

University Scandal Sears a Sh

WAS PROFESSOR PUSHED OUT?

TRUTH
23rd May 1925

University Scandal

State Loses Great Law Expert—The Currents that Swept Phillipson Away—"Truth" Gives the Inside Story—"Naice" People Who Fall Victims to the Monster, Scandal—A Man that All the World Has Honored—He Has His Weaknesses, of Course, but He Knows What Law and Common Decency Mean

"LIGHT" ON LEGAL LUMINARIES

WHY did Professor Coleman Phillipson resign? Was he asked—that is, was he politely pushed out of the job? If so, what was the force behind the push; where did it originate, and why?

MANY stories and rumors are in circulation as to the cause of the trouble, for people are, naturally, placing their own construction upon the little storm that is raging in social and scholastic circles in Adelaide.

"Truth" has made extensive enquiries into the elements that have generated the sirocco rustling the cobwebs and mould on North Terrace, and hereunder describes the underlying current that has swept the Professor out of the Chair of Law at the University whence he came.

Man With Reputation

Incidentally some of the nastiest things being said about the Professor come from the law section of the "naice" people, who are pigmies in the profession compared to Phillipson, about whom it has been written in "John's 'Who's Who' in Australia":

"Coleman Phillipson, M.A., doctor of Litt., born at Leeds, England, April 25, 1877; son of Prof. Phillipson, M.A., LL.D., Litt.D., London University, Barrister of Law of the Inner Temple, London; Quaint (first prize) man in comparative law at University College for three years in succession; practised as a barrister in London for 12 years, and on several occasions appeared for the Crown in cases involving important questions of International Law.

"Went to Paris Peace Conference as a member of the British Delegation in the capacity of Counsel in International Law, and for his special work a record of thanks and appreciation of one of the International Commissions was inscribed on the Peace Conference.

"Before proceeding to Paris, he did confidential work of an advisory character for the British War Cabinet, Admiralty, Ministry of Shipping and the Foreign Office; and during the war his authority on various matters of International Law was cited by statesmen in England, France, and the United States.

"Professor of Law, at the Adelaide University, since January, 1920."

"WHO'S WHO" then enumerates about 15 volumes of law written by the Professor.

Too Outspoken, Perhaps

A clever, brilliant man, no doubt, but not a perfect one, without weaknesses. Being human flesh and blood, he has his frailties, as all mankind; but his shortcomings, whatever they may be, are not a dearth of the knowledge of law. Perhaps the Professor is too outspoken, prone to blow his own trumpet too loudly, making a noise that grates upon the nerves of his hearers.

He desires to earn more money than what he receives from his position as teacher at the University.

Some little time ago a big number of real estate agents and others interested in land approached the Professor to give a series of lectures on Real Estate Law. His fee was to be £2/11/6 from each of those who were to attend the

lectures. He claims that the University Council would only consent to his giving the lectures on condition that the money so received was paid into the University.

He argues that he should be permitted to earn extra money, the same as members of Parliament are permitted to augment their salaries by sitting on Commissions and committees of inquiry, or following outside business callings. With this object the Professor sought to be admitted to the S.A. Bar; but the Bar would not permit his admittance. Yet Professor Jethro Brown (now President of the Arbitration Court), Prof. Phillipson's immediate predecessor, was admitted.

Might Melt

With such a legal luminary, as Phillipson, practicing law in Adelaide, some of the local solicitors might have become very small candles indeed that would have melted out of professional existence by the strong ways of a legal sun.

An outspoken, impetuous man, such as the Professor is believed to be, thinking he had been slight-

ed by unfair tactics, would not remain silent. Much ill-feeling was inevitable between the lawyers and Phillipson. So the barometer began to fall and slight signs of an approaching storm were evident.

Since the "hub-bub" came to a head by the Professor resigning, Mr. Arthur Rymill and his son have been frequently mentioned, both by public and press. Whether Mr. Rymill offered the Professor £200 to coach Rymill, junior, privately, or whether the Professor offered to coach the lad for £200, has not been made clear up to the time of going to press. The University Council have not made a public statement, although the Council is reputed to know the facts.

