

THE AUSTRALIAN LAW JOURNAL

BOOK REVIEWS

LONGER REVIEWS

COURTHOUSES IN ADELAIDE 1837 - 1988

BY MARISA G LOREN

THE AUSTRALIAN LAW JOURNAL

Book Reviews

Longer Reviews

COURT HOUSES IN ADELAIDE 1837-1988 by Marisa G Loren, with Foreword by the Hon Howard Zelling. Pages i-xxi, 1-60, Appendices 61-66. Chronological and geographic charts 67-74. Footnotes, 75-79. Bibliography 80-81. Index 82-84. 1989. Swift Printing Services Pty Limited, Adelaide. Cloth \$40.

Books of photographs of Australian court houses are becoming more common. Thousands of tourists are shepherded through the High Court of Australia each year on a pilgrimage which also takes in the National Gallery. No survey is reported to indicate which of the buildings they find more spiritually uplifting. In cities and country towns throughout the continent, court houses are frequently found: monuments to the self-assurance of the nineteenth century Australian colonialist. They brought British justice to rustic and rebellious colonists. To impress those in their care, the rulers often built imposing permanent monuments to that age of imperial assurance.

The books of photographs which portray court buildings are now sold as mementos to the streaming tourists or as anniversary presents for the young lawyer who has everything else. A particularly beautiful production is that of the court houses of New South Wales, photographed by Terry Naughton QC. It was reviewed in this Journal. See (1988) 62 ALJ 101. Quite apart from the splendid images of the

external domes and turrets and internal woodwork of New South Wales courts, Naughton captured, in brilliant black and white lonely vignettes which suggested the human face of the justice done in those "Places of Judgment". An unused hat stand in an isolated country court house. A wash basin in the austere chambers of a visiting justice.

Now, Marisa Loren, a solicitor, has produced a new volume on Court Houses in Adelaide. Its cover portrays the splendid building on the corner of King William and Gouger Streets, Adelaide where in 1873 the Supreme Court of South Australia took up residence. It is a building of the nineteenth century style, not unlike the Opéra in Paris built at about the same time. Like the Opera, it is topped by the outlines of a court room theatre. But the dramas and arias played out there there have tended to be rather less immortal than those on the stage of the Paris Opera. Furthermore, the Royal Coat of Arms which tops the building reminds passers by of the serious business done inside and the British justice administered from the colonial days when the building went up. Greek columns, decorative urns and stone solidity portray the unflinching certainty of the colonists generally and the special assurance of those in Adelaide, ever proud that they were never a convicts colony.

Loren's book is a very different production from that of Terry Naughton. True, it contains a number of photographic plates, some of which are most interesting. However, the emphasis is not upon the photographer's art but on an analytical compilation of the buildings in which the

courts of South Australia in Adelaide were housed after the establishment of British settlement. The tables, footnotes, bibliography and index are all splendidly detailed. They demonstrate the great care of the author in tracing meticulously the venues for the courts ranging from the Supreme Court and the Resident Magistrate's Court (each established in 1837) through the Insolvency Court (established in 1841), the Local Court (1850), the Mayor's Court (1856) and the District Court (1870).

The text which accompanies the photographs cites the legislation under which the foregoing and other courts were established. In some cases the changes of the legislation have been noted. But the main effort of the author is to collect the places of sittings of the various courts and to do so by reference to the remarkable town plan of Adelaide conceived in the orderly well laid out mind of Colonel William Light. That plan, which is Light's great memorial and which facilitated the system of registered legal title, symbolises the orderly, rational, logical and optimistic outlook of the early settlers of South Australia. In these circumstances, it is a trifle surprising to see that there was a need for so many court houses: all of them carefully marked out in a plan of the city acres originally drawn in March 1837. Illustrated in the plan are the various sites of the courts which are described and pictured in the book.

