HENRY CHAPMAN: PIONEER LAW LECTURER AT THE UNIVERSITY OF MELBOURNE

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[*Henry Chapman (1803-1881) came to Victoria in 1854 after a career in England, Canada, New Zealand and Van Dieman's Land, in which he was (at various times) merchant, newspaper editor, writer, philosophic radical reformer, barrister, judge and Colonial Secretary. In Victoria, he continued his versatile career, at the bar, in politics and government, and on the bench. Besides this, he was, during 1857-1858, 1860-1862 and 1863-1864, a law lecturer at the University of Melbourne. In 1857, he taught the bulk of the first law course offered by the University (the Practising Certificate course) and helped to set the first law examination. In 1861, he pioneered the lectures for the LL.B. course introduced by the University in that year. Chapman has left to us many of his lecture notes. These reveal a marked sensitivity to the needs of his student audience, an evident enthusiasm for his subject and a desire to communicate it well, a clear, methodical and structured approach to his material, a gift for fluency of expression, a combination of learning (in law, history, philosophy and literature) with practical insight, and a remarkable breadth of outlook and knowledge, developed in a life-time of self-education and experience in three continents.*]

I *INTRODUCTION*

In 1855, lectures commenced at the University of Melbourne. The University initially prescribed a broad, academic education for its students, including the study of Greek and Latin for two years and geometry, natural philosophy and astronomy for one year. As a result of criticism that the education offered by the University was archaic, a law course was instituted in 1857.[1] This law course was designed to qualify students for a Practising Certificate in law.[2] The first lecturer, Dr Richard Sewell, was unequal to the task, and 'allegations of "erratic attendance" induced his early resignation on the score of "ill-health".'[3] On 29 June 1857, the Chancellor of the University, Redmond Barry, reported that Henry Chapman had accepted the post of Law Reader, in place of Sewell.[4] This was the formal start of Chapman's teaching career at the University of Melbourne, and it was to last, with intervals, until the end of March 1864. During this period, he established himself as a pioneer of law studies at Melbourne University. In 1857, he taught the bulk of the first law course offered at Melbourne University, and (with Professor William Hearn, future Dean of the Faculty of Law) prepared the first law examinations at the University. In 1861, he gave the first set of lectures to LL.B. students in Part I of the degree established that year.[5]

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1 Blainey, G. N., *A Centenary History of the University of Melbourne* (1956) 18.

2 Campbell, R., *A History of the Law School 1857 to 1873* (1977) 10.

3 *Ibid.* 6.

4 Letter from C. Close, University of Melbourne Archives, 7 February 1989. Chapman recalled that he repeatedly lectured in place of Sewell before the latter's resignation (Chapman, F. R., *Notes of Conversations with H. S. Chapman,* 25 June 1878, Rosenberg Collection).

5 Campbell, *op. cit.* 10, 44.

It is fortunate for posterity that a sizeable number of Chapman's lecture notes have survived to the present.[6] These cover the lectures Chapman gave in 1861 on the introductory section of the Practising Certificate course and on Part I of the LL.B. degree, the lectures he gave in October/November 1863 on Part IV of the LL.B. degree, and the lectures he gave in March 1864 on Parts I and IV of the LL.B. The notes provide valuable insight into legal education and the law of Victoria of the 1860s, and also reflect the ideas, concepts and qualities of Chapman himself. I propose to sketch the career of Chapman up to the time he lectured at the University of Melbourne, and then analyze his performance as law lecturer.

II *CHAPMAN'S LIFE AND CAREER (TO 1864)*[7]

Chapman was born on 21 July 1803, in Kennington, Surrey, England, the son of an English civil servant, and the grandson of a merchant trader who had conducted an extensive trade with North America. Chapman grew up in a family with limited financial means but with a high regard for education, and so, between the ages of eight and fifteen, he attended good schools in Kent and London. However, at the age of sixteen, Chapman was forced by the straitened financial circumstances of his family to begin work as a junior clerk in a bank, and this was followed by a two-year period as clerk to a London bill broker. In 1823, Chapman was sent by his employer to Quebec. There he soon established his own merchant business, which he was to maintain for ten years. During this time he established for himself mercantile habits which were to remain with him throughout his life, and forged many links with Canadian and American figures. He developed a growing interest in and support for the popular French movement in Lower Canada, and in 1833 he abandoned his mercantile career, moved to Montreal, and established the first daily newspaper in British North America, in support of the radical cause. Here, while not attending to his editorial tasks and political concerns, he read for the Canadian bar, acquiring knowledge of Roman and French law.

In December 1834, Chapman was appointed as the London spokesman of the liberal majority in the Lower Canadian Assembly. His ensuing eight-and-a-half-year career in London was spent in a variety of pursuits. In particular, Chapman fostered his connections (established earlier when he was based in Canada) with the movement known as the philosophic radicals. This group, which featured such figures as John Stuart Mill and Arthur John Roebuck, advocated the creation of a democratic constitution, the rationalisation of all matters of government and law, the establishment of legal and educational systems to which all members of the community could have equal access, and economic growth to be brought about by capital accumulation and free trade.[8] Chapman wrote

[6] The lectures are held in the Rosenberg Collection, in the home of Ann Rosenberg, Christchurch.

[7] Unless otherwise indicated, this survey is drawn from Chapman, F. R., *Outline of the Life of Henry Samuel Chapman* (unpublished manuscript, Rosenberg Collection, 1929).

extensively in support of these ideals. He declared that the 'object of Reform is to obtain good government, . . . that which secures to the great body of the People the greatest aggregate of happiness.' He lauded the United States of America as the 'great federal democracy' which had 'proved that a people which has once governed themselves can never afterwards be ruled,' and where 'real improvement is most rapid in its progress.'[9] By 1837, Chapman's official appointment by the Canadian Assembly had lapsed, and he decided to complement his journalistic work with a return to the study of the law. On 17 March 1837, he entered the Middle Temple, and here his prodigious capacity for work earned him the maxim 'Chapman *studet diligenter*' amongst his colleagues. On 12 June 1840, he was called to the bar, and he commenced a career in London and on the Northern Circuit which was moderately successful despite the disadvantages of a late start and the absence of capital. By this stage he had developed yet another field of interest: the promotion of plans for the colonisation of New Zealand. From 1840 to 1843, Chapman was the editor of the *New Zealand Journal*, and here he expounded the advantages of colonisation in general and in New Zealand in particular. He wrote of New Zealand as 'this fine country', with land sufficient for a hundred times its existing population, and an indigenous race which, by its energetic character, 'made it worth our while to civilise, rather than to destroy.'[10]