Somewhere in the background is a dentist, whose son was studying law at the University, who could not afford to pay £200 for special tuition. However, his son managed to get along without special aid in his studies. It is said the dentist gave evidence at the enquiry.

Evil Minds

Now the Professor thinks that there is nothing wrong with his giving private tuition, despite his being one of the examiners in Law at the University. He also admits that such might be misconstrued by the evil-minded. It cannot be thought that Mr. Ry-

mill should go unasked to the University Council and say, in effect, "my son has been a failure. He has been offered private tuition, and I resent it." It does not seem natural that a father whose son has failed, desires to advertise that failure. He would be more likely to try some means of aiding the boy in gaining success by purchasing for him the best aid procurable. To do otherwise is unnatural, should he have the means at his disposal. And Mr. Rymill is reputed to be a wealthy man.

It is known that other students besides young Rymill have failed in their Law examinations recently. These students are considered bright by their relatives and friends, who blame the examiners for the students' non-success, instead of the students' lack of diligent study or inaptness for the task.

Disappointed parents have looked down their noses and thought unkindly of the examiners. The more outspoken ones have given vent to their opinions, and made rash unfounded accusations, as hot-headed people are prone to do. They guessed things at what they couldn't guess they investigated. So wild rumors were set in circulation—the atmosphere grows more humid and the storm develops.

Between 90 and 100 students at the University are working hard to some day become lawyers, earn a livelihood, perhaps affluence and fame as legal advocates in a field already overcrowded. Some students have brains and no money; others money and no brains; there is another variety who have neither brains nor money.

A Bitter Struggle

Studying dry material to become qualified to go in quest of a very uncertain future studded with keen rivalry leads to an intense and bitter struggle.

Law students earn their small crust in lawyer's offices, and study in the spare moments. When they hear that a Professor is likely to coach a backward rival privately in exchange for a big fee, they begin to surmise that tuition is not fair to them, as it gives a rival an advantage. In plain language, they are jealous. It is discussed, magnified and distorted until it appears to their minds something monstrous.

They carry their grievances into the lawyers' offices, where there is already antipathy towards the Professor, because of his desire for private practice. The students are sympathized with and advised maliciously. The atmosphere made more humid and hot as storm clouds roll up from the horizon across the sky.

The students place an eye on the Professor's door. The atmosphere is cast, lightning flashes—the Professor will South Australia less zen.

So ends the first of Professor Phillipson may be staged in a

ION BOARD.

THE MAY EXAMINATIONS.

The following results of the public examinations in theory of music conducted in May show the pass list of South Australian and Broken Hill candidates:

- GRADE II. Pass.—Miss E. V. Willmore—Kentish, S. B.
Honours.—Convent of Mercy, Angus Street—Jenkins, M. N.; Walsh, P. M. Convent of Mercy, Broken Hill—Kitchen, P. L. Dominican Convent, Kapunda—Lee, C. Dominican Convent, Cabra—Murphy, M. C. St. Joseph's Convent, Jamestown—Foubister, H. Conservatorium—Butler, M. Dr. Ruby Day—Jones, L. W. A. Miss M. G. Hedger—Thompson, G. A. Miss Millie Oats, W. N. Miss E. M. Tuckwell—Mounster, V. Miss A. G. Webb—Lloyd, S. M. Miss E. V. Willmore, Moores, D.
Credit.—Convent of Mercy, Mount Barker—Coffey, A. R.; Hahn, A. M. Miss A. O. Webb—Ohlmeyer, N. M.
Pass.—Convent of Mercy, Mount Barker—Howard, M. E.

