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THE STUDY OF LAW.

Professor Pennefather delivered the following address at the University Commemoration last week:—

More than eight years have come and gone since the last time that I was present at the annual commemoration of this University. I was then here in attendance on my honored chief and kind friend, Sir William Jervois—a man whose name should long be remembered here, not only as one of the most able and energetic of all the governors who have presided over this colony, but also specially on account of the warm interest which he took throughout his term of administration in all that concerned the welfare of the University of Adelaide.

It may be not uninteresting to look back for a moment at the point to which we had attained at that, the first commemoration held in this hall, and then to see what has been done since. There is much in the early history of this University of which South Australians may well be proud. I rejoice to think that the University though subsidised was not founded by the Government, but originated from the wise and patriotic liberality which was shown by the wealthy colonists of those days. At the time of which I am speaking the chairs of classics, English, mathematics, and natural science had already been founded by Sir Walter Hughes and Sir Thomas Elder, and good work in all those schools had been done; and the Royal Letters Patent (which his Excellency had taken an active part in obtaining) had been granted, whereby this University—at that time alone amongst Australian Universities—had been empowered to grant degrees in science and to confer degrees on women. His Excellency in congratulating the University on the opening of our present buildings, looked around on the empty shelves of the library and expressed a hope that the time might not be long distant when they should be empty no more and the rooms be too small for the requirements of the University. He referred also to the objects which he was most anxious that the University should aim at, placing foremost amongst them the establishment of a school of jurisprudence in which law might be taught as a science, attendance at the lectures being if possible made compulsory on all students before admission to the bar of South Australia; the development of the then existing biological lectureship into a complete school of medicine; improved instruction in chemistry, and the foundation of a faculty of music. Were Sir Wm Jervois here to-day he would see that every shelf in the library has long since been filled, and he would learn that additional buildings have been erected for the physiological laboratory and the theatre for the lectures of the medical school, and that each

year we have increasing difficulty in finding space for the candidates at the various examinations. The medical school is already a flourishing institution, and arrangements will I hope soon be completed whereby our graduates will be recognised as duly qualified medical practitioners by the General Medical Council of the United Kingdom. A professor of chemistry has been appointed; the chair of music, owing chiefly to the zeal and influence of his Excellency Sir Wm. Robinson, has been founded; and last, but not least, the school of law, with a professor and two assistant lecturers, has been established, for which the University is mainly indebted to the efforts of his Honor the Chancellor.

We may say, therefore, that the last eight years have been a period of steady progress and development, and that all the objects which Sir Wm. Jervois referred to as most desirable to aim at have already been attained.

And now, turning to the future, I wish to take this opportunity of stating what I believe to be the most pressing needs of this University. On the special requirements of the schools other than my own I shall not touch; I will leave the subject to those who are more competent to speak; I shall confine myself to what I am most anxious to see carried out with reference to proceedings in law and to the University as a whole.

It is one of the advantages of the position of a professor of the University that he is not expected—nay, is not even allowed—to take any part in local politics. The great question therefore of whether there should be one Parliament for Australia or half a dozen is a matter with which he is not concerned. But there are some aspects of federation which touch us more closely; I refer to the federation of the law and the federation of the Universities. That it is to the public interest in every colony that no one should be admitted to the practice of any branch of the legal profession unless he has produced evidence of having passed through a thorough course of study and training no one can admit more cordially than I; and I have no sympathy whatever with noisy agitators who seek to place the public at the mercy of ignorant and incompetent practitioners. But on the other hand, remembering that throughout Australasia the law is substantially the same—or, at least, is of common origin—and that the requirements of one colony differ but little from those of another, I fail to see what difference it ought to make in what part of the seven colonies the training has been gone through and the examination held. The system of study would, of course, have to be approved by the Judges throughout the colonies, who would probably unite also in appointing the board of examiners; but these are matters of detail. I submit that the present system is an absurdity. According to it an Attorney General of one colony, should he wish to hold a brief in another, might have to matriculate and go through a whole University course; and a case has actually occurred in which an eminent Q.C., specially retained to defend a prisoner in another colony, was obliged to pass a qualifying examination in elementary law before he

