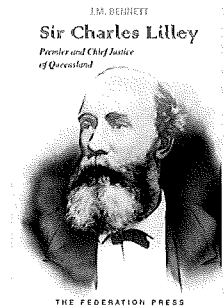


The Reading List

Book reviews for Society members, by Society members

Sir Charles Lilley — Premier 1868-1870 and Second Chief Justice 1879- 1893 of Queensland



Dr JM Bennett AM
Federation Press
RRP \$60

The author of this book, Dr JM Bennett, is a highly respected scholar and has extensively published in the field of Australian legal history, for example in the "Lives of the Australian Chief Justices" series.

Introducing the work is a foreword by the then Chief Justice of Queensland, the Honourable Paul de Jersey AC.

Sir Charles Lilley was in 1865 the first Queen's Counsel to sign the roll as such in the State of Queensland. Lilley held high positions of public office, including Attorney-General, Premier, and the second Chief Justice of Queensland. In those capacities, he made substantial contributions to society as a whole. He was succeeded as Chief Justice by his "former nominal 'pupil,'" and later the first Chief Justice of the High Court of Australia, Sir Samuel Walker Griffith.

Dr Bennett traces, in great and meticulously well-researched detail, Lilley's childhood in England, his early influences and exposure to legal practice as a law clerk, his voyage to Australia, his early years in legal practice in the Australian colonies, his life at the bar, his political life and views (he faced strong opposition

from squatter interests; at times "when it came to his views on the squatters he found himself to be, like John the Baptist, a voice crying in the wilderness"), and his well-received appointments as a Judge and later as Chief Justice of the Supreme Court of Queensland. Dr Bennett also notes Lilley's eccentricities and the controversies leading up to his retirement and last days.

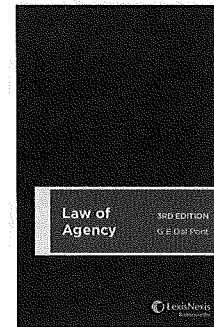
Lilley received certain criticism during his lifetime, some of it malicious and most, but not all of it, unjustified. Dr Bennett's work rectifies certain misrepresentations about Lilley's character that were based on misguided research. For example, in a detailed account of the defamation proceedings by Sir Charles Lilley against certain newspapers, Bennett observes that, "...Darley, the future Chief Justice of New South Wales, [was] briefed to assail, if he could, the personal character of the next Chief Justice of Queensland [Lilley]..."

Moreover, the book gives us great insight into the man, his principles and his judicial approach and methods. For example, he cautioned a jury against bias stemming from racism at a time when racism was rife, and he advocated womens' rights to equality before the law at a time when this concept was not the norm. He advocated a humanitarian approach in judicial decision making, insisting that "a gold thread of mercy should be woven in with all human judgment," but he dispensed severe sentences when the circumstances of the case required it.

The work concludes with a comprehensive appraisal of the life and work of Sir Charles Lilley, which has hitherto been somewhat obscured. The book is a great contribution to judicial biography, and to Australian legal and political history. It is highly recommended to all practitioners.

Basem Seif, Capital Lawyers

Law of Agency



Gino Dal Pont
3rd edition
LexisNexis
RRP \$285

The law of agency, in essence, deals with situations whereby an agent represents the interests of a principal. It is particularly prevalent in the commercial sphere where the concept also developed. A relationship of agency arises in many situations, for example most solicitors would have appeared as an agent for out of town firms at some stage in their career.

The broad concept of agency is clearly explained in the opening chapter before discussion turns to whether a relationship is indeed one of agency; because merely deeming something to be so, does not make it such in law. The text sequentially flows thereafter looking at when an agency relationship is created, what the authority of an agent is, the agent's duties and termination.

The text considers a variety of agency relationships including stockbrokers, real estate agents and brokers to name but a few. That said, the text is more suited to legal professionals whose job it is to advise and determine disputes, rather than as a guide for people practicing in professions where agency is common.

Law of Agency is well written and extensively researched. Any practitioner can pick up this book confident it will assist them to provide sound advice to their client.

Brendan Jones, Moray & Agnew