

THE AUSTRALIAN NATIONAL UNIVERSITY  
RESEARCH SCHOOL OF SOCIAL SCIENCES  
DEPARTMENT OF LAW

23/1965

Annual Report to Council

Staff

- Professor .. .. G. Sawyer, B.A., LL.M., of the Victorian Bar
- Professorial Fellow .. S. J. Stoljar, LL.M., Ph.D., LL.D., of Gray's Inn, Barrister at Law.
- Senior Fellow .. .. J. G. Starke, Q.C., B.A., LL.B., B.C.L., of the Inner Temple, Barrister at Law.
- Research Assistant .. Miss M. O'Toole, LL.B., (Syd.)
- Departmental Assistant Mrs A. H. Edwards
- Visiting Professor .. Professor Emerson G. Spies, B.A., B.C.L. (Oxon.) Professor of Law at the University of Virginia.
- Visiting Fellows .. Mr D. J. Whalan, LL.B., LL.M.(N.Z.) of the University of Auckland.  
Mr D. L. Mathieson, B.A., LL.B. (N.Z.), B.C.L.(Oxon.) of Victoria University, Wellington.

Professor Sawyer spent most of the year on study leave at the Institute of Judicial Administration, New York University and during his absence Dr Stoljar was Acting Head of the Department. Dr Stoljar received the Doctorate of Laws of the University of London. Professor Spies, of the University of Virginia, a specialist in property and land use laws, was with the Department from February to October; Mr Whalan, of the Faculty of Law at Auckland, also a specialist in property law, stayed from July until January, 1965; Mr Mathieson, of the Victoria University, Wellington, Law Faculty, arrived in December for a 3 month stay. Miss O'Toole resigned on 23 October 1964.

Students and Teaching Activities

Mr J. Narain received the Ph.D. for his thesis on constitutional protection of property rights, and accepted a research fellowship at McGill University, Montreal. Miss Alice Tay completed her thesis on possession in the common law. Mr Lewis Lloyd continued his work on Australian mining law; his supervision was transferred to Dr Stoljar. Mr Krishna continued his work on international law protection for foreign-owned property, under Mr Starke's supervision. Mr Kuribayashi continued his work on Australian air law, Professor Richardson supervising him during the absence of Professor Sawyer. Mr P. Davis, an American Fulbright scholar, completed his work on Australian water law and returned to the University of Wisconsin.

Seminars on work in progress were held in term-time on Monday afternoons.

Dr Stoljar gave lectures on Agency, Contract and Quasi-Contract, and Mr Starke on New South Wales Procedure, at the Faculty of Law in the School of General Studies, and Dr Stoljar was an examiner in Contracts; Mr Lloyd was a tutor in Legal History. The visitors also gave lectures there, and at Sydney and Melbourne Universities.

### Research Programme

Dr Stoljar commenced an extended study of mistake and misrepresentation. Mr Starke continued general studies in international law, and began work on a book dealing with town and country planning in New South Wales, a system which was the particular interest of Professor Spies during his visit and which has unique features of interest for students of administrative law and judicial organization as well as of land law. Mr Whalan completed a work on the history and character of the Torrens system of land titles; while mainly concerned with its operation in New Zealand, he examined its origins in South Australia, and he and Mrs Edwards prepared a concordance of all the relevant Australian and New Zealand statutes. Mr Mathieson was mainly concerned with writing a book on the industrial arbitration system of New Zealand, with comparative material from the Australian systems. Professor Sawyer during his absence in the U.S.A. was chiefly concerned with studies of court organization and judicial administration in both civil and criminal jurisdictions.

### Other Activities.

Dr Stoljar and Mr Whalan attended the annual conference of the Australian Universities Law Schools Association in Adelaide, together with Mr Krishna and Mr Lloyd. Mr Starke commenced a series of monthly notes on international law questions in the Australian Law Journal. Professor Sawyer during his visit to the U.S.A. gave lectures and seminars at New York, Colgate and Toronto Universities and was appointed to the editorial board of the Toronto Law Journal.

### Publications

- Sawyer, G. - Cases on the Constitution of the Commonwealth of Australia. 3rd ed., revised, pp. 1-658, Law Book Co. of A/asia.
- Ombudsmen, pp. 1-42. Melbourne University Press
- Emergency Powers in Nigerian Federalism. (1964) 6 Malaya Law Rev., pp. 83-99.
- Australia - Embarrassing Interlude (1964) 11 Bulletin of the Copyright Society, pp. 313-318.
- Starke, J. G. - 'Operational Research in Australia', Rydge's Journal, February, 1964.
- 'The Primacy of International Law', Festschrift to Hans Kelsen, (University of Tennessee Press, 1964).
- 'The Contribution of the League of Nations to the Evolution of International Law', Grotian Society Symposium of Essays on the History of International Law (Indian Year Book of International Law, New Delhi, 1964).
- 'A Note on the Regional International Law-making and Law-unification Activities of the Council of Europe', Australian Law Journal, August, 1964.

Stoljar, S.J. -

The Law of Quasi-Contract, The Law Book Co. of A/asia., pp. 1-223.

'The Transformation of Account' The Law Quarterly Review, April 1964, pp. 208-224.

'What is Account Stated?' Sydney Law Review, Vol. 4, No. 3, August 1964 pp. 373-382.

'Discharge by Novation', The Univ. of Queensland Law Journal, Vol. 4, No. 4, April 1964, pp. 468-475.

Tay, Miss A.E.S. -

'Problems in the Law of Finding: The U.S. Approach'. (1964) 37 Aust. Law.J. 350-7.

'Bridges v. Hawkesworth and the Early History of Finding'. (1964) 8 American Journ. of Legal History 224-237.

'Possession and the Modern Law of Finding'. (1964) 4 Sydney Law Review 383-395.