was allowed to open his lips in court! Can it be contended that the bar of the United States would have taken the place in the world which it has if it had been split up in this manner? The pettiness of local jealousies may be excused in the cities of ancient Greece or the Italian towns of the Middle Ages, but it is intolerable amongst great colonies at the close of the 19th century. Difficulties would no doubt arise in working out such a system as the federation of the profession, especially on account of the vexed question of the separation or amalgamation of the two branches, but the old definition of a difficulty as "a thing to be got over" may apply here; and that it would be immensely for the benefit of the tone of the profession itself and of the public generally is surely incontrovertible.

For somewhat similar reasons I earnestly desire to see a closer union, and, if possible, an absolute fusion of the universities of these colonies. We may be proud of the efforts which have been made in the way of promoting higher education, considering the age and size of the communities, but I trust that I shall not offend the most patriotic Australian when I say that generations must pass before any of the colonial universities can attain to the dignity of the venerable and wealthy seats of learning of older countries. But if there were one great Australasian University the case would be different. The value of its degrees would be known and recognised throughout the world; and even in point of numbers its students would compare favorably with those of European or American universities. Not that I would for one moment wish to limit the number of teaching bodies. In so far as they are established for the purpose of teaching, I look with hearty pleasure on the foundation of the Universities of Hobart and Brisbane, although whether it might not have been more advisable to be content with colleges affiliated to existing universities is another question. And it is also a matter for consideration whether the German system, whereby students may go from one seat of learning to another according as each offers special facilities for the subjects they are studying, might not be introduced with advantage. The differences of climate in the various parts of Australasia, the existence of museums, libraries, and other aids to study in one cities which others do not possess, all seem to point in that direction.

There is a smaller matter of a somewhat similar nature connected with our own University which I would here mention in passing, as it is one which I have been for some time anxious to see arranged, and which will I trust ere long be an accomplished fact. I refer to the affiliation of this University to Oxford and Cambridge. Cases may frequently occur in which it is desirable that young South Australians should have the advantage of studying and obtaining a degree at an English University; but the three years' absence from the colony and the expense which it entails makes it impossible. Or again, it is for many reasons an advantage to a man who wishes to practice at the bar in the colonies to have been called in London. For this, three years' residence in England is necessary; one of these years may be well spent reading in chambers; but the remaining two have hitherto been insufficient to enable him to take a degree at an English University. Oxford and Cambridge have both been liberal enough to pass statutes whereby undergraduates who have kept two years at an Indian or Colonial University may obtain their degrees with two years' residence instead of three

The Universities of Calcutta, the Cape, Sydney, and New Zealand have already placed themselves in a position to claim the privilege, and I am happy to say that our chancellor has lately communicated with the vice-chancellors of Oxford and Cambridge with a view to securing the same benefits for the University of Adelaide.

But after all this can only concern a small minority of the students here. I wish now to speak of what I believe to be the most pressing need of this University—the establishment of residential colleges. I trust that it is not personal prejudice that leads me to say that the mere passing of examinations or even attending lectures for an hour or two a day is but a part of a complete university training. We can never offer all the advantages which a university should until we have colleges in which undergraduates (and I by no means speak only of those whose relations live in distant parts of the colony, but also of those who have been brought up in the city) can find a home. The college system of Oxford and Cambridge is of incalculable advantage as a means of drawing men together; of forming friendships not only between students who from difference of studies or circumstances might otherwise have remained strangers throughout their course, but also between the elder and younger members of the University; and of promoting a healthy *esprit de corps*, both as regards studies and recreations. Adelaide, alone amongst Australian Universities, has made no effort to introduce the system. The very fact of the difficulties which have attended the management of such institutions elsewhere seems to prove the necessity for their existence; if they have but imperfectly supplied the want, how much more must it exist (though it may not be realised) where no efforts to supply it are made? Of course the first question that meets us is finance; residential colleges can never be self-supporting; the University does not possess the necessary funds; the only hope is that some of the wealthy South Australians may come forward in the same liberal spirit that has been shown by the leading residents in other colonies, and as they have themselves shown with regard to other matters connected with the University.