By the summer of 1842, Chapman had decided to leave England for New Zealand. This decision was as a result of a number of factors. Chapman had by this stage married and fathered one child, and there was the prospect of more children to come. Chapman, who declared that he had 'suffered too much from an imperfect education [himself],' was determined to give his children the best possible education. To achieve this without the advantages of accumulated capital or high birth, Chapman was condemned to a life of 'incessant labour', without time even to enjoy the pleasure of his family. Chapman summed up his plight in England when he said: 'I am at least ten years too late at the bar, I cannot live without a painful amount of labour and if I remain here I may have a family too large to educate.' On the other hand, New Zealand was a pleasant prospect, made even more attractive by letters from New Zealand settlers suggesting that he might make a considerable income from practice at the local bar.[11] On 30 July 1842, Chapman wrote to the Colonial Secretary on the inadequate state of the administration of justice in New Zealand, and suggested the erection of a Supreme Court in Wellington in particular, which, he said, was 'the metropolis of a producing and commercial population.'[12] It was as a result of

[8] Neale, R. S., *A Cap of Liberty and a Judge's Wig* (unpublished thesis, University of New England, 1970) 37 (in Rosenberg Collection).

[9] Roebuck, J. A. (ed.), *Pamphlets for the People* (1835) volume I, pamphlet 22, 11; and Chapman, H. S., Essays and Articles (Rosenberg Collection), volume II, 'Transatlantic Travelling', 400, 416.

[10] Chapman, H. S., *op. cit.* volume III, 90.

[11] Letter of Chapman, H. S. to Chapman, F., summer 1842 (this letter and the other Chapman letters cited below are in the Rosenberg Collection).

[12] *First Report of the Commissioners appointed . . . to enquire into and report upon a system of procedure suited to the Supreme Court of New Zealand (First Report)* (Rosenberg Collection, 19 January 1852), 12, 20.

this that a judgeship at Wellington was created, and Chapman was duly made its first incumbent. On 27 June 1843, Chapman left England with his wife and family, and reached Auckland nearly six months later.[13]

On 26 December 1843, at Auckland, Chapman was sworn in as judge of the Supreme Court of New Zealand. On 1 February 1844, Chapman J. arrived in Wellington to take up his position, and he was to remain there for the ensuing eight years.[14] Here his conscientious nature, moulded through years of self-discipline and self-education, ensured that local litigants received a thorough and careful adjudication of their rights. His rich and varied background, particularly in North America, made him alive to the need to develop a flexible legal system in tune with the colonial environment. His idealistic, liberal outlook, fostered during years of active support for the philosophic radicals, spurred him on to 'civilise' and rationalise his untamed new world. The open-ended nature of the colonial environment afforded him the space to formulate law and practice in new ways, and this was clearly evident in the Rules of Court which he helped to frame and which remained in force in New Zealand until 1882.[15]

While Chapman came to enjoy happiness and fulfilment in Wellington, he bemoaned the 'grand disadvantage' of New Zealand that it did not provide suitable education for his growing band of sons. He was not prepared to allow his sons to be reared as 'coarse, rude and unenlightened' stockmen, and he thus foresaw that he would have to send them to England to be educated. This required an increase in his local salary, a move to another colonial judgeship with a higher salary, or some 'law office' in England.[16] To this end, Chapman wrote repeatedly to his father and friends in England, asking them to advance his cause in the Colonial Office. In 1851, his father secured for him the position of Colonial Secretary of Van Dieman's Land, which Chapman reluctantly felt himself bound to accept.[17]

On 13 March 1852, Chapman and his family left Wellington, and arrived in Hobart three weeks later.[18] There, for nearly seven months, Chapman officiated with ability and dedication as Colonial Secretary, acting as the Lieutenant-Governor's right-hand man and as the government leader in the Legislative Council.[19] Unfortunately for Chapman, he was caught between an autocratic Lieutenant-Governor (William Denison) determined to uphold the imperial policy of transportation of convicts to Van Dieman's Land, and an elected majority of the Legislative Council fiercely determined to oppose this policy. Chapman tried as far as possible to defend the position of the Lieutenant-Governor, but he was convinced, on the question of transportation, that the

[13] Chapman, H. S. to Chapman, H., 26-27 June 1843 and 20 January 1844.
[14] Chapman, H. S. to Chapman, H., 3 February 1844 and 25 April 1852.
[15] See forthcoming article by Spiller, P. R., 'Henry Chapman: First Supreme Court Judge of Wellington' (1989) *Victoria University of Wellington Law Review*.
[16] Chapman, H. S. to Chapman, H., 25 October 1845, 16 December 1846 and 11 June 1850.
[17] Chapman, H. S. to Chapman, H., 6 December 1851.
[18] Chapman, H. S. to Chapman, H., 25 April 1852; *Tasmanian Colonist*, 8 April 1852.
[19] Chapman, H. S. to Chapman, H., 25 April 1852 and 11 July 1852.

government could not 'go on against the determined wish of the people.'[20] Thus, when, on 8 September 1852, an elected member presented an address to the Queen asking her to revoke the Order in Council which made Van Dieman's Land a penal colony, Chapman could not in conscience vote against it and he left the legislative chamber.[21] As a result of this action, the Lieutenant-Governor (on 28 October 1852) suspended Chapman from office.[22] Chapman resolved to make a personal appeal against his suspension to the Secretary of State for the colonies, and so he left for London. There he spent more than thirteen frustrating months. His hope of reinstatement or transfer to another suitable government office foundered on the reluctance of the Colonial Office to subvert 'the Authority of the Governor'.[23] As early as June 1853, friends suggested to him the alternative career of practice at the bar in Victoria. Chapman, who had visited Victoria on his way to England, regarded Melbourne as 'one of the wonders of Colonial history', and he considered that it 'want[ed] legal men'.[24] At first Chapman was averse to the idea of practice at the bar, as he preferred the prospect of a judgeship, which offered a secure paymaster and was 'without degradation'.[25] But, as the months wore on and the prospect of a judgeship dimmed, Chapman became more reconciled to the idea of practice at the Victorian bar. He saw that he had the chance of making even more money there than on the bench, and that his career at the bar could be a stepping-stone to the bench. He also saw that, without the restrictions of government office, he would be free to promote the establishment of responsible government in the colonies.[26]