- GRADE III. Honours.—Convent of Mercy, Broken Hill—Phillips, V. Dominican Convent, Franklin Street—Parker, A. M. Dominican Convent, Sabra—Smith, L. R. V.; Taheny, M. K. St. Joseph's Convent, Port Pirie—Beasley, R. J. Lorento Convent, Marryatville—Bright, M.; Gillick, D. R.; Hanson, J. E.; Stanley, N. M. Mrs. March—Pascoe, E. Miss C. M. Baulderstone—Watts, M. L.; Mr. F. Homan—Spargo, S. G. Miss K. Meegan—Williams, H.; Miss E. Rough—Winch, E.; Miss E. M. Tuckwell—Dorsch, I. D. Miss A. G. Webb—Stockdale, M.
Credit.—Convent of Mercy, Mount Barker—Siebert, E. Lorento Convent, Marryatville—Gillick, N. M.; MacFarlane, C. B. St. John's Convent, Port Pirie—Haines, R. I.; Meade, D. M. St. Joseph's Convent, Caltowie—Sexton, M. St. Joseph's Convent, Jamestown—Fuller, M. H. St. Joseph's Convent, Port Adelaide—Bolitto, C. K. Miss H. Castle—O'Sullivan, D. J. Mrs. March—Harris, E. J.; Matthews, J. G. Miss K. Meegan—Cosh, J. M. Miss E. M. Tuckwell—Hall, M. G. Miss A. G. Webb—Forsyth, L. E. Miss A. Wiebuchi—Noack, E. A. Spaeth, E. O. E.
Pass.—Convent of Mercy, Mount Barker—McDonald, N. Dominican Convent, Cabra—Ward, M. J. Miss K. Meegan—Moffat, A. M.; Skehan, V. L. Miss H. Castle—O'Sullivan, H. M. Mrs. March—Crawford, E. M. Lorento Convent, Marryatville—Classon, E. St. Joseph's Convent, Caltowie—Haren, B. St. Joseph's Convent, Jamestown—Bampton, J.

- GRADE IV. Honours.—Convent of Mercy, Broken Hill—Phillips, V. Dominican Convent, Franklin Street—Parker, A. M. Dominican Convent, Sabra—Smith, L. R. V.; Taheny, M. K. St. Joseph's Convent, Port Pirie—Beasley, R. J. Lorento Convent, Marryatville—Bright, M.; Gillick, D. R.; Hanson, J. E.; Stanley, N. M. Mrs. March—Pascoe, E. Miss C. M. Baulderstone—Watts, M. L.; Mr. F. Homan—Spargo, S. G. Miss K. Meegan—Williams, H.; Miss E. Rough—Winch, E.; Miss E. M. Tuckwell—Dorsch, I. D. Miss A. G. Webb—Stockdale, M.
Credit.—Convent of Mercy, Mount Barker—Siebert, E. Lorento Convent, Marryatville—Gillick, N. M.; MacFarlane, C. B. St. John's Convent, Port Pirie—Haines, R. I.; Meade, D. M. St. Joseph's Convent, Caltowie—Sexton, M. St. Joseph's Convent, Jamestown—Fuller, M. H. St. Joseph's Convent, Port Adelaide—Bolitto, C. K. Miss H. Castle—O'Sullivan, D. J. Mrs. March—Harris, E. J.; Matthews, J. G. Miss K. Meegan—Cosh, J. M. Miss E. M. Tuckwell—Hall, M. G. Miss A. G. Webb—Forsyth, L. E. Miss A. Wiebuchi—Noack, E. A. Spaeth, E. O. E.
Pass.—Convent of Mercy, Mount Barker—McDonald, N. Dominican Convent, Cabra—Ward, M. J. Miss K. Meegan—Moffat, A. M.; Skehan, V. L. Miss H. Castle—O'Sullivan, H. M. Mrs. March—Crawford, E. M. Lorento Convent, Marryatville—Classon, E. St. Joseph's Convent, Caltowie—Haren, B. St. Joseph's Convent, Jamestown—Bampton, J.

- PRACTICE IN MUSIC. GRADE I. Honours.—Mrs. M. M. Leitch, Piano—McGregor, D. M.
Pass.—Conservatorium, Piano—Hetherington, A.
GRADE II. Pass.—Lorento Convent, Marryatville, Piano—Mack, E. M. Miss K. Meegan, Violin—Terry, J. M. Miss E. V. Willmore, Piano—Painter, J.

- GRADE III. Honours.—St. Joseph's Convent, Caltowie, Piano—Hansberry, C.
Credit.—Dominican Convent, Semaphore, Piano—Anderson, J. Miss C. McGrath, Piano—Hancock, E. M.
Pass.—Miss I. J. Raymond, Piano—Atchison, E. N. Miss Sprod, Violin—Glynn, M. Miss E. M. Tuckwell, Piano—Dayer, T. M.; Hall, M. G.