By these, and other changes which time will not enable me to go into, we shall I trust gradually help forward our great aim—the general elevation of the University itself, and through it of society at large. There is even a danger lest in the contemplation of details this one grand object should be lost sight of. We must remember that we have aimed high in taking the name "University." The word has been handed down to us hallowed by use and consecrated by association. Meaning at first little more than "society," or "partnership," it soon acquired a wider and a nobler meaning—as an institution which is democratic in the highest sense, as open to all the world, and one where every branch of learning is loved for its own sake. It was in the Middle Ages—that glorious period of history when men (actuated by some nobler motives than calculating selfishness, and seeking after some loftier ambition than merely making money) were, out of the ruins of the Roman Empire, slowly evolving a state of society better than any which the world had hitherto seen, or even Plato had dreamed of—that the great universities of Europe rose into existence. Less than two centuries after the coronation of Charlemagne the medical school of Salerno had become famous, and then amidst the discords and anarchy of the twelfth century, when

Proceeded and oppression and sword law
Through all the plain—

the Universities of Bologna, Paris, Oxford, and Cambridge—to be followed soon after by others throughout Western Europe—rose up as a magnificent protest against the tyranny of physical force and the privileges of a favored few—those two great enemies to liberty in the Middle Ages. The quiet halls, far removed from the clang of arms and the excitement of the court were crowded with young men who came together to study the religion of peace, and to open again the forgotten pages of Roman jurisprudence or Greek science and philosophy. How nobly the mediæval universities performed their part history relates; later generations have reaped the benefits. We in the 19th century may not have the same difficulties to contend against; but if so we have others. In an age of extravagant luxury and cold materialism it is for the universities of to day to point out to the rising generation that there is something on which the greatness of a nation depends besides the accumulation of wealth or even the improvements of machinery. That the loftiest of sciences is excluded from the University of Adelaide I of course regret; and I say so the more confidently when I recollect that the great representative men of the Universities of Oxford, Cambridge, and Munich, who have passed away during the present year—men who have left their mark on the history of thought, and whose names will be remembered long after some who have pretended to look down on them with supercilious contempt have passed into merited oblivion—have all been theologians. ~~But even though~~ the Divine science must find a home elsewhere, do not our other schools supply means whereby much may be done? And here I must enter a protest against the undue prominence which is sometimes given in modern systems to natural science. Not, of course, that it would for a moment attempt to ignore the immense advance which has been made in the study of the natural sciences during recent years, or the benefits which the whole human race have derived from the researches of investigators and the labors of practitioners in those fields of learning. Nor would I undervalue the elements of natural science as a part of general education. I can realise the intense interest of tracing the gradual development of the inert mass until it becomes the living world, of patiently investigating those

Hints and previsions of which faculties
Are strewn confusedly everywhere about
The inferior natures, and all lead up higher,
All shape out dimly the superior race,
The heir of hopes too fair to turn out false,
And man appears at last.

But when we are told that natural science ought to take the place of all other training; when we are assured that the proper study of mankind is monkeys, or at best man regarded as a sort of glorified baboon; then it is time to point out that the great thoughts and deeds of the heroes of other lands and other periods may be worthy of the attention even of that very superior person, the young Australian; and that the questions which have agitated the minds of thinkers of every age and have turned the history of the world may after all be almost as interesting as the dissection of beetles or the investigation of mudpuddles.

It is not derogating from the natural sciences to show that there is something besides them; something beyond; that it is not from botany, or geology, or even astronomy that we have derived our knowledge of the

Violet and olive leaf purple and hoary,
Song wreath and story the fairest of fame;
Flowers that the winter can blast not nor bend;
A light upon earth as the sun's own flame.

