duty, because being Professors of certain branches of learning they could direct the students much more effectually than a solicitor could do; moreover, University examiners were accustomed to the work and had gone through the ordeal themselves. There was a sufficient guarantee of the way in which the work would be performed in the fact that the examiners would have to be approved of by the Judges. There should be some connection between the University and the legal profession, he agreed; therefore articled clerks should be examined by the University, and the standard of the examination kept up. He did not like the arrangement of the subjects, and at some future time might venture to make suggestions, but the regulations should not be postponed now. The details could be altered at some future time.

Mr. J. J. STUCKEY said that like Mr. Symon he was uncertain whether the best order of subjects had been adopted. In London and Melbourne they were not quite the same. But he preferred there should be no delay now.

Mr. G. SUTHERLAND thought the law of property was an extensive subject to be taken up the first year. That subject might very well be transferred to the third year. Some injustice might be done to articled clerks who had only one year to run if examinations as at present conducted were to be abolished.

Mr. BARLOW said there was no idea of doing that. The regulations were not retrospective—re-examinations were not dreamt of. The Supreme Court examinations would be kept going as far as clerks already articled were concerned. As to the details of the subjects, he pointed out that they were too extensive to put in the scheme as a whole. They would have had to be considered one by one, and that would have occupied an immense amount of time—therefore a general scheme was presented. The Council would themselves work out the details in a way satisfactory to themselves and the public. It was important that some scheme should be adopted, and he agreed with Mr. Symon in forbearing. The regulations would be always open to alteration if needed. He had no desire to slight the very important matters Dr. Smith had touched upon, however. Perhaps Dr. Smith would withdraw his amendment rather than press the matter to an issue under present circumstances.

Dr. SMITH said he had no objection to withdraw the amendment with the consent of his seconder, now that he understood that the regulations could be amended afterwards and would receive the consideration of the Council.

The statutes and regulations were formally approved, and the proceedings ended.