On 14 May 1854, Chapman left England to resume his Australian career, and, after a visit to Melbourne and a final two months in Van Dieman's Land, he arrived in Melbourne on 29 September 1854. Here he remained until April 1864, when he left to take up an appointment as puisne judge in Dunedin. During this period, except for the short period when he was an acting judge (1862-63), he practised at the bar, and here he achieved considerable financial success. He also served as Member of the Legislative Council for South Bourke (1855-56), Member of the Legislative Assembly for St Kilda (1858-59) and for Mornington (1861-62), and Attorney-General (briefly in 1857 and again in 1858-59). His political career brought him status and power but also considerable controversy and (in certain quarters) notoriety. Besides these activities was his lecturing at the University, and there were periods (in early 1858, late 1861 and early 1862) when Chapman combined the functions of lecturer, barrister and Member of the Legislative Assembly.[27] Thus, it is against the background of a highly-charged politico-legal career that Chapman's role at the University of Melbourne must be viewed.

[20] Chapman, H. S. to Chapman, H., 4 September 1852; *Tasmanian Colonist*, 21, 24 & 28 June, 30 September and 11 October 1852.
[21] *Tasmanian Colonist*, 16 September 1852.
[22] Denison to Pakington, 3 November 1852, M.S.S. Papers 53 (National Library, Wellington).
[23] Chapman, H. S. to Chapman, C., 6 April 1853.
[24] Chapman, H. S., *Journal and Observations* (Rosenberg Collection).
[25] Chapman, H. S. to Chapman, C., 4 and 8 June 1853.
[26] Chapman, H. S. to Chapman, C., 30 January and 2 April 1854.
[27] Papers in Rosenberg Collection.

III *CHAPMAN AS LAW LECTURER (1857-1864)*

Chapman's initial appointment as Law Reader was the result of a communication between Chapman and Redmond Barry, Chancellor of the University and also puisne judge of the Supreme Court. Chapman's life-long commitment to learning and education made him predisposed to accept the offer. He had for many years been active in the education of his children, and in this context he remarked that 'my own self cultivation for [many] years has made me far from a bad teacher and guide.'[28] Furthermore, at the time of his appointment, he was out of political office, and the lectureship brought him added revenue.[29] Chapman held the office of Law Reader from the time of his appointment on 29 June 1857 until he resigned to become Attorney-General on 10 March 1858. During this time he was responsible for the sole law qualification offered at that time by the University of Melbourne, the Practising Certificate. After his resignation Chapman retained links with the University through his membership of the University Council.[30]

On 12 March 1860, on the retirement of one of the lecturers, Chapman agreed to resume the law lectureship.[31] His appointment again followed his loss of the Attorney-Generalship, and Chapman viewed the lectureship as a convenient and pleasurable occupation with financial advantages:

> I have resumed the law lectureship at Melbourne University. I have 29 pupils who pay a fee of £12 a year, to which the University adds £300. This gives a stipend of £648, for 84 lectures of 1 hour each, delivered during about 7 months of the year. It does not interfere with practice, especially as the country assizes happen during university vacations. I find it a great comfort to get home to dinner at 6.00 or on lecture days at 7.00 and to spend my evenings at home.[32]

The Practising Certificate course, which Chapman lectured in 1860, commenced with an introduction to the study of law and the nature of law, the constitution of England and Victoria, and the courts of England and Victoria; and then covered an introduction to the law of real property in England and Victoria.[33] In 1861, Chapman was again entrusted with the course, during the first term, and it is from this period that the earliest of Chapman's notes have survived. The first term of 1861 began on 29 March, and appeared to continue until the latter part of May. Lectures were held every Monday, Wednesday and Friday evening, a pattern which continued throughout Chapman's lecturing career at Melbourne University. Chapman's approach to lecturing was to write out his lectures in full, and sometimes he would insert the main point of each paragraph in the margin. In delivering lectures, he would normally not read his notes, but would use them as reference points. Chapman began the constitutional law section of the course mindful of the fact that his subject-matter would appear to be remote from the day-to-day concerns of his audience, but convinced of the value of a knowledge of constitutional law:

28 Chapman, H. S. to Chapman, H., 13 June 1844.
29 *Infra* n. 32.
30 *Supra* n. 4.
31 *Ibid.*
32 Chapman, H. S. to Chapman, F., 18 April 1860.
33 *Melbourne University Calendar 1860-1861*, 68.

> The object of these lectures is to induce students to adopt such a course of study as will *elevate their views* above the mere practice of the law as a trade. Hence they are invited without neglect of practice to make themselves familiar with the principles of the law and also with its historical development. No doubt it is quite possible to become a very successful attorney or barrister without any knowledge of the constitution under which we live but such a knowledge is absolutely necessary to all such as aspire to the character of accomplished lawyers and educated gentlemen.[34]

He then proceeded to point out that the word constitution was used by the Americans in a different sense from that employed by the British. The American constitution was 'almost entirely confined to the mere structure of the government, with some few provisions intended to create a federal nationality out of the several sovereign states of which the Union is composed.' Chapman claimed that 'we go beyond this' and 'consider our constitution to comprise, not merely the structure of the legislature, the executive and the judicature, but also all those guarantees [of] personal liberty' derived from the great charters, the petition of rights, and the bill of rights. He noted that the Constitution of Victoria, as far as the structure of government was concerned, was principally to be found in several local constitutional Acts, but that 'so far as our dearest liberties are concerned we derive it from the British Constitution.' Therefore, he claimed, it became 'essential to the right understanding of the Constitution of Victoria, to investigate that of the country of our birth.'[35] He then proceeded to trace the development of the English Constitution from the mid-thirteenth century, which, he claimed, was 'the era of our nationality, our constitution and our language.'[36] Following this, he analyzed the extension of parliamentary government to the colonies, and, with the weight of practical insight, traced the constitutional developments in the North American colonies. He claimed that these developments, 'and the discussions and agitations respecting them, have created an interest among [British] Members of Parliament which they did not feel before 1828.'[37] He also argued that the 'Press has done much to promote the colonial cause', and here he referred to the *South Australian Review*, the *Colonial Gazette*, and his former publication the *New Zealand Journal*. He added that the settlement of New Zealand 'brought great pressure on the Colonial Office', as the settlers were connected with peers, parliamentarians and other persons of rank and influence. Thus, he said, 'we have in England an influential colonial party in the house . . . [and] a large colonial public out of it.' These, he claimed, 'exercise vigilance in all colonial questions and they have done great service in bringing about among other results the constitution which we now enjoy.' The object of the Victorian constitution, Chapman said, was 'to hand over to the local legislature the controul of our local affairs [and] to confine imperial controul to matters not exclusively local.' He then outlined the succession of Acts affecting the constitutional development of Victoria.[38]