A charge has recently been made against the curriculum of the Law School, as one that includes no general training; and certainly I shall welcome with pleasure any changes in the course which may tend to widen the ideas and to raise the culture of the students of law. But I am inclined to doubt whether all those who have been so eager in pressing their objections to our system have paused to consider what the study of the science of law really includes. They must recollect that in order to be complete it must involve the study of ethics, of history, of politics, of economics; that it necessitates a realisation of that power which makes for righteousness in the breast of every human being; leads us to consider and compare the causes which have brought about the various phases of human society and the principles which ought to guide the legislators of the land, and exercises the mind by the perception of analogies and investigation of evidence. A knowledge of Latin is, of course, necessary in order to enter into the refinements of Roman law. The histories of the various races of the world must be studied if we are to be able to form a comparison between the development of institutions which, at first sight, seem totally distinct, but which prove, on investigation, to be the products of the same principles developed under different circumstances. Take, for instance, a subject which may seem to many to be as dry and unprofitable as any with which a lawyer is concerned—the English system of land tenure. Yet in order to understand it scientifically we must trace the history of the race from the time when they first emerged from the forests of Germany; examine the result of the contact between the rude Teutons and the effete Romans, whose power they came to displace; and follow the workings of feudalism as a political system on the Continent of Europe down to the era of Napoleon and the destruction of the Holy Roman Empire, before we can understand the causes which led to its sinking down in England into a mere system of real property law, to be gradually modified from time to time until, by a bloodless revolution, it had become adapted to the requirements of modern life.

Or, to take another branch of law which perhaps appears hardly more interesting—the law of contract. Here we must commence by studying the state of society at Rome in the earliest times; we must see how the simple sacramental forms became gradually insufficient for the wants of the progressive nation, until aided by legislation both direct and indirect there was at length evolved that complete system which is to this day the basis of the law which regulates the commercial affairs of modern Europe. Then, turning to our own country, we observe how the elementary rules which sufficed for the Saxons and Normans were first enlarged by the customs of the foreign merchants who took up their residence in England under the Plantagenets; we then trace through the records of the courts how, at a time when Parliament hardly turned its attention to such matters, the chancellors and judges were enabled, partly by referring to the writings of Roman jurists, to apply the doctrines of justice and equity to the ever varying circumstances; how the growth of peaceful communications between nations, and the abolition of restrictions which governments are

only too ready to impose, brought the law of contract into continually increasing prominence, and at length the labors of the judges became embodied in and developed by the great consolidation statutes of the present reign.

Or again we turn to constitutional law. It is impossible to understand the British Constitution of to-day without going back to the times of the Anglo-Saxons, and examining that complete system of local self-government which England is now to some extent attempting to restore; then seeing how the disintegrating tendency which is the constant danger of a localised system was checked by the powerful centralisation of the Normans, until Norman and Saxon were welded into one nation on the field of Runnymede, when they came together to struggle, not for class interests or for personal aggrandisement, but for the lasting liberty of the nation. And then we trace out how the Parliament of the Plantagenets derived its power from the union of hereditary counsellors, learned bishops and churchmen, knights and burgesses; how the British jealousy of foreign interference—grotesque and overstrained as we must admit it at times has been—has helped to make England what it is; how another struggle for liberty ended for a moment in the tyranny of a usurper, who trod the constitution under foot more absolutely than the proudest of the Tudor kings, until the people of England had learnt that it is possible to lose the reality in fighting for the name; and again, we have to study how a settlement of a few English fishermen on a remote island of North America has become the first of a long list of self governing dependencies scattered throughout every part of the habitable world.

Thus, too, when we take a wider view and contemplate the great family of nations, we trace the workings of the same principles of law amongst them which we have seen amongst individuals; we find the same maxims appealed to and the same questions arising, whether we are examining a treaty between the sovereigns of ancient Egypt or the plenipotentiaries at a modern conference.

Then in the law of wrongs we have to compare various primitive systems—Jewish, Greek, Roman, and Teutonic—to follow the gradually growing appreciation of the distinction between wrongs against the Deity, against the State, and against private individuals; to investigate the causes which made the law of crimes for many reasons the least satisfactory branch of the law both of Rome and England, before we can appreciate the vast benefits which have been conferred on the nation by the sweeping reforms of the present century.

And if it be objected that the law of procedure is purely a professional and not an educational subject I answer that the investigation of evidence (which it includes) is most valuable as mental training, and that the accuracy which is gained by the study even of the most technical rules of court is not without its advantages.

