

# THE SALMOND CENTENNIAL 2006

The papers published in this special issue were first presented at a symposium held at the Victoria University Wellington Law School 16- 18 August 2006 to celebrate the centennial of John Salmond's arrival as the first fulltime chair in Law at the then Victoria University College.<sup>1</sup>

On Thursday evening, Professor Brian Simpson presented the Salmond lecture to an audience of well over a hundred in the Rutherford House Lecture Theatre. Professor Simpson's attendance was made possible by the generosity of the New Zealand Law Foundation. The then symposium continued through the entirety of the Friday and concluded at lunchtime on the Saturday, appropriately enough in the Salmond Room which is currently the Faculty common room. Throughout, the symposium was marked not only by lively presentations, but also by animated interchanges with an audience that included not only academics but also a considerable number of practitioners and judges. We were also privileged to have a number of distinguished chairs for the various panels, including Justice McGrath of the Supreme Court, and Justices Hammond and Chambers of the Court of Appeal. One of the chairs, Dr Mark Hickford, was prompted by the session on Salmond's thinking and dealing with Native land to write his own paper, which we are proud to print with the papers presented at the conference. We were also honoured and pleased that a number of John Salmond's descendents attended Professor Simpson's lecture or the main symposium.

John Salmond's appointment as Professor of Law in 1906 marked the beginning of full-time law teaching in New Zealand. The symposium, however, did not focus much on the teaching legacy left by John Salmond, but on his intellectual contribution as a legal theorist and writer of textbooks, as chief law draughtsman and then Solicitor General, and finally as a Supreme Court judge. The papers in contained in this volume show what a rich legacy John Salmond left.<sup>2</sup> The papers also show that perhaps there is more work still to be done even given this volume and, of course, Alex Frames' biography of John Salmond, published a decade ago.<sup>3</sup>

While the occasion of the symposium was centennial of John Salmond's arrival at Victoria University, some of the impetus to the organisation of the symposium arose from a comment by Professor Neil Duxbury in an essay that he wrote on English analytical jurisprudence to the effect

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1 Robert MacLaurin had acted as a law teacher as well as Professor of Physics from the founding of Victoria University College in 1899, see Sir Kenneth Keith in Vincent O'Sullivan *Eminent Victorians: great teachers and scholars from Victoria's first 100 years* (Stout Research Centre, Victoria University of Wellington, 2000).

2 David Williams' paper has been published separately in H Foster, B L Berger & A R Buck (eds) *The Grand Experiment: Law & Legal Culture in British Settler Societies* (UBC Press, Vancouver, 2008) ch 7.

3 Alex Frame *Salmond: Southern Jurist* (Victoria University Press Wellington, 1995).

that he had largely excluded John Salmond from his survey of English analytical jurisprudent, on the basis that he had lived most of his life in New Zealand.<sup>4</sup> This exclusion seemed to us to be extremely unfortunate, not just from the perspective of parochial New Zealanders, annoyed that a New Zealander had been excluded on such a basis, but that it seemed to deny colonials, even those born and subsequently educated in the United Kingdom like John Salmond, a place within the English legal tradition. As many of the contributions here show, most certainly John Salmond viewed himself as an English lawyer and as a writer of English legal textbooks and legal philosophy. His influence and his contribution, were surely no less (as they were obviously no more) because he was a New Zealander, the major portion of whose professional career was as a law teacher in either Australia or New Zealand or as a government official and subsequently judge in New Zealand. As the essays contained in this volume show, John Salmond was concerned not just with New Zealand concerns but with legal concerns that were shared by what he would have seen as a single common law system grappling with the same basic problems, albeit within specific colonial or Imperial contexts.

Perhaps the most valuable outcome from the discussions at the Symposium was a re-kindling of interest in New Zealand's legal intellectual history. There was general agreement by all involved that there is much work still remaining in this area and there was a general enthusiasm for continuing the discussions begun at the symposium on intellectual history. We hope, therefore, that the Salmond Symposium will only be a beginning: that in the future we will be able to continue our debates through a series of symposia focused around persons and matters of import to New Zealand's legal history.

Shaunnagh Dorsett  
Geoff McLay  
Symposium Editors  
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4 See Neil Duxbury "English Jurisprudence Between Austin and Hart" (2005) 91 Virginia Law Review 1, 3, n 9.

"My primary interest here is in the history of jurisprudence in England rather than with English jurisprudence as something that might be representative of national character; and so for this reason, in this study, 'English jurisprudence' means jurisprudence produced in England rather than jurisprudence produced by the English. This means that a jurisprudent like John Salmond, who was born in England but who was taken to New Zealand as a child, features little in this study, whereas a writer such as Carleton Kemp Allen, an Australian who made his career in England, features relatively prominently. It is worth noting also that this study is indeed concerned with English as opposed to British jurisprudence."