By the beginning of May 1861, Chapman had completed his outline of the Constitution of Victoria, and had passed on to an account of the 'several jurisdictions of the Supreme Court [of Victoria] — as derived from the Courts at

[34] Lecture, 12 April 1861.
[35] *Ibid.*
[36] Lecture, 15 April 1861.
[37] Lecture, 26 April 1861.
[38] *Ibid.*

Westminster.'[39] He added that for 'more complete information I must refer to the Acts printed in Adamson under the head of Supreme Court', and that a study of the practice in the Supreme Court formed part of the Examination in Law for the second year. He then gave a list of the 'Inferiour Courts' of Victoria, all of which were courts 'because their proceedings are judicial — and they are *inferiour* because the writs of mandamus and prohibition will lie against all of them, and in some cases the writ of certiorari.' He began with the Court of Mines, which he described as 'the most important Inferiour Court in the Colony', and carefully analyzed the sections of the relevant legislation.[40] In like manner he went on to discuss the nature and jurisdiction of the county courts[41] the general sessions of the peace, the courts of petty sessions, the coroner's courts, the courts martial, the visitor of the University, and the pilot board.[42] After a lecture on admiralty jurisdiction,[43] Chapman concluded his series of lectures on the courts by outlining the nature of the writs of mandamus and prohibition, with particular reference to their application in England.[44]

Chapman followed his lectures to the Practising Certificate class with the inaugural lectures on Part I of the LL.B. degree. These lectures occupied the end of term one, and terms two and three of the 1861 academic year. The syllabus for Part I required a study of the rights of persons, personal property, contracts and torts. Chapman began his discussion of personal rights with an analysis of the meaning of 'rights':

> Following the older writers, Blackstone classifies rights into 'rights of persons' and 'rights of things'. But here at the very threshold an ambiguity in the use of the word 'rights' must strike you. A right in contemplation of law means a *legal title to enjoy,* and therefore the word is unexceptionable when we speak of rights of persons or personal rights. But when Blackstone uses the phrase 'rights of things' he clearly uses the word in another sense. A thing, whether real or personal, cannot enjoy, it can only be enjoyed. A right may attach to it, but it cannot itself possess any right or title. All rights, all title, must necessarily reside in some assignable person or persons. For these reasons I prefer the more accurate language of the Civil law — *omne jus quo utimur vel ad personas vel ad res vel ad actiones pertinet* — 'every right of which we avail ourselves relates either to persons or to things or to actions'. Indeed strictly speaking all rights are personal. But for convenience of discourse those rights which have exclusive reference to the person or to personal enjoyment, and do not extend to any thing or object beyond the person are termed . . . personal rights. For instance a right to the undisturbed enjoyment of life and limb, of personal liberty and personal reputation, obviously has reference to personal enjoyment without reference to any external object. These are emphatically called rights of persons or personal rights. The rights which a man has to his horse or field . . . are also strictly speaking personal rights, but for convenience of discourse they are not classed as rights of persons or rights which relate to persons but as rights of things or more properly as I suggest as rights which relate to things.[45]

The classification of rights led Chapman on to a discussion of the nature of classification itself:

> Classification is nothing more than a logical contrivance which has no other object than to aid conception. It is entirely arbitrary and has only a secondary relation to the essential qualities of the objects contemplated. It does not disregard the qualities or properties of the objects themselves, but some of these qualities or properties are seized upon and made the basis of classification for one purpose whilst other qualities are made similar use of for another purpose. Thus, for instance, for some purposes the whale may be classed among fish, but the naturalist places it in the same

39 Lecture, 8 May 1861.
40 *Ibid.*
41 Lecture, 10 May 1861.
42 Lecture, 13 May 1861.
43 Lecture, 15 May 1861.
44 Lecture, 17 May 1861.
45 Lecture, written 20 May 1861.

class as man and the beasts of the field because it brings forth its young in complete state of development . . . and it gives suck to its offspring . . . In classifying man, the word race is used with different meanings for different purposes. When Blumenbach or Lawrence speak of the Caucasian, Mongolian, African and Asiatic races of man, they use the word race and adopt this classification with exclusive reference to certain well marked physiological differences. When the ethnologist or historian speaks of the Keltic, Teutonic and Slavonic races he does not mean to refer to any very marked physiological differences, but merely to mark and classify the early migrations of the Indo-Germanic or Indo-European populations. (I may refer you to *Whately's Logic* for some very pertinent observations on this subject, and Mr. John Mill goes much deeper into the subject). Such being the necessary arbitrary nature of all classification, we shall find that classes have more or less tendency to run into one another. Yet the broader distinctions are obvious enough and classification is not therefore the less useful because there are some anomalous cases, and these present little or no difficulty when they occur . . . Bentham has well illustrated this: What so different he says as light and darkness yet who shall tell where daylight ends and darkness begins? When we come to the practical use of law we throw aside classification to a great extent or at all events unconsciously lose sight of it; but, to the student, it is of the greatest service in directing his attention to the leading feature or broad principles of the cases under discussion.

Let me pursue this matter a little further. I am about to lecture on contracts and then on torts and you will hereafter find that the distinction between the two classes is broad and well marked for practical purposes. And yet the classification cannot be said to be logically correct. Tort is only the anglified pronunciation of the French word tort — wrong. Now here we meet with the same sort of ambiguity as that which I have explained in the case of personal rights. Strictly speaking every breach of contract is a wrong; but it is not therefore a tort because as I shall explain tort has a narrower technical meaning. Breach of contract is the breach of a special duty which only one person owes to another. (I say one person because in the eye of the law we may consider a corporation or company or any number of co-contractors as a legal person). Whereas a tort is a breach of duty which all the world owes to another, in respect of his person, his property or his reputation.[46]

Chapman noted that 'the division of legal remedies into actions *ex contractu* and actions *ex delicto*' was that 'into which all personal actions were grouped from the earliest period of our legal history.' He added that it would 'much facilitate the proper understanding of the subject of this course briefly to allude to the ancient forms of action.' After a short historical survey, Chapman noted (by way of qualification) that the 'historical mode of treating law is certainly not so necessary in treating of contracts and torts as it is in explaining our constitutional rights, our tenures or many of our laws relating to real property.' Chapman then went on to stress the importance of mercantile law in the modern legal system, and here he paid tribute to the influence of Lord Mansfield:

