

Review

Supreme Court of Queensland 1859-1960: History Jurisdiction Procedure by B.H. McPherson (Australia, Butterworths, 1989) (pp xxiii + 399, biblio., index; price \$99 cloth).

The Hon. Mr Justice B.H. McPherson, C.B.E., a society member, is a highly respected member of the Queensland Judiciary, and his work on the Law Reform Commission and his textbook on the *Law of Company Liquidation* are widely known. However his talents of scholarship and extent of detailed research work are displayed in the *Supreme Court of Queensland 1859-1960*. This work is a formidable achievement in Queensland historiography and this text will become a standard text on Queensland legal history for decades to come.

Supreme Court of Queensland 1859-1960 is encyclopaedic in its coverage of judicial progress — the assessment of the landmark cases, biographical sketches of judges, the role of the court in the political milieu of Queensland, the construction of the Supreme Court building itself and the vacating of the Queen Street convict barracks building in 1879, and the establishment and operation of the Central and Northern Districts of the Supreme Court. The Hon. Mr Justice B.H. McPherson's coverage and recording of primary sources for the research is particularly admirable — the Judges' Notebooks, Crown Solicitor's Office records, Justice Department files, newspapers, *Parliamentary Papers*, *Law Reports*, University Law and History Theses, Queensland Governor's Despatches and Executive Council Minutes, the Supreme Courts' own archives and Premier's Department and Works Department Colonial Architect's reports. The author's assessment of some particularly significant cases in Queensland political history e.g. *R v Goddard & Ors.* reveals the combined breadth and depth of research techniques. These segments reach the heights of excellence historians aspire to. The structure of the book is traditional in being chronological and covering both the law, jurisdiction and its practitioners within the Supreme Court.

The Hon. Mr Justice McPherson writes at his incisive best when analysing historical assessments made by previous historians of the Supreme Court and its judges. His analysis of the politico-legal milieu of Queensland during the Lutwyche-Bowen debate over the franchise in the 1860s and the validity of the Queensland Parliament is masterly. Mr Justice McPherson has confirmed his own reputation as a scholar in his assessment of Queensland judges, notably Lutwyche and his role in shaping Queensland history. The author raises the issues about the historiography of notable Queensland judges, especially Sir Samuel Walker Griffith, Sir Charles Lilley, the Douglas family, and the reconstitution of the Supreme Court in 1921 after the compulsory

retirement of Judges Real and Cooper. These sections of the book are tellingly accurate and sensitive revelations of the public and private lives of these judges. The concentrated though lucid writing style captures the significance so succinctly of the landmark judgments of these men.

The overwhelming success of this history of the Supreme Court of Queensland is the reflection of the author's own judicial role in his formulation of the chapters and his assessment of judicial independence throughout Queensland History. The Hon. Mr Justice B.H. McPherson sets down his allegiance to Dixonian framework for decision making guided by legal principles applied in accordance with strict standards of reasoning. In the application of these standards the author does not hesitate to criticize the abilities of various past Queensland judges.

Supreme Court of Queensland 1859-1960 is an excellent textbook of the Legal History of Queensland. Whilst the overwhelming majority of readers will be lawyers, the author has written in a style universally appealing to historians as well without unduly simplifying the details of cases. There is an absence of legal jargon. Despite its appearance resembling a legal text, with copious but succinct and relevant notes at the foot of each page, and many structured sub-headings to each chapter, this is a book to appeal to anyone seriously interested in Queensland history. Although the price is prohibitively high for the private individual, the book deserves to be sold out and is recommended to all historians and lawyers.

The book is complemented by biographical and subject indexes which materially assist the proper utilisation of a valued text, a fact regrettably ignored by a number of publishers in recent times.

Ruth S. Kerr

Senior Vice-President, RHSQ.