- GRADE IV. Credit.—Dominican Convent, Semaphore, Piano—Funder, E. Miss H. A. B. Cox, Piano—Crosby, M.
Pass.—Dominican Convent, Franklin Street, Piano—Daly, D. M. Lorento Convent, Marryatville, Piano—Classon, E. St. Dominic's Priory, North Adelaide, Piano—O'Reilly, M. M. St. Joseph's Convent, Brompton, Piano—Johnson, D. Mrs. C. B. Baldwinson, Piano—Sharples, V. M. Mrs. March, Piano—Harris, E. J. Miss K. Meegan, Violin—Skehan, V. L. Miss E. M. Tuckwell, Piano—Dorsch, I. D.

- GRADE V. Credit.—Dominican Convent, Cabra, Piano—Creghan, C. St. Joseph's Convent, Brompton, Piano—O. O'Loughlin, K. Mr. Jack De Vos, Piano—Jemson, C. Miss A. Heatherington, Piano—Coventry, C. R. Mr. G. Lawson, Violin—Peterson, R. Miss A. M. Macdonald, Singing—Walters, L. M.
Pass.—Dominican Convent, Cabra, Piano—Sheehan, M. J. Dominican Convent, Semaphore, Piano—Charles, M. Loreto Convent, Marryatville, Piano—Hanson, M. St. Joseph's Convent, Brompton, Singing—McGowan, C. St. Joseph's Convent, Port Adelaide, Piano—Barnes, D. L.; Singing—Hosie, D. G. Sisters of St. Joseph, North Adelaide, Piano—Rafferty, M. E. Miss A. M. Clarke, Piano—Nicholls, B. Mr. G. Lawson, Violin—Hogan, I. D.

- GRADE VI. Credit.—Dominican Convent, Franklin Street, Piano—Stephens, D.; Tull, J. D. Loreto Convent, Marryatville, Piano—Tait, M. St. Joseph's Convent, Brompton, Piano—Drury, G.; Ryan, O. St. Joseph's Convent, Port Adelaide, Piano—Moffat, J. M. St. Joseph's School, St. Peters, Piano—Brady, I. M.; Sullivan, M. T. Miss A. Chapman, Piano—Pearce, J. Miss F. Harvey, Piano—Yelland, B. M. Miss K. Meegan, Violin—Pryke, W. J. Mrs. Shaw, Piano—Smith, J. King. Miss E. V. Willmore, Piano—Eckersley, R. L.
Pass.—Dominican Convent, Franklin Street, Piano—Eblen, N.; Flanagan, P. Loreto Convent, Marryatville, Piano—Buckley, G. M. St. Joseph's Convent, Brompton, Violin—Bellby, M. M.; Waller, G. St. Joseph's Convent, Port Adelaide, Piano—Carlson, E. M.; Stennett, K. E. St. Joseph's School, St. Peters, Violin—Burman, F. E. Sisters of St. Joseph, Alberton, Piano—Hill, R. M. M. Sisters of St. Joseph, Kensington, Piano—Shanahan, E. W. Sisters of St. Joseph, North Adelaide, Piano—Meldrum, V. O. Miss Adams, Piano—Hoskin, M. M. Miss L. K. Bernaldo, Piano—Billinger, N. R.; Colwell, M. V.; Martin, E. M. Miss E. Conroy, Piano—Alford, A. M. Miss S. K. Coombe, Piano—Hocking, T. E. Mrs. F. E. Dickson, Piano—Hopgood, L. K.; Jackson, C. L. Miss W. Harris, Piano—Steele, L. R. Miss B. Harvey, Piano—Moore, M. V. Miss E. L. Johns, Piano—Bennett, M. M.; Codrington, W. K.; Newbery, A. B.; Setterfield, C. K. Mr. G. Lawson, Violin—Atkins, K. J.; Pennington, R. A.; Sexton, A. I. Miss A. M. Macdonald, Piano—Grimmett, K. L.; Middleton, C. Miss K. O'Grady, Piano—Rowland, M.

