

# The Francis Forbes Society

For Australian Legal History

The Society is pleased to inform members of the Bar Association that on **Wednesday 24 October 2023, Megan Cameron** whose research at the University of Sydney Law School is supported by a 2022 Forbes Fund grant, is presenting a legal history tutorial on ***The work of magistrates in early colonial New South Wales***, in Court 13A, Law Courts Building, starting at 5.15pm. No registration is necessary for in person attendance – for online viewing please register here: [Legal History Tutorial by Megan Cameron 24.10.23](#). After registering you will receive an email confirmation **which contains the viewing link** (joining with camera and sound is disabled for events such as this).

Megan is a PhD candidate at the Sydney University law school. Her thesis is about the magistrates of the early New South Wales colony (1800-1835). Megan is examining the powers given (and taken) by magistrates, and their interaction with three convict rebellions. Those rebellions are the Vinegar Hill rebellion of 1804, the Ribbon Boy rebellion of 1830, and the Castle Forbes uprising of 1834. In examining those three rebellions, Megan will show how magistrates had both power which was given to them (through their commission of the peace, and their oath of office), and power which they took (powers derived from statute, and from the personal gravitas of each magistrate). The work will show that magistrates had a substantial degree of personal power, which they exercised particularly in relation to convicts in the early colonial period.

The Society is very grateful to Chief Justice Bell for his permission to use Supreme Court facilities.

On 1 November 2023 also in Court 13A **Dr Jessica Lake** will speak on her research 'The Slander of Women' which also received funding from the Forbes Fund in 2022. We will make a link for online viewing available shortly

In the nineteenth century, a gendered reform movement known as the Slander of Women Acts swept through the common law world, making it easier for women to sue for defamatory allegations of sexual immorality. Under these changes, first initiated in New Jersey in 1790, a woman called a 'whore' or 'unchaste' could bring a civil action for slander without the burden of proving 'special damage'. These reforms, while technical in language, reflected important shifts in understanding about gender, social status and speech and carried significant social and cultural implications. At one level, they enabled individual women to vindicate their reputations, obtain financial compensation and silence vituperative attacks. More broadly, the Slander of Women laws overturned centuries of English precedent – structured around class hierarchies, shaped to address men's injuries, and premised on distinctions between common law and ecclesiastical courts. In the USA, these reforms connected with revolutionary sentiments, an emphasis on 'character' and a paternalistic desire to 'protect' the purity of republican wives and daughters. But what spurred the Australian colonies – New South Wales, South Australia, and Victoria in particular – to break with England on this issue? How did new significance of respectability, ideas of civilisation, and conditions of commerce influence the direction and development of defamation laws in these far-flung colonies? Drawing upon archival research funded in part by the Francis Forbes Society, this presentation will examine Australia's place within this global reform movement

Jessica is a Senior Research and ARC DECRA Fellow in the Institute for Humanities and Social Sciences at the Australian Catholic University in Melbourne. Her first book, *The Face that Launched a Thousand Lawsuits: The American Women Who Forged a Right to Privacy*, was published with Yale University Press in 2016. Her second book on the transnational and gendered history of defamation law is forthcoming with Stanford University Press.

We also draw to members' attention a forthcoming two-day **conference hosted by the Parliament of NSW** ahead of next year's bicentenaries for the NSW Legislative Council and Supreme Court of NSW- **The Spark: The Act that Brought Parliament and the Supreme Court to NSW**.

Running across **13-14 November** at Parliament House and the Supreme Court, the conference explores the history, politics and people behind the *New South Wales Act 1823*, which sparked 200 years of parliamentary democracy and the rule of law.

Included is a special panel discussion from **Chief Justice of the Supreme Court the Hon Andrew Bell**, former Justice of the High Court and Supreme Court **Virginia Bell** and former President of the NSW Court of Appeal **Keith Mason AC KC**. The session takes place at the NSW Supreme Court and looks at the Chief Justices over the last 200 years and the pathways they forged for Australian case law. The session is followed by an optional tour of the historic St James Law Courts.