Nor can the researches of the scientific lawyer be set aside with a sneer as the profitless labors of theorists. Apart from the question whether they may or may not be of use in the ordinary practice of the profession, we must remember that it was their knowledge of Roman law which enabled Grotius and his followers to reconstruct European society after it had been shattered by the shocks of the sixteenth century. The questions which are

at this moment under discussion in North America, and which might otherwise result in a devastating war between the Great Powers will, there seems every reason to hope, be adjusted by calm discussion on the principles laid down by international law. As has been said by Lord Thurlow, "The science of jurisprudence is the pride of the human intellect; a science which, with all its errors, redundancies, and defects, is the collected wisdom and experience of ages, combining the principles of eternal justice with the infinite variety of human concerns."

I have spoken thus fully with reference to the study of law, not in order to magnify it unduly as compared with other branches of mental training, but because I am anxious to meet the attacks which have recently been made and because there are many present who can advocate the cause of the other sciences and arts more forcibly than I. What we have to realise is that we are all engaged on a common work—a work which may have an influence, not merely on those who study within the walls of a University but on the world around; a work, too, to which there can be no finality so long as the nature of man is capable of development, but must be ever widening, ever deepening. It is this hope for the future that supplies the energy to the teacher, limited though his sphere and humble though his efforts may be; the belief that however many failures and discouragements he may meet with they are but as the occasional receding of the waves which are no permanent hindrance to the steady rising of the tide. I have no sympathy either with those who seek for a golden age in the past—with those fond dreamers of the last century, who, whilst the world was calling for men of action, were frittering away their time in endless discussions about a state of nature which never existed; nor again with those worse than dreamers of to-day, who imagine that perfection is to be gained by forgetting the lessons of the past, or by imitating the time when naked vice was enthroned on the High Altar of Notre Dame, and the rivers of France ran red with the blood of innocent victims; but, content with an older and a nobler philosophy, I can trace through the pages of history the purposed development of the race, and then look forward with confidence to a brighter, a better, and a nobler future. In the words of the poet—

Hope on! Thy far-off children shall possess
That transient gleam of rainbow happiness;
Each wish unfilled, impracticable plan,
Goes to the forging of the force of man;
Through thy vain striving novel powers they gain,
And the slow race develops in her pain.
Thy heights unclimbed shall be their wonted way,
Thy hope their memory and thy dawn their day.

(Cheers).

THE UNIVERSITY COMMEMORATION.

The following is the text of Professor Pennefather's address at the University Commemoration on December 17:—

More than eight years have come and gone since the last time that I was present at the annual commemoration of this University. I was then here in attendance on my honoured chief and kind friend, Sir William Jervois—a man whose name should long be remembered here, not only as one of the most able and energetic of all the Governors who have presided over this colony, but also specially on account of the warm interest which he took throughout his term of administration in all that concerned the welfare of the University of Adelaide. It may not be uninteresting to look back for a moment at the point to which we had attained at that, the first commemoration held in this hall, and then to see what has been done since. There is much in the early history of this University of which South Australians may well be proud. I rejoice to think that the University though subsidized was not founded by the Government, but originated from the wise and patriotic liberality which was shown by the wealthy colonists of those days. At the time of which I am speaking the chairs of classics, English, mathematics, and natural science had already been founded by Sir Walter Hughes and Sir Thomas Elder, and good work in all those schools had been done; and the Royal Letters Patent (which his Excellency had taken an active part in obtaining) had been granted, whereby this University—at that time alone amongst Australian Universities—had been empowered to grant degrees in science and to confer degrees on women. His Excellency in congratulating the University on the opening of our present buildings, looked around on the empty shelves of the library, and expressed a hope that the time might not be long distant when they should be empty no more and the rooms be too small for the requirements of the University. He referred also to the objects which he was most anxious that the University should aim at, placing foremost amongst them the establishment of a School of Jurisprudence in which law might be taught as a science, attendance at the lectures being if possible made compulsory on all students before admission to the Bar of South Australia; the development of the then existing biological lectureship into a complete School of Medicine; improved instruction in chemistry, and the foundation of a Faculty of Music. Were Sir William Jervois here to-day he would see that every shelf in the library has long since been filled, and he would learn that additional buildings have been erected for the physiological laboratory and the theatre for the lectures of the Medical School, and that each year we have increasing difficulty in finding space for the candidates at the various examinations. The Medical School is already a flourishing institution, and arrangements will I hope soon be completed whereby our graduates will be recognised as duly qualified medical practitioners by the General Medical Council of the United Kingdom. A Professor of Chemistry has been appointed; the Chair of Music, owing chiefly to the zeal and influence of His Excellency Sir W. Robinson, has been founded; and last, but not least, the School of Law, with a Professor and two assistant lecturers, has been established, for which the University is mainly indebted to the efforts of his Honor the Chancellor.

