

691

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BOOK REVIEW

PLACES OF JUDGEMENT - NEW SOUTH WALES by Terry Naughton

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Places of Judgment - New South Wales, by Terry Naughton. With a historical introduction by J.M. Bennett, pages j - viii; Plates 1-111; The Architects, 112-118; Index, 119-120, with frontispiece cover showing maps of Sydney and NSW. The Law Book Company Limited, 1987, Sydney, Hardcover \$75.00.

Mediaeval painters frequently pursued a theory that the human face had two quite different sides to it. Successful lawyers demonstrate a similar dichotomy. On the one hand, they must be courageous and strong to do battle for their clients in the forensic setting. On the other, they must be subtle and sensitive, in order to deal with human foibles and to maximise their court room opportunities, often in emotional circumstances of conflict.

In this book - which will make an excellent Bicentennial gift for any lawyer - Mr Naughton shows the sensitive side of his personality. His professional prowess has recently been rewarded by his appointment as QC. He also shows the contrasting features that have appeared in the establishment of justice from the early days of the New South Wales colony. The book brings together a typically elegant essay on the legal

history of the colony and State by John Bennett with thoughtful black and white photographs taken by Mr Naughton. It is a powerful combination. The book is evocative and presents the external face of the environment in which justice is administered in our courts. The big courts and the small are there. So are the still busy and the now abandoned court houses. The presentation is simple and straightforward. It is not a necessary record, in the sense that the buildings stand any risk of demolition and replacement. Most of them will probably still be in use a hundred years hence. As Eichelbaum J recently observed, there have been precious few changes to the external trappings of our court houses in the last hundred years. See (1987) 61 ALJ 452. Things may change inside. But the fabric of these buildings remains apparently stable and well preserved substantially unaltered since they were first built. As in the dusty Indian cantonments or the restless towns of darkest Africa, the imperial builders had a self assurance of the world's greatest Empire. They built for the centuries. The Club, the Anglican church, the Masonic temple and the railway station may be less frequently used today. But the courthouse is still a focal point of regular human activity.

If I have a criticism of the photographs in this collection it is that it presents the court houses virtually as disembodied spirits. No humans are to be seen milling around the verandahs and on the shaded shaded lawns. This is architecture - with its curved turrets and straight, sharp lines. It is not the law, with its messy involvement in the lives of human actors. The contrast is shown by the occasional

plate where humanity intrudes - as the six scout cubs on the verandah of the Tumburumba court house. The power of living things is demonstrated by the melancholy sheep grazing alone in the grounds at Binalong or the stray dog caught in the frame of the photograph at Wilcannia. Yet every lawyer, at least, can bring each print alive. As the eye darts around the features of the photograph, the legal reader is there - in an environment with its smells and sounds, its pains and triumphs all too clear.

The opening essay by John Bennett traces the "pigstye" in which the first court house sittings of the Sydney colony were held. Governor Macquarie, never a man of modest vision, conceived a court house to be designed "after the temple of Thesus at Athens". Perhaps the closest we ever got to this idea was not the Greenway contribution to the old Supreme Court in Sydney but the Darlinghurst court house, also in Sydney. It was designed by Mortimer Lewis in 1836. Poor Lewis was dismissed as a government architect because he became insolvent. His court was described as the "pinnacle of Greek Revival architecture in Australia".

Bennett describes how several forces then conspired to scatter worthy court buildings throughout the length of the colony. They included the pretensions of visiting magistrates, the necessities of the District Court judges appointed after 1858 and the ambitions of competing country towns, urged on to demand the prestige of a court house by the new found wealth which often accompanied the discovery of gold.

The greatest flowering of court houses came in the 1880's - a special time for public works in the Australian colonies. So many public schools date from that time. Many court houses bear the same appearance as the early schools - doubtless because they were conceived on the same drawing board.