The great and master intellect to which we are most indebted for the full development of our mercantile law is that of Lord Mansfield. His judgments are reported by Burrows, Cowper and Douglas. Besides these Mr Evans published . . . 'A View of the decisions of Lord Mansfield in Civil Causes' . . . As these selected decisions spread over a period of thirty years — a period during which the external trade of Great Britain was greatly extended — it may be well imagined that the influence of the commanding intellect of that distinguished judge was very great. All legal writers since his time acknowledge that influence. He is said to have created the mercantile law of Great Britain — applying settled principles to new states of fact with a facility that sometimes excites astonishment, and with an accuracy that leaves the mind without doubt.[47]

Chapman then noted that since Mansfield's day 'the commercial law under able judicial expositions has received a degree of development which even Lord Mansfield could scarcely have anticipated.' Here he referred to the law of partnership, and added that, in the case of railways, 'we shall find numerous instances of the skilful adaptation of the new facts to the recognised principles of

46 *Ibid.*
47 *Ibid.*

law — aided no doubt by legislation and this also must necessarily be the case with regard to our mining litigation in this country.'[48]

Chapman concluded his introductory comments by indicating the books he would 'principally resort to' during the course (excluding the section on torts). He said that he would follow 'as nearly as I think advantageous the order observed in Stephen's Commentaries'. However, he noted that Stephen's 'expositions of the law are often too brief for practical purposes', and that he would extend the expositions of many important subjects and in so doing refer to works such as Chitty on contract, Addison on contract, and Smith's Mercantile Law and other works. He added that whenever he came to a suitable title of law he would introduce the students to Smith's Leading Cases, 'for the student can scarcely resort too soon to that profitable class of reading . . . cases are the fountains of the law from which, in a great measure, the courts construct their judgments.'[49]

On 8 July 1861, in the second term of the University year, Chapman began his lectures on the modes of acquiring rights to personal chattels, as required in the syllabus of Part I of the LL.B. degree. He noted that, of these modes:

> by far the most extensive in their operation are by contracts and by testamentary disposition or administration. On the average the whole of the personal property in the empire passes by will or administration from one person to another about three times in a century, but by contract it is impossible to compute the number of times a chattel changes hands. In the case of manufactures, for instance, before an article is fit for the consumer the number of times it has been the subject of a contract baffles all calculation. Take the case of the coat I have on my back. The wool was probably grown in Australia where there may have been contracts about the station and live stock, mortgages and sales, loans, preferential liens, repayments and reconveyances. The wool itself may have been bought and sold, pledged and redeemed more than once before it was shipped. The *transitus* also gives rise to several contracts involving important questions as to bailments, affreightment, insurance and other matters connected with shipping. After arrival, the wool passes through many hands before it reaches the manufacturer and so also after it leaves his hands before it ultimately finds its way to my back. The same feature discloses itself in relation to every article which habit has rendered necessary to civilized man, and where death intervenes the whole current of these contracts is interrupted by a transmutation of ownership through the instrumentality of a will or of letters of administration.[50]

Chapman then noted that there were other modes of acquiring rights to personal chattels which required examination, and he proposed to adopt the descriptions of title given by Blackstone. The result was that Chapman devoted the rest of the second term to the following subjects: title by occupancy (the remainder of the lecture on 8 July), title by invention (patents on 10, 12, 15 and 17 July, and copyright on 22 July), and gifts and assignments (on 24 July). Chapman then devoted a considerable period of time to an analysis of title to personal property acquired by contract. Here he dealt with general principles (on 24 and 26 July), incapacity to contract (on 26, 29 and 31 July and 2 August), illegality in contracts (on 2, 5, 7, 9 and 12 August), contracts of agency and partnership (on 12, 14, 16 and 19 August), sale of goods (on 21, 23 and 26 August), guarantees (on 28 August), bailments (on 30 August), bills of exchange (on 2 September), and insurance (on 4 September). The lectures which Chapman

[48] *Ibid.*
[49] *Ibid.*
[50] Lecture, 8 July 1861.

prepared on the concluding sections of illegal contracts, agency and the bulk of the law of partnership were delivered by Professor Hearn, as, during the period these lectures were delivered (9-16 August), Chapman was involved in a political campaign for election as Member of the Legislative Assembly for Mornington. The lectures which Chapman prepared on the various aspects of personal property outlined current legal principles with clarity and thoroughness, and they were enlivened by historical background and literary allusions. For example, in the lecture on copyright, Chapman sketched the background to the statute *8 Ann c. 19* (which granted to authors of books the sole right of printing them for the period of fourteen years):

> It was not until about a century and a half ago that the rights of authors were ascertained and established. In the voluminous writings of Daniel De Foe you will find many complaints of the manner in which works were piratically printed, garbled and falsified immediately after the author's own copy came out. I may refer you to Forster's life of De Foe in his vol. of Biographical essays for some very curious details on the subject.[51]

Chapman concluded the second term with two revision lectures, in which he summarised the leading principles of the material he had covered on personal property:

> From what I have already stated on more than one occasion as to the very abridged nature of my lectures, you will readily understand that, to render a summary such as I am about to attempt at all useful, must be a task of great difficulty. Nay, unless you come now to listen to me with a rigid determination not to rest satisfied with what I can now offer, this lecture will be more mischievous than useful. I have often warned you not to be content with the amount of information conveyed by the lectures. I have all along endeavoured to point the way to more complete sources of information; and I have more especially directed you to consult such leading cases as have finally established some leading principle of law. What I desire in this lecture is to refresh your memory in the leading principles conveyed and illustrated in the lectures, and to recall such leading cases to your attention as either establish principles or point out broad distinctions. If the effect of my observations tonight should induce you to devote some little time to the consultation of such leading cases I shall be satisfied.[52]

On Wednesday 2 October, Chapman began the third term with an analysis of the contract of affreightment (involving charter parties and bills of lading). In his practice at the bar, Chapman had established a reputation for himself in maritime law matters, and he was able to present this area of the law in vivid and immediate terms. For example, at one point he noted that '[i]n Melbourne ships of even moderate [size] cannot come up to the Melbourne wharves, but must anchor and remain in Hobson's bay and the duty as to delivery must be determined by the terms of the contract.'[53] On Friday 4 October, Chapman concluded his examination of maritime law with a discussion of bottomry, and then moved on to title to chattels by will and administration. On Monday 7 October, he continued with the duties of executors and administrators, and referred the students to the 'most complete work on the subject' by Edward Vaughan Williams; and concluded with a review of the rules of intestate succession.[54] After this, Chapman planned to deal with 'the different heads of tort very fully'. At the end of term he hoped to 'have a few evenings to spare in