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those of another, I fail to see what difference it ought to make in what part of the seven colonies the training has been gone through and the examination held. The system of study would, of course, have to be approved by the Judges throughout the colonies, who would probably unite also in appointing the Board of Examiners; but these are matters of detail. I submit that the present system is an absurdity. According to it an Attorney-General of one colony, should he wish to hold a brief in another, might have to matriculate and go through a whole University course; and a case has actually occurred in which an eminent Q.C., specially retained to defend a prisoner in another colony, was obliged to pass a qualifying examination in elementary law before he was allowed to open his lips in Court. Can it be contended that the Bar of the United States would have taken the place in the world which it has if it had been split up in this manner? 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Proceeded and oppression and sword law

Through all the plain—

the Universities of Bologna, Paris, Oxford, and Cambridge—to be followed soon after by others throughout Western Europe—rose up as a magnificent protest against the tyranny of physical force, and the privileges of a favoured few—those two great enemies to liberty in the Middle Ages. The quiet halls, far removed from the clang of arms and the excitement of the court, were crowded with young men who came together to study the religion of peace, and to open again the forgotten pages of Roman jurisprudence or Greek science and philosophy. How nobly the mediæval Universities performed their part history relates; later generations have reaped the benefits. We in the nineteenth century may not have the same difficulties to contend against; but if so we have others. In an age of extravagant luxury and cold materialism it is for the Universities of to-day to point out to the rising generation that there is something on which the greatness of a nation depends besides the accumulation of wealth or even the improvements of machinery. That the loftiest of sciences is excluded from the University of Adelaide I of course regret; and I say so the more confidently when I recollect that the great representative men of the Universities of Oxford, Cambridge, and Munich, who have passed away during the present year—men who have left their mark on the history of thought, and whose names will be remembered long after some who have pretended to look down on them with supercilious contempt have passed into merited oblivion—have all been theologians. But even though the divine science must find a home elsewhere, do not our other schools supply means whereby much may be done? And here I must enter a protest against the undue prominence which is sometimes given in modern systems to natural science. Not, of course, that I would for a moment attempt to ignore the immense advance which has been made in the study of the natural sciences during recent years, or the benefits which the whole human race have derived from the researches of investigators and the labours of practitioners in those fields of learning. Nor would I undervalue the elements of natural science as a part of general education. I can realize the intense interest of tracing the gradual development of the inert mass until it becomes the living world, of patiently investigating those

Hints and previsions of which faculties

Are strewn confusedly everywhere about

The inferior natures, and all lead up higher;

All shape out dimly the superior race,

The heir of hopes too fair to turn out false,

And man appears at last.

But when we are told that natural science ought to take the place of all other training; when we are assured that the proper study of mankind is monkeys, or at best man regarded as a sort of glorified baboon; then it is time to point out that the great thoughts and deeds of the heroes of other lands and other periods may be worthy of the attention even of that very superior person, the young Australian; and that the questions which have agitated the minds of thinkers of every age, and have turned the history of the world, may, after all, be almost as interesting as the dissection of beetles or the investigation of mudpuddles.