NE WS. 15.5.25.

PROFESSOR PHILLIPSON

Resigns from University

Professor Coleman Phillipson has resigned his position as Professor of Law at the Adelaide University. The matter



PROFESSOR COLEMAN PHILLIPSON who has resigned from the Adelaide University.

will be considered by the Council of the University this afternoon. It is stated that Professor Phillipson desires to return to London to continue research work.

ADVERTISER 16.5.25.

AUSTRALIAN CONSTITUTIONAL LAW.

Dr. Donald Kerr, LL.D., has rendered useful service, not only to members of the legal profession, but to the public generally, by his admirable work on "The Law of the Australian Constitution." The work, which reveals a vast amount of study and research as well as the exercise of a keen analytical mind, is conveniently arranged. The author tells us that it "is founded upon an abridgment of a thesis entitled "The Judicial Interpretation of the Constitution of the Commonwealth," presented to the University of Adelaide for the degree of Doctor of Laws in 1919. Shortly after the presentation of the thesis came the "Engineers' Case." The consequence is that much revision was required, and, in particular, there was enabled the elimination of an exhaustive examination of the doctrine of the immunity of instrumentalities." He modestly adds that he was "fortunate in that the examiner of the thesis was that eminent constitutionalist, Professor Harrison Moore, of the Melbourne University, who, in his report, kindly made various suggestions as to the matter of arrangement and other matters in the event of publication," and he acknowledges indebtedness for the suggestions and also "for the many conceptions derived from Professor Moore's great work on the Aus-

Friday resigned from... Professor of Law at the Adelaide University, and at a meeting of the University Council his resignation was accepted. Recently a subcommittee of the University Council, consisting of the Acting Chief Justice (Mr. Justice Poole), Mr. Justice Parsons, and Mr. W. J. Isbister, K.C., was appointed to enquire into the question of the propriety of the professor giving a series of special lessons to a law student. The report of the subcommittee was placed before the council on Monday last, and the matter was adjourned until Friday afternoon. Professor Phillipson's resignation, however, was announced in the interval. The meeting at which the resignation was considered lasted a little over an hour, and at its conclusion both the Vice-Chancellor (Professor Mitchell) and the Registrar (Professor Mitchell) and the Registrar stated that anything for the press must be given by Professor Coleman Phillipson himself. Professor Mitchell would say no more than that the resignation of Professor Phillipson had been before the council, and had been accepted. Professor Phillipson made the same statement, but added that he would make a full explanation of his position next day. He remarked that it was his intention to return to England and concentrate on research work in international law.

A Distinguished Career.

Professor Phillipson is one of the most distinguished authorities in the world on international law. He is a man of many brilliant parts, and can claim the degree of M.A., Litt.D., LL.D. He held many briefs in England for the Crown in cases where exceptionally important points of constitutional and international law were involved. During the war he did special confidential work for the Imperial War Cabinet, the Foreign Office, and the Admiralty, and went with the British delegation to Paris as counsel in international law, and legal secretary to the law officers of the Crown. He was highly honoured in March, 1922, when the directors of the division of international law in the Carnegie Foundation for International Peace, Washington, commissioned him to prepare a study on the work of Albericus Gentili, an Italian jurist of the sixteenth century, who preceded Grotius and, by his writings, which were issued in Latin, influenced the whole development of international law. It was a distinct compliment to the professor and to the University of Adelaide for the directors of the Carnegie Endowment to have gone outside the United States to procure such a contribution and to ask Professor Phillipson to supply it. Born at Leeds, in 1875, he was educated at the Central High School and the University of Leeds, where he secured the open prizes for French, English literature, theory of education, and debating. At the University College, London, he was Quain prizeman in comparative law, 1906-7-8. For some years he was engaged in educational work in Leeds, London, and Lincoln, and was called to the Bar in 1907. He has spent much time in writing and research, chiefly on legal topics. In 1919 he was appointed Professor of Law at the Adelaide University.

Many Publications.