[51] Lecture, 22 July 1861.
[52] Lecture, 6 September 1861.
[53] Lecture, 2 October 1861.
[54] Lecture, 7 October 1861.

order to treat of the personal relations of husband and wife and parent and child and master and servant, all of which run into the law both of contracts and torts . . .'.[55]

On 3 February 1862, Chapman resigned his lecturing position because of his pending appointment as acting puisne judge during the absence of Redmond Barry.[56] This appointment expired in February 1863, whereupon Chapman returned to practice at the bar. However, the forced resignation of a lecturer, John Atkins, arising out of a scandal, prompted the return of Chapman as Law Reader, on 5 October 1863.[57] Chapman was required to lecture to students studying Part IV of the LL.B. degree. In the lecture of 21 October, he noted rather testily that as the 'subject of equity has occupied two terms and a half, [there were] only 12 days to treat of the remainder of Part 4 (admiralty, insolvency, inferiour courts).' He commented on the 'difficulty of disposing of what remains in that time.' He then gave an outline of the inferior courts, along similar lines to his course given to the Practising Certificate students in 1861.[58]

At the beginning of March 1864, Chapman entered his last month of lecturing at the University of Melbourne. He was required to commence the lectures in Parts I and IV of the LL.B. degree. He began the lectures to the Part I students with the following address:

> I presume that by far the greater number of those who attend the law lectures do so with the intention of adopting the law as their profession; but I am not without a hope that some will so attend as a necessary part of the education of a gentleman. No one should be content to vegetate through life entirely ignorant of the constitution and laws of his country. The student, though he may not intend to practise the law, may hereafter find himself in a position in life to become a legislator or a magistrate. To all such a general knowledge of the principles of our law becomes a necessary part of education . . . When I was a boy of fifteen, my father placed in my hands an abridgement of Blackstone by a Dr Currie. It was a very perfunctory performance, but I have no doubt that it was of some use. Besides the substantive knowledge to be derived from studies in any department of knowledge, many have a secondary value, from the invigorating effect on the mind of the mere process of study itself. I think it is Dr Arnold who has somewhere said — that if a youth who has been carefully trained in classical and mathematical studies were suddenly to forget all he had acquired, the studies would still be useful in invigorating the intellect, and Dr Whewell, the present Master of Trinity Cambridge, has in his little essay on University education insisted on the same view. What these great teachers claim for classical and mathematical studies, I claim for the study of Law.
>
> Apart altogether from the value of these studies to the lawyer, the statesman, the legislator, the magistrate, apart also from the consideration that education cannot be deemed liberal and complete without some knowledge of the law and constitution under which we live, the mere pursuits of the study afford a healthy stimulus to the understanding. In subtlety of reasoning the law nearly approaches to mathematics . . . Legal investigation has to deal with complicated masses of facts combined in almost endless variety which must be analyzed and classified and referred to the principle of law by which they are governed. This I need hardly say often requires the utmost discrimination and the closest reasoning — to which the highest natural powers of the human mind are quite inadequate without careful training; but to which happily even average intellectual powers become quite equal with the aid of such training.[59]

Chapman then turned to discuss the concept of law, and he remarked that 'taken as a single word there is scarcely one in the English language which has more varied shades of meaning than the word law.' Hence, he said, it was

55 Lecture, 2 October 1861. Of the lectures which followed intestate succession, only a brief lecture on defamation survives.
56 *Supra* n. 4.
57 *Ibid.*; Campbell, *op. cit.* 8.
58 Lecture, 21 October 1863.
59 Lecture, 7 March 1864.

difficult to arrive at a definition 'in few words, where the very words we employ are words in ordinary use in our language, and yet have a technical meaning in contemplation of law.' He proceeded to quote definitions of law by celebrated jurists, and analyzed each of these in turn:

> Blackstone defines 'law' as 'a rule of civil conduct prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong.' This may be considered a tolerable definition but it is full of ambiguity besides being in one respect redundant. What is 'right'? Right in a legal sense is what the law commands, or does not prohibit. It does not include the consideration of what ought to be: that belongs to ethics. It has no concern with the wisdom or expediency of the law. That is a question as to the principles of morals and legislation. If the law commands what we think injurious, we may criticise and condemn it, and do our best to get it altered, but we must obey it. Serjeant Stephen has perceived this and therefore contracts the definition thus: 'a rule of civil conduct prescribed by the supreme power in a state' (leaving out Blackstone's reference to right and wrong). But there are many laws which are binding and yet are not directly prescribed by the supreme power that is Parliament, and therefore Mr John Austin, in his Lectures published in 1832 under the title of *[T]he Province of Jurisprudence [D]etermined* has suggested the following as a definition of a law: 'A law is a command prescribed by a political Superiour to political inferiours.' It is not every such command however that is a law. The government of a country may issue commands to a subordinate, or a class of subordinates, which they are bound to obey. These are mere executive or administrative commands. They must no doubt be such as the executive government is lawfully authorised to issue (they must be framed in accordance with some authority given by the law), but such commands, though sanctioned by law, are exhausted the moment they are obeyed, and are not laws properly so called. In order that the command of the political superiour should be a law, it must be general, that is it must bind all political inferiours. In this sense the definition seems to me to be the most accurate and the least vague and ambiguous that I have met with, and it is difficult to suggest how it could be improved in a few words — though every word of which it is composed might call forth discussion and be susceptible of explanation.[60]

Chapman continued his lecture with a discussion of the concept of 'political superiour', at the end of which he advised his students that they would find it useful in the course of their studies to accustom themselves to 'accuracy of definition'. At the same time he warned them that 'it is seldom that a definition in a few words, and those words often used in several senses, can embrace all the ideas inseparably comprised in the thing sought to be defined.'[61]

Chapman then used the lectures he had given to the 1861 LL.B. class on the definition of rights, the nature of classification, the history of forms of action, the development of mercantile law particularly through the work of Mansfield, and the textbooks on which the course based. Because of the combined length of his introductory statements, Chapman was stopped by 'the Bell' before he could conclude them. He therefore continued on 9 March, and, in the course of this lecture, he added the following comment on the nature of legal development:

> The adaptation of new facts and circumstances to the established principles of the common law, which I have stated to be so conspicuous in the judgments of Lord Mansfield, must continue to be necessary as the relations of civilized society become more artificial and especially as new industries are developed. It is the new rules which are elicited in the process which have been often called judge-made law. Codification might diminish the necessity for this but would not wholly obviate it. Consolidation of the statute law, such as the present Attorney-General is promoting, besides being useful in itself, is a very valuable step towards codification. But if we had a code, even better and more complete than that of France, interpretation or construction by the Courts would still be necessary. The Code Civile of Napoleon is contained in a single Volume — [one] Commentary on [the Code] exceeds 100 Volumes, and the Repertoire of Merlin is nearly as large. Look too at the innumerable decisions of our courts on the 4th and 17th sections of the Statute of Frauds, which was said towards the end of the last century to have cost a King's

60 *Ibid.*
61 *Ibid.*

> ransom. Yet the work of interpretation is not exhausted because, as new conditions of society arise, new combinations of facts call forth the faculties of our advocates and judges to determine the principle upon which they are governed. 'The glorious uncertainty of the law' is a trite and familiar phrase, meant no doubt to express the uncertainty of the result in all litigation: but it is the glorious uncertainty of the facts and not of the law which renders the result of litigation doubtful. In a new and rapidly improving country like this, cases before our courts new in the instance but not in the principle must continually arise.[62]

Apart from these reflections on the nature and development of law, Chapman's introductory comments to the Part I group included his views on lecturing and methods of study, and some of these he repeated for the benefit of the Part IV class. Chapman saw lectures as being necessary in view of the large mass of legal material available, which required the lecturer to 'give good directions' on the law. He remarked that the digests and indexes alone filled more than 100 volumes, and that the lecturer 'cannot preach 100 vols., nor would any one be foolish enough to listen to him if he could.' The lecturer had to 'abridge, select and digest' the digests and indexes still further. However, he stressed, the lecturer's 'labours can only be useless to those students who rely on the lectures over-much.' He said that the outlines provided in the lectures had to be 'filled up in detail' by the students, and he promised to 'point out the best fountains whence you can draw materials for the purpose.' Chapman outlined his views on the best method of taking notes as follows:

> It is of course difficult to lay down any unbending rule on this subject, on account of the different habits and faculties of the students. Some men write slowly — others rapidly. With some the act of writing is so merely mechanical that even a full report takes but little of the students' attention from the lecturer. Others — and I have met with many so gifted — find it unnecessary to take any note at all, but by concentrating their attention on the Lecturer, they are enabled so completely to take in at least the substance of what he says as to make an accurate report of what they have heard in the quiet of their own homes — sometimes without any note at all or with a mere catch-word here and there . . . If the student convert himself into a mere reporter — if he take down every word which falls from the lips of the lecturer — his faculties will be so absorbed . . . as to leave him [no] attention to spare upon the sense . . . [T]o you the subject matter of these lectures must be presumed to be new. To understand many of the propositions enunciated and to catch and apply the illustrations will require effort. In listening even there is an art which is capable of improvement. I have often noticed that the countenances of uneducated auditors exhibit the painful effort which listening imposes on them — while the man whose profession or functions compel him frequently to attend to the discourse of others, in a word the habitual listener, sits at his ease. You will recognize the accuracy of my statement if you will take the trouble to note the expression of different classes of people in any large assemblage of people where speaking is going on — a church for example.
>
> What I advise therefore is that your notes embrace a very short but clear abstract of the principles or propositions enunciated by the lecturer, with any facts used by way of illustration. You should also note carefully any case which may be cited with the volume, name of reporter and page where it is to be found. If the ear does not catch the name, stop the lecturer and ask him to repeat it . . . In this way a lecture of mine which may occupy some 40 pages of my writing might be usefully abstracted in a very few pages — with all the referment carefully noted as I suggest. Those who have memories on which they can implicitly rely with no more aid than a catch word and the names of cases, will perhaps prefer to make their abstract at home.
>
> There is a further advantage to the student himself in the course which I suggest. He will as it were commit himself to listen to and thoroughly understand the propositions of the lecturer, with an express view that his own abstract shall faithfully preserve the concentrated spirit of the more diffuse original. The operation of abridging will afford him a private test of the success with which he has received and digested the lecturer's meaning. The students or some of them may compare their respective abstracts, and where they differ the mere discussion of the differences, so as to get the abstract finally and correctly settled, will prove a most useful aid to the correct understanding of the subject of the lecture.[63]

62 Insert of 9 March 1864 to lecture, 20 May 1861.
63 Lectures, 9 and 11 March 1864.

Chapman noted that another question connected with the method of study on which some difference of opinion existed, and respecting which they were entitled to his opinion and the grounds of it, was whether the student should keep notes of what he read. He noted that there were now excellent collections of conveyancing precedents and pleadings, and so there was no need to engage in indiscriminate copying of the material contained there. But, he suggested, when there arose 'any new facts and circumstances constituting a good ground of action or a good pleadable defence, the new precedent of declaration or plea should be copied and preserved with reference [to] that part of Bullen and Leake's volume to which it seems to belong.' He remarked that the exercise of drafting declarations and other pleadings from a statement of facts was the 'best method of acquiring readiness as a pleader — and indeed of becoming acquainted with the law itself.' Chapman continued:

> Some students have a practice of making full notes of every thing they read, but my impression is that this tends to weaken his [sic] reliance on his own memory and to cost too much precious time — to perpetuate what the ample Indexes of our best law books will always help the students to. Still, note books judiciously made are of the highest value. The exercise of one sense aids impressions conveyed by another. In other words an impression conveyed to the mind by two senses at the same time [is] more lasting. Writing employs the sense of touch and concurs with the eye to perpetuate memory. Thus some good is attained even if the note after having been made be lost or destroyed. It is of course of additional use if kept for future reference. Further, judicious note making is useful in another way. It imparts to the student a ready habit of analysis and abstracting — of analyzing the leading or operative facts and abstracting the principles. [Chapman then suggested the keeping of a note book of unusual titles, not found in the usual abridgements, such as 'time and computation of time', and a note book on cases doubted, modified and overruled].[64]