It is not derogating from the natural sciences to show that there is something besides them, something beyond; that it is not from botany, or geology, or even astronomy that we have derived our knowledge of the

Violet and olive leaf purple and hoary,
Song wreath and story the fairest of fame;
Flowers that the winter can blast not nor bend;
A light upon earth as the sun's own flame.

A charge has recently been made against the curriculum of the Law School, as one that includes no general training; and certainly I shall welcome with pleasure any changes in the course which may tend to widen the ideas and to raise the culture of the students of law. But I am inclined to doubt whether all those who have been so eager in pressing their objections to our system have paused to consider what the study of the science of law really includes. They must recollect that in order to be complete it must involve the study of ethics, of history, of politics, of economics; that it necessitates a realization of that power which makes for righteousness in the breast of every human being; leads us to consider and compare the causes which have brought about the various phases of human society and the principles which ought to guide the legislators of the land, and exercises the mind by the perception of analogies and investigation of evidence. A knowledge of Latin is, of course, necessary in order to enter into the refinements of Roman law. The histories of the various races of the world must be studied if we are to be able to form a comparison between the development of institutions which at first sight seem totally distinct, but which prove, on investigation, to be the products of the same principles developed under different circumstances. Take, for instance, a subject which may seem to many to be as dry and unprofitable as any with which a lawyer is concerned—the English system of land tenure. Yet in order to understand it scientifically we must trace the history of the race from the time when they first emerged from the forests of Germany; examine the result of the contact between the rude Teutons and the effete Romans, whose power they came to displace; and follow the workings of feudalism as a political system on the Continent of Europe down to the era of Napoleon and the destruction of the Holy Roman Empire, before we can understand the causes which led to its sinking down in England into a mere system of real property law, to be gradually modified from time to time until, by a bloodless revolution, it has become adapted to the requirements of modern life. Or, to take another branch of law which perhaps appears hardly more interesting—the law of contract. Here we must commence by studying the state of society at Rome in the earliest times; we must see how the simple sacramental forms became gradually insufficient for the wants of the progressive nation, until aided by legislation both direct and indirect there was at length evolved that complete system which is to this day the basis of the law which regulates the commercial affairs of modern Europe. Then, turning to our own country, we observe how the elementary rules which sufficed for the Saxons and Normans were first enlarged by the customs of the foreign merchants who took up their residence in England under the Plantagenets; we then trace through the records of the Courts how, at a time when Parliament hardly turned its attention to such matters, the Chancellors and Judges were enabled, partly by referring to the writings of Roman Jurists, to apply the doctrines of justice and equity to the ever-varying circumstances; how the growth of peaceful communication between nations and the abolition of restrictions which Governments are only too ready to impose brought the law of contract into continually increasing prominence, and at length the labours of the Judges became embodied in and developed by the great consolidation statutes of the present reign. Or, again, we turn to constitutional law. It is impossible to understand the British Constitution of to-day without going back to the times of the Anglo-Saxons, and examining that complete system of local self-government which England is now to some extent attempting to restore; then seeing how the disintegrating tendency which is the constant danger of a localized system was checked by the powerful centralization of the Normans, until Norman