Tickets for the full two-day conference are available for \$25. For more information on the conference program and to reserve your spot (via eventbrite), click [here](#). There are a number of add-ons that you can add to your booking. The Supreme Court session (Monday, 13 November 2023 at 2.00pm) is available as a *stand-alone* ticket for \$10 (book separately [here](#)).

**Membership renewal for 2023 and supporting the Francis Forbes Fund:** A renewal / application form is available here [2023 - 2024 Forbes Membership](#). Memberships are renewed annually and will run to 30 June 2024. Please return a completed renewal / application form to the address on the form or email to [membership@forbessociety.org.au](mailto:membership@forbessociety.org.au).

The Society is dedicated to studying and documenting the history of Australian law. Its membership includes legal practitioners, academics, journalists and students. The Society encourages **donations** to the **Francis Forbes Fund** - members know that one of the Society's objects is to encourage and promote research into Australian legal history, and it maintains a fund for that purpose to which donations may be made.

**Francis Forbes Fund grants for 2023:** Grants from the Fund for **2023** will support:

- *University of Technology Sydney* - Dr Alecia Simmonds 'Race, Legal Status and Subjecthood in Defamation Actions Across the Nineteenth and Twentieth Centuries'
- *Australian National University* - Dr Susan Bartie 'Contribution of Solicitors-General to the field of Australian law and environmental politics'
- *Macquarie University* - Dr Henry Kha 'Wife sales and legal responses in Colonial Australia'
- *Deakin University* - Associate Professor Gabrielle Wolf 'European Medical Émigrés in Tasmania and the Law, 1933-1946'

In addition, the Society supports an annual **Essay prize** for the best paper presented at the ANZLHS Conference, judged by a panel appointed by the Editor of law & history. **Other projects supported by the Fund** – grants from the Fund in **2022** support:

- *University of Adelaide* (Associate Professor Robert Foster) 'Reconciling with the Frontier', which is to produce a digital map of frontier conflict in 19<sup>th</sup> century South Australia, including First Nations stories and oral history accounts;
- *Australian Catholic University* (Dr Jessica Lake) 'The Slander of Women', which will examine why and how the Australian colonies reformed defamation laws in the nineteenth century to make it easier for women to bring claims and better protect their reputations;
- *University of Sydney* (Megan Cameron) an examination of the work of magistrates in early colonial New South Wales (from 1788 until 1835); and
- *University of New South Wales* (Associate Professor Marina Nehme) A study of the legal history of proprietary companies.

The Society supported the publication by the 2019 Forbes lecturer, Professor Anne Twomey (Sydney University) of Pitt Cobbett's grand opus 'The Government of Australia' through the Fund. The book *The Constitution and Government of Australia, 1788 to 1919* by William Pitt Cobbett and edited by Anne Twomey was published by Federation Press in October 2019.

The Society encourages **donations** to the Francis Forbes Fund to enable us to continue to support such worthy projects. All donations to the Forbes Fund of \$2.00 or more are tax deductible. There is provision for a donation on the membership renewal form, or there is a separate form for donations here [Forbes Donation Form 2023 - 2024](#) and on the web site [forbessociety.org.au](http://forbessociety.org.au) at DONATIONS

#### **To note for the diary**

24 October Megan Cameron (University of Sydney) 'The work of magistrates in early colonial New South Wales'

1 November Dr Jessica Lake of ACU (Melbourne) 'The Slander of Women'

13-14 November 2023 **Conference** The Spark: The Act that Brought Parliament and the Supreme Court to NSW

20 November Joint Forbes Society and **Ngara Yura Presentation** "Before 1770: Discovering Australia's Muslim history"

13 February 2024 Plunkett Lecture by the Chief Justice, the Hon A S Bell