

***FROM CONVICTS TO COMPUTERS: TWO HUNDRED YEARS OF THE
TASMANIAN SUPREME COURT***

**Speech made at the launch of this book by the Hon Alan Blow AO, Chief Justice of
Tasmania, on 10 May 2024**

As I mentioned earlier, my colleague and friend Justice Stephen Estcourt has written a book on the history of our Court. It is entitled *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court*. His Honour has kindly invited me to launch that book today, and it is a great honour to do so.

This is a history that we needed to have. It is a very thorough, very readable, and very interesting account of the first two hundred years of the Supreme Court of Tasmania, its judges, its buildings, its controversies, some of its major cases, and the changing social and political context in which the Court has functioned.

It is not an academic work. There are deliberately no citations or footnotes competing for space with the text. References to books, articles, reports and cases can be found in several pages at the back of the book by those who need them. It is a very readable account of the history of the Court – one that can easily be read and enjoyed by both lawyers and non-lawyers.

There are chapters relating to the periods of incumbency of the various Chief Justices – 14 of us so far. For example, there are chapters entitled "The Cox Court", "The Underwood Court", "The Crawford Court" and "The Blow Court".

Some of the tales concerning personalities in the convict era are quite surprising. It could perhaps be the case that there was a tendency for badly behaved English gentlemen to be sent to particularly distant colonies. The second Charter of Justice for Van Diemen's Land, which dates from 1831, provided for the Court to be constituted by Chief Justice Pedder and a puisne judge named Alexander Macduff Baxter. In chapter 4, Justice Estcourt explains why Baxter was never sworn in. He was a barrister who had never held a brief, and had been appointed as the Attorney-General for New South Wales. He was described Lieutenant Governor Arthur as an "insolvent debtor, notorious sot and wife-beater". Arthur postponed his swearing-in. Baxter returned to Sydney, and Pedder arranged for the Attorney-General for Van Diemen's Land, Algernon Sidney Montagu, to be appointed in his place.

Mr Justice Montagu was the only judge of this Court ever to have been sacked. He was amoved by the Legislative Council in 1847. Any Scrabble enthusiasts present should take note of that word. Judges do not get removed by Parliament – they get amoved.

The book contains some interesting information about Montagu. He held the high moral ground on one occasion in 1836 when the then Solicitor-General arrived late to Court and began to eat a sandwich and drink lemonade rather than opening his case. However Montagu was heavily in debt. When one of his creditors sued him in his own court he successfully applied to Chief Justice Pedder to have the summons set aside. He was amoved on the ground that he had used his office to avoid paying a legally due debt. However it appears from chapter 6, entitled "The Judge Storm 1847-1848", that the real reason for Governor Dennison wanting him gone concerned a case about a dog tax. The Legislative Council had passed an Act in 1846 requiring every dog to be registered and requiring owners to pay a fee. When a journalist 2

refused to pay his dog tax and challenged its constitutionality, Chief Justice Pedder and Mr Justice Montagu held that it was "repugnant to the laws of England".

Montagu was replaced by Mr Justice Horne. He also got into financial difficulty. In 1860, when he was hearing an equity suit, he asked the plaintiff to lend him £500. A complaint by that litigant was referred to the Executive Council. At that stage Mr Justice Horne realised that one option was to resign before things went any further, and did so.

These are just a few of the very interesting stories to be found in the book. There are very interesting chapters on the battle for trial by jury, women and the law, the office of Master, the buildings, and notable cases. Chapter 29 looks to the future. It is entitled "The Next One Hundred Years – The First Robot Judge".

Justice Estcourt has put an enormous amount of work into this excellent book over the last several years. I now declare it well and truly launched, and I invite Justice Estcourt to say a few words.