and Saxon were welded into one nation on the field of Runnymede, when they came together to struggle, not for class interests or for personal aggrandizement, but for the lasting liberty of the nation. And then we trace out how the Parliament of the Plantagenets derived its power from the union of hereditary counsellors, learned Bishops and Churchmen, knights and burgesses; how the British jealousy of foreign interference—grotesque and overstrained as we must admit it at times has been—has helped to make England what it is; how another struggle for liberty ended for a moment in the tyranny of a usurper, who trod the Constitution under foot more absolutely than the proudest of the Tudor kings, until the people England has learnt that it is possible to lose the reality in fighting for the name; and again, we have to study how a settlement of a few English fishermen on a remote island of North America has become the first of a long list of self-governing dependencies scattered throughout every part of the habitable world. Thus, too, when we take a wider view and contemplate the great family of nations, we trace the workings of the same principles of law amongst them which we have seen amongst individuals; we find the same maxims appealed to and the same questions arising, whether we are examining a treaty between the Sovereigns of ancient Egypt or the plenipotentiaries at a modern conference. Then in the law of wrongs we have to compare various primitive systems—Jewish, Greek, Roman, and Teutonic—to follow the gradually growing appreciation of the distinction between wrongs against the Deity, against the State, and against private individuals; to investigate the causes which made the law of crimes for many reasons the least satisfactory branch of the law both of Rome and England, before we can appreciate the vast benefits which have been conferred on the nation by the sweeping reforms of the present century. And if it be objected that the law of procedure is purely a professional and not an educational subject I answer that the investigation of evidence (which it includes) is most valuable as mental training, and that the accuracy which is gained by the study even of the most technical rules of Court is not without its advantages. Nor can the researches of the scientific lawyer be set aside with a sneer as the profitless labours of theorists. Apart from the question whether they may or may not be of use in the ordinary practice of the profession, we must remember that it was their knowledge of Roman law which enabled Grotius and his followers to reconstruct European society after it had been shattered by the shocks of the sixteenth century. The questions which are at this moment under discussion in North America, and which might otherwise result in a devastating war between the Great Powers will, there seems every reason to hope, be adjusted by calm discussion on the principles laid down by international law. As has been said by Lord Thurlow, "The science of jurisprudence is the pride of the human intellect; a science which, with all its errors, redundancies, and defects, is the collected wisdom and experience of ages, combining the principles of eternal justice with the infinite variety of human concerns." I have spoken thus fully with reference to the study of law, not in order to magnify it unduly as compared with other branches of mental training, but because I am anxious to meet the attacks which have recently been made, and because there are many present who can advocate the cause of the other sciences and arts more forcibly than I. What we have to realize is that we are all engaged on a common work—a work which may have an influence, not merely on those who study within the walls of a University, but on the world around; a work, too, to which there can be no finality so long as the nature of man is capable of development, but must be ever widening, ever deepening. It is this hope for the future that supplies the energy to the teacher, limited though his sphere and humble though his efforts may be; the belief that, however many failures and discouragements he may meet with, they are but as the occasional receding of the waves which are no permanent hindrance to the steady rising of the tide. I have no sympathy either with those who seek for a golden age in the past—with those fond dreamers of the last century, who, whilst the world was calling for men of action, were frittering away their time in endless discussions about a state of nature which never existed; nor again with those worse than dreamers of to-day, who imagine that perfection is to be gained by forgetting the lessons of the past, or by imitating the time when naked vice was enthroned on the High Altar of Notre Dame, and the rivers of France ran red with the blood of innocent victims; but, content with an older and a nobler philosophy, I can trace through the pages of history the purposed development of the race, and then look forward with confidence to a brighter, a better, and a nobler future. In the words of the poet:—

Hope on! Thy far-off children shall possess
That transient gleam of rainbow happiness;
Each wish unfilled, impracticable plan,
Goes to the forging of the force of man;
Through thy vain striving novel powers they gain,
And the slow race develops in her pain.
Thy heights unclimbed shall be their wonted way,
Thy hope their memory and thy dawn their day.

ADELAIDE UNIVERSITY COM- MEMORATION.

TO THE EDITOR.

Sir—In your issue to-day you very properly reprobate the disgrace brought upon education by the disorderly conduct of certain undergraduates. Every decent person must agree with you; every one who has education at heart must hope with you that such a shameful exhibition of low brutality will never recur. But that it is an accomplished fact should set those who are reasonable among us asking, "Is there not a cause?" I believe the cause is not far to seek. It can hardly occasion great surprise that any body of young men who have been taught by an evil public opinion and the deliberate adoption of a godless system in their schools to have little or no thought of God or of His Church should show scant respect for man. To such the very subject of "law"—save as an engine of greed—must be obnoxious. Their conduct is proof of it. Their bestial noises are as senseless as they are worthless, save as they point to the spirit which pervades their utterers: *non audio quid sonet, sed video quid vivat*. Surely herein lies the cause, and it should set all who love Australia and desire to foster its real education on the introduction into the schools and higher places of learning of that which alone gives learning worth—the recognition of Almighty God.

I am, Sir, &c.,

JOHN W. OWEN.

Adelaide, December 18.