During the week 7-11 March, Chapman delivered three introductory lectures on equity, 'the principal subject of Part IV'. Chapman was ideally placed to lecture on this subject, as he had spent most of his recent spell on the bench adjudicating upon equity matters. He said that he hardly knew 'any subject on which so much misconception prevails, and this misconception is not confined to unprofessional persons but to some extent is shared in by lawyers, and even by those who have professed to instruct others on the subject.' He claimed that 'nearly all the misconception which prevails on the subject has arisen from attributing to Equity objects at which it never has aimed — objects which are beyond the reach of any conceivable system of remedial justice.' The illustrations which Chapman chose to highlight this point shed light on Chapman's own moral concerns:

> A rich man quarrels with his son and cuts him off with a shilling. Another, surrounded by every luxury, permits an aged father to pine in want — perhaps allowing him only a miserable pittance just sufficient to keep body and soul together. Another indulges in every selfish gratification and neglects the highest moral obligation, of imparting to his children the best education which his means permit. To deal fairly and in a popular sense *equitably* with one's property by will; to support our parents according to our and their station in life; to afford to our children the best training within our means are all moral obligations — but they are obligations which neither law nor equity pretends to enforce.[65]

Chapman continued at some length with a discussion of 'what equity is not' and he then moved on to 'what it is'. He concluded his analysis with the following summary:

[64] *Ibid.*
[65] Lecture, 7 March 1864.

1 The word Equity is sometimes used as synonymous with natural justice and morality in which sense it includes obligations which neither courts of law nor courts of equity have ever attempted to enforce.
2 On the other hand, there is an equity in the largest sense of the word, as including what is loosely called natural justice — which influences the judgments of courts of law as well as courts of equity. In this sense, it is opposed to strict positive law, and it is especially resorted to in the interpretation or construction of the *lex scripta* [notably, legislation].
3 Equity in the technical sense in which it is employed in our system of jurisprudence means those rights which are enforced and protected and those remedies which are administered by courts of equity.
4 These rights and remedies are now capable of being strictly defined and are circumscribed within boundaries as well marked as legal rights and legal remedies.
5 In determining rights which are called equitable and in administering remedies which are called equitable, the courts of equity recognize and act upon precedents in the same manner as courts of law are accustomed to do, and, for this purpose, reported decisions in equity have the same value and the same binding force as the reported decisions of the courts of common law.
6 It may be conceded as matter of history that, at an early period of our jurisprudence, . . . the several jurisdictions of the separate courts were ill defined and unsettled. That therefore in early times there may have been some foundation for the account of equity given by early writers, but that for about two centuries the line between legal rights and remedies and equitable rights and remedies has, to use an expression of Carlyle, got itself settled.
7 That this has been effected by two marked processes. By the neglect of the common law courts to take notice of certain rights such for instance as trusts, and by the abandonment by the Court of Chancery of all suits affecting rights which the common law courts were competent to deal with.
8 Hence the now well established rule of courts of equity that they will not interfere — that is that they decline jurisdiction in all cases in which a court of law is competent, by the nature of its procedure, to do complete justice between the parties.
9 That this gradual adjustment of the boundaries between the two classes of courts has taken place on certain principles or grounds of jurisdiction which I have already alluded to in the classification of the different heads of equity and which will be more fully explained in this course of lectures. [Chapman divided the equity course into: concurrent jurisdiction (relating to such matters as accident, mistake, fraud and specific performance), exclusive jurisdiction (relating to such matters as trusts and injunctions), and auxiliary jurisdiction (relating to such matters as bills of discovery and bills to establish wills)].
10 That the several equitable jurisdictions forced on the courts of law by the legislature indicate in what manner the courts [of] common law might have assumed jurisdiction (as Sir Thomas More in one case urged them to do) had they been so minded.
11 Lastly, I invite you to keep in mind that the rules of equity are under any definition that has been prepared 'laws' properly so called. Hence the propriety of the suggestion of an able American writer that equity is in fact a species of law, and that it would be better to call it the 'law of equity'. I venture to recommend you to consider it as that portion of *the law*, strictly and properly so called, which, under our system of jurisprudence, happens to be administered by separate courts, called courts of equity. For without doubt it is 'law', as well defined and as completely circumscribed by well defined boundaries as the law which is administered by the courts of common law.[66]

In 1864, Chapman did not lecture the LL.B. courses beyond their early stages. On 23 March 1864, he received the permanent judicial appointment which he had long wanted, when a notice in the *New Zealand Gazette* announced his appointment to the bench of the Supreme Court of New Zealand.[67] Chapman resigned his Law Readership on 30 March, preparatory to his departure for Dunedin.[68]

IV *CONCLUSION*

It is evident from the lectures which have survived that Chapman was in many ways ideally equipped for the role of lecturer. He revealed a marked sensitivity to the needs of his young student audience, a trait which had been fostered over the previous twenty years through his dedication to the education of his seven

66 Lecture, 11 March 1864.
67 *New Zealand Gazette* 1864, 138.
68 *Supra* n. 4.

children. He brought to bear an evident enthusiasm for his subject and a desire to communicate it well; a clear, methodical and structured approach to his material; and a gift for fluency of expression. He combined learning in law, history, philosophy and literature, and interspersed this with down-to-earth, practical examples of his subject-matter. Perhaps above all, he displayed a remarkable breadth of outlook and knowledge, developed in a life-time of self-education and experience in England, Canada, America, New Zealand and Australia.

It is not surprising, then, that Chapman was highly regarded by the law students.[69] In March 1864, fifty-one past and present law students of Melbourne University (including John Madden, future Chief Justice of Victoria) presented a scroll to Chapman. This congratulated him on his appointment as judge in New Zealand and regretted that the appointment was not in Victoria, where they would have had 'the continuing advantage of studying your arts as a judge.' The statement continued:

> Having witnessed your patience and labour among ourselves and having experienced your high integrity of purpose, kindness of disposition and warm desire to benefit others by your own learning and abilities, we cannot but entertain the pleasing conviction that you will adorn the honourable position you have been called upon to occupy.[70]

Chapman left Victoria in April 1864, and he was to remain as judge of Dunedin until he retired in 1875. There he resumed links with the academic fraternity. During the 1870s he served on the Council of the University of Otago, and between 1876 and 1879 he served as Chancellor of this University. In speeches and addresses, before his death in 1881, he showed his continued commitment to the value of a broad-based, university education.[71]

[69] Campbell, *op. cit.* 6.
[70] Scroll presented to Henry Chapman (Rosenberg Collection).
[71] Papers in Rosenberg Collection.