Professor Phillipson has written many treatises, chief among which are "Studies in International Law," 1908; "Effective War on Contracts," 1909; "The International Law and Custom of Ancient Greece and Rome," two volumes, 1911; co-author of "Great Jurists of the World," 1913; editor of the fourth edition of Foot's "Private International Jurisprudence," 1914; "International Law and the Great War," 1915; "Termination of War, and Treaties of Peace," 1918; editor of fifth English edition of "Whiston's International Law," 1916; "The Question of the Bosphorus and Dardanelles," 1917; "Alsace-Lorraine," 1918; editor of fifth edition of Sir Frederick Smith's (afterwards Lord Chancellor) "International Law," 1918; editor of eighth edition of Taswell-Langmead's "English Constitutional History," 1919; editor of ninth edition of Mayne's "Law of Damages," 1920, and "Three Criminal Law Reformers," 1920.

REGISTER 16.5.25

UNIVERSITY SENSATION.

Professor Coleman Phillipson Resigned.

Resuming Law Research in London.

Constitution. The work deals with the Constitution Act and the judicial interpretation of it, and also with the provisions of the Judiciary Act, 1903-20, relating to the constitution of the High Court. In the first part of the work Dr. Kerr reviews the "federal nature of the Australian Constitution and its legal consequences," the dominant note of which he finds to be "federation." He points out the "limitation of authority," which is in contrast with the "supremacy of the Legislature under a unitary form of government." With his conclusion that the Australian Commonwealth is probably the most perfect example of modern federation there will be general agreement. His lucid exposition of the twofold division of powers between the central and the local governments, and his general treatment of the outlines of the Constitution show how closely he has studied and how well he has mastered this portion of his subject. An excellent chapter is devoted to the freedom of inter-State commerce and intercourse as enacted by section 92. Authorities are cited for the various propositions discussed in relation to the matter, and the scope and effects of the provision are indicated. From some points of view one of the most important chapters in the first division of the work is that relating to "the severance of valid from invalid provisions of a Commonwealth statute." The author points out that the "question of the applicability of the test of severability of subject-matter is a difficult one in some instances," and he mentions that "where a Federal statute contains a single section ultra vires of the Legislature, if that section is the vital portion of the Act, and its deletion would render the remainder of the Act nugatory or absurd, the whole statute is void; but if it is merely of secondary or subsidiary nature then it may be severed from the whole, and the whole may still remain valid." This proposition, in its general terms, is almost obvious, but it gains its value from the illuminating instances with which it is illustrated, and the clearness with which other supplementary principles are stated.

The second division of the work is devoted to the "leading heads of Federal legislative power." Under this comprehensive subject are grouped a discussion on the two Chambers of the Commonwealth Parliament—including the provisions relating to Money Bills, and double dissolutions; and the powers to make laws relating to trade and commerce, the Federal taxing powers, the powers in respect to defence, conciliation and arbitration, and several other matters of vital interest. There are a number of chapters in the third and fourth divisions of the work, which will well repay study. The Federal Executive powers, for instance, are clearly set out. Dealing with the question of the Royal prerogative in the Commonwealth, Dr. Kerr mentions that the Governor-General is not a general agent of the Crown with general powers to exercise the Royal prerogative, but is a special agent armed only with power to carry out the Constitution and laws of the Commonwealth, and such prerogative powers and functions as the Crown may lawfully assign to him."

Particularly useful will be the fourth section, which deals with the Federal judicial powers. The constitution of the High Court, the functions of the Full Court, the rights of audience, the provisions relating to original jurisdiction in constitutional questions are amongst the matters expounded. The author has gone deeply into the aspect of the judiciary relating to the appellate jurisdiction, including such matters as leave, and special leave to appeal. No doubt this portion of the work will be of greater value to the legal profession than to the general student of constitutional affairs and rights. Judicial decisions are briefly stated, but always with sufficient clarity to make their bearing on the matter discussed apparent, and to give point to the author's views. A reprint of the Constitution Act, with marginal references to the number of the paragraphs in the text of the book dealing with the same subject-matter, and a complete index add to the usefulness of the volume.

Dr. Kerr may be congratulated on having undertaken a difficult piece of work, and having carried it out with dis-