

Appendix I

Presentation to Sir Harry Gibbs

Professor David Flint, AM

Sir Harry, Lady Gibbs, Your Honours, Ladies and Gentlemen.

It is an honour to be invited to speak on behalf of the Board on this particular occasion, to make a presentation to our President in recognition of his considerable contribution to the achievements of The Samuel Griffith Society. I refer of course to the Right Honourable Sir Harry Gibbs, GCMG, AC, KBE.

Most of us are of course well acquainted with Sir Harry's career. It will be sufficient to recall that after service as Major Gibbs in the Australian Imperial Force in the Second World War, he was called to the Queensland Bar, and found time to lecture at the TC Beirne Law School in the University of Queensland.

Then followed a series of judicial appointments culminating in his elevation to the very pinnacle of the Australian judicial system. He served as Chief Justice of Australia from 1981 to 1987.

When John Stone and Ray Evans founded the Society in 1992, Sir Harry agreed to accept the role of President. At the launch of the Society in 1992, he set the tone of his presidency when he presented a most substantial paper entitled *Re-Writing the Constitution*.

Upholding the Australian Constitution, the record of the Proceedings of the Society, is replete with further contributions from Sir Harry – and not only in his succinct reports at the end of each conference. Most importantly, we find there a collection of papers, each examining a particular constitutional issue. These begin with his address in launching Volume 1 of the series, in which he spoke on the proposed review of the Constitution. (This address may be found in an Appendix to Volume 3, which itself contains the Proceedings of the third conference, in Fremantle in 1993). Then over the years, we find the following, the titles of which demonstrate the breadth of interest Sir Harry has in constitutional issues:

- In Sydney in 1995, *"A Hateful Tax"?: Section 90 of the Constitution*, Volume 5;
- In Canberra in 1997, *A Republic: The Issues*, Volume 8;
- In Perth in 1997, *Two Rules of Law?*, Volume 9;
- In Melbourne in 1999, *A Preamble: The Issues*, Volume 11;
- In Sydney in 2000, *The Erosion of National Sovereignty*, Volume 12; and
- In Melbourne in 2001, *The Constitution: 100 Years On*, Volume 13.

In addition, Sir Harry has issued a series of messages to our members on Australia Day each year, always on some subject of relevance to the time. This program of publication – and it does not include papers given elsewhere – would put many academicians to shame. And speaking as one of them, I have to say that there is more sense in all of these than that which flows from the pens of those who argue that we have a “horse and buggy” Constitution in need of reform.

To mark this occasion, the Board thought it appropriate to make a presentation to Sir Harry as a testament to the respect and affection in which he and Lady Gibbs are held, not only by the Board but by our membership in general. The presentation consists of a selection of antiquarian books, a choice made particularly appropriate by the learning which Sir Harry has so long demonstrated.

The actual task was – as is so often the case – delegated to John and Nancy Stone, who were more than willing volunteers. Each volume has been inscribed to record this occasion.

The first four books came from the Antiquarian Bookshop, Crows Nest, NSW. The first three of these are part of a special group of notable legal works, privately printed by The Legal Classics Library, a

division of Gryphon Editions, New York, between 1985 and 1992. They are facsimiles of early editions (as listed below), all in perfect condition, leather bound, with gilt-edged pages and gold stamped designs and print on the spines and covers. Each contains a booklet of notes from the editor, Thomas G Barnes, Chairman of the Legal Classics Library and Professor of History and Law at the University of California at Berkeley. These are:

- *Areopagitica*, by John Milton, with an introduction (1890) by James Russel Lowell.
- *The Nature and Sources of the Law*, by John Chipman Gray, Professor of Law at Harvard, a member of the Boston Bar, and a friend of Oliver Wendell Holmes, Jr. This is a facsimile of the second edition, 1927, the work having been first published in 1909. It is based on a course of lectures in Comparative Jurisprudence given at Harvard Law School between 1896 and 1902. The central theme of these lectures is that "...the law is what the judges declare...".
- *Law in the Making*, by Carleton Kemp Allen, first published in 1927. CK (later Sir Carleton) Allen, an Australian, was Professor of Jurisprudence at Oxford and subsequently Warden of Rhodes House. In this classic he appears to take issue in important respects with JC Gray's *The Nature and Sources of the Law*. The seventh edition was published in 1964, shortly before Sir Carleton's death.

On a lighter note, and because of Sir Harry's Queensland connections, John and Nancy found a fine illustrated copy of *The Letters of Rachael Henning*, edited by David Adams (1986). These letters, first published in 1951, were written by Rachael Henning between 1853 and 1882, and describe for her relatives "back home" the life of an English gentlewoman who, at a second try, took with enthusiasm to life on a north Queensland sheep property.

To complete the gift, John and Nancy went out to Berkelouw's great book barn at Berrima, NSW where they found a copy of *The Commonwealth of Australia Constitution Act together with the Debates and Speeches on the same in the Imperial Parliament*, published of course in 1900. This is a rare offering, and because it is in a somewhat fragile condition, it was decided to have a bookbinder (Sabine Pierard) make a buckram "chemise", which will preserve and protect the Act when it is not in use.

Before I make the presentation, I should record the Board's appreciation – as well as, I am sure, that of all our members – to both John and Nancy Stone for the time and care they spent in putting together this elegant and attractive collection.

And now, on behalf of the Board and the members, it is with great pleasure that I now make this presentation to you, Sir Harry, as a small token of the esteem in which we hold you, and for the active leadership you have given to The Samuel Griffith Society, and we thus convey our very best wishes to you and to Lady Gibbs.