It is inevitable that some of the early court houses have been demolished even in a city which has done better than most to preserve its colonial buildings. Perhaps the

saddest photographs are those which portray a sketch of the Royal Victoria Theatre in 1859 and a photograph of the same building, now a bazaar and arcade, taken in 1988. The columns on the outside face are the same. But the general dilapidation, peeling paint and shattered windows portray the decline and fall of a once proud edifice. The mind rushes to ask whether, behind the battered sign over the portico is still to be found the Royal Coat of Arms portrayed atop the neat white-washed building shown in the 1859 painting. The Royal Victoria Theatre was the site of several court houses in Adelaide including the Police Court from 1846 and the Insolvency Court from 1843. It was only when the courts moved out that a theatre of another kind was dedicated to the then young Queen Victoria who was to reign into the next century and to institute the Australian Commonwealth.

Inevitably some of the early sketches of course which are reproduced bear the signs of the most modest talent of their artists. Their only value is historical. Similarly, a number of the modern court houses are singularly unprepossessing: a few of them downright ugly. The happiest recent development described in the pages of this book is the conversion of the Moore's retail store (first opened in 1916) into the Samuel Way Court Building, opened for business in 1983. The text shows a photograph of the retail store taken in 1929. It records the fact that the architect modelled it on the Galeries Lafayette in Paris. It took an inspired decision to renovate this splendid edifice as the site for the Local and District Courts and as a venue for criminal

trials in the Supreme Court. A similar development has lately occurred in Sydney. The end of the era of the huge departmental stores in the central business district led to the preservation of at least one of them, the Mark Foy's store, now the Downing Centre. The great mercantile palaces of the past are thus preserved as court houses for the future. There must be few more successful efforts of this kind than the Sir Samuel Way Law Courts Building, beautifully photographed in this book.

One could criticise various aspects of the book. The arrangement in terms of the town acres of Adelaide may reflect an obsession with Light's design which only an Adelaide person could fully share. Perhaps it would have been more relevant to have organised the illustrations by reference to the successive buildings of the several courts - as is later done in one of the appendices. Furthermore, the text lacks reminiscences and a human touch. As do the photographs. But this perhaps reflects nothing more than the author's purpose. That is historical and analytical rather than poetic and photographic. The author has dedicated the work to "all members of the South Australian legal profession, whose history this is". If there were a second edition - or perhaps a photographic portrayal of court houses in the outback regions of South Australia - it might be hoped that photographs of the internal court facilities would be included. It is in these that some hint of the human spirits that inhabited the courts might be found. All those angry battles, trembling prisoners, distracted judicial officers,

wigged, gowned, sweating hard at work. They are missing from this book except to the extent that the eye and the imagination plays upon the external facades of the buildings portrayed and strives to enter the windows and doorways that stand barred and unopened. In a sense, this is a symbolic problem of our law. External grandeur. An unknown within. Surely in this day and age there would be no obstacle to photography of internal court rooms, if necessary when courts are not sitting.

These are intended to be constructive criticisms for a worthwhile book of Australian court history and architecture. The story recorded in its pages is not complete. The old Industrial Court Building in King William Street South shown on page 51 has, by now, been replaced by a new Federal Court building - a sign of the times. The author has done a service and not only to the legal profession in South Australia by preparing such a fastidious record. As Justice Zelling says in his foreword, many of the photographs show "what a thing of shreds and patches government planning has been". But amongst the threads and patches there are occasional strokes of bold vision. It is to be doubted that future generations, looking at the anonymous modern buildings which contain the court houses of this century will feel impelled to photograph most of them as things of beauty or even of architectural interest. Perhaps with the bold confidence of the British Empire and its commitment to the world-wide system of British justice, the dedication to external grandeur disappeared. Nowadays Britannia does not

rule the waves. Economy and utility do.

It may be hoped that both the book by Naughton on New South Wales courts and this book will inspire photographers and historians in the other States of Australia to record the city and country court houses in which justice has been administered these past two centuries.