The all too short introduction by Bennett is then followed by a hundred pages of Naughton's photographs. They begin with the graceful curves of the entrance to and spiral staircase of the old Supreme Court in King Street, Sydney. Mottled light falls on the four competing curves of special elegance and the black and white tile floor of Greenway's design. How many lawyers have hurried by, distracted, scarcely noticing the elegance? No wonder that when barbarians, a few years ago, suggested the demolition of the building, purists insisted that, at the very least, the staircase should be preserved - leading (if need be) to nowhere. Perhaps it was the hilarity which accompanied such a potential legal spectacle that saved the whole building.

Then there are some splendid photos of the old Banco Court in Sydney, created "on the lines of St Stephen's Court, Dublin". There is the canopy and the Royal Coat of Arms. There is the finely patterned carpet, the judge's seat, the jury box and the dark laquered wood where Lionel Murphy's two trials took place. It was a good working court. The matching curves of the bench and the upper gallery emphasise the fact that intimacy is not inconsistent with formality and elegance in such a busy workplace.

There follows a glimpse behind the bench into the rather lonely judges' chambers of the old Supreme Court. The furniture looks austere. The light is muted. Naughton then bursts forth into the suburban court houses of Sydney and later the large and small court houses of the sunny country districts of the State. The design of these courts settled into a few established styles. There are the grand, imposing structures - a dome or a tower atop - at Grafton, Bathurst and West Maitland. At one time it was rumoured that the grand edifice at Bathurst was actually meant for Bathurst, Sierra Leone, built in our colony by the fortunate ignorance of some architect in Whitehall. Then there are the spacious local courts with airy verandahs opening onto neat gardens and serving the town, with its centre nearby. Walcha, Coonabarabran and Wilcannia feature here. Grafton is half a verandah and half a Greek temple. Macquarie's spirit lived on. Corinthian columns decorate the old court houses at Dubbo, Yass, Coomba, Young and Deniliquin.

But then the style changed. Rounded archways, with matching wrought iron fences presented a more modern phase, as in North Sydney, Paterson, Katoomba and Kempsey. Finally, there are the truly modest and sometimes even abandoned court houses - not a few of them a little too close to the police station for modern sensitivities.

This is not quite a book of nostalgia. The buildings portrayed are nearly all still in regular use. Yet lessons can be derived from this architecture concerning the self image of the law and its institutions - particularly at the end of the

last century and the beginning of this. There is a touching confidence and authority in these buildings. There is orthodoxy - not much experimentation here in basic design. There is removal, reserve and withdrawal behind elegant wrought iron. Yet inside there are rare touches of beauty. These are especially captured in the ceilings of the Bathurst and Kempsey court houses, the paving stones of the Grafton verandah; the dome and crown atop of the Balmain court; and the curved dock at Wagga Wagga which was clearly designed with Bernini's mighty altar in mind.

What are the most vivid images that linger from a study of these photographs? I would list three. The first is of the contrasting eucalypts and frangipannis which decorate the Grafton court house verandah. Light falling on the court house through these trees - native and exotic - symbolises the foreignness, yet the adaptable stability of these institutions, transplanted from another part of the world.

Then there is the dominant figure keystone of Queen Victoria at the front entrance of the Newtown court in Sydney. She looks to be presenting to all who come thither as a sort of blind Themis. Perhaps the designer thought, at the time, that if the English Queen could be Empress of India, she could be the blind goddess of justice as well.

And then there is the photograph of the lonely chambers of the circuit judge at Forbes. The stand is empty of his silken hat. The modest basin is of porcelain. But there is no hot water there. Few comforts.

If one were to add up all of the emotion expended in these venues it would be, in sum, a lot of pain, edged with occasional joy. Even perhaps days of forensic triumph. The human face of justice may be missing from these plates but in Places of Judgment Terry Naughton has done the legal profession and the community of New South Wales (and beyond) a service. Stimulated by John Bennett's introduction, one can see here the growth of the multitude of places necessary for the maintenance of the rule of law. These buildings - and those who worked in them - helped to tame a rugged and sometimes resistant continent. And, daily, the process goes on within them.

M.D.K.*

*Justice Michael Kirby, President, Court of Appeal, Supreme Court of New South Wales.