

Register 4/6/21

UNIVERSITY LAW STUDENTS.

The University law students, at their meeting on Tuesday evening, considered the following question:—A is a resident of Victoria, and was the owner of a pleasure yacht which was sunk while at anchor in the Port River by a motor launch owned by the S.A. Government. A suit the Government of South Australia in the High Court, alleging that the collision was due to the servants of the Crown, and claims £5,000. The S.A. Government pleads that the launch was a police launch on police duties, and that the Government is not responsible for the negligence of its servants. The plaintiff replies objecting in point of law to the sufficiency of the plea. Objection in point of law set down for hearing. Counsel for the S.A. Government—Mr. E. L. Bean, with Mr. J. C. Naylor. Counsel for A—Mr. J. Ashton, with Mr. R. J. Coombe. Besides the counsel briefed the following members spoke:—Messrs. F. E. Piper, C. Crump, T. Cole, L. Nesbit, C. Hannan, W. L. Ward, R. Frisby-Smith, McCabe, and C. K. Sparrow. In giving his judgment the Adjudicator stated that he was by no means free from doubt as to the correct verdict. In dealing with the position under the Commonwealth Judiciary Act, he assumed that the plaintiff had no right to relief under the State law. Then the whole question depended on the interpretation of the words "all matters" in section 75 (L.V.) of the Constitution Act, but although the Amalgamated Engineers case was very wide, some limit should be placed upon those words. "All matters" meant either all matters in which, according to the law at the time of the passing of the Constitution Act, a subject had a right to recover, or possibly all matters in which there would be a remedy between subject and subject. A right must be distinguished from remedy. The section dealt with remedy, not right of action. He then dealt with the question:—Whether under State law there was a pre-existing right in respect of which the Commonwealth Legislature could confer a remedy in the High Court. The case of *Farnell v. Bowman*, established that there may be some cases in which the Crown may be liable for tort. The statute considered in *Weymes v. A.G.* for straits settlements was on all fours with our *Claimant Relief Act*. Hence under the State Act the Crown was liable for tort. It then had to be decided whether a policeman not in the Act exercising his discretionary powers was a servant of the Crown, with regard to whom the maxim respondent superior applied. This was not clearly shown by the facts. The other cases cited dealt with trading concerns, not with the performance of discretionary duties. The police had to maintain law and order, but any one could sail up the Port River. For these reasons, although not without grave doubt, he thought the doctrine applied. Verdict was that the action would lie and the objection of the plaintiff would be upheld. The Adjudicator remarked that the case for the Government had been exceedingly well argued.

Herald 7/6/21

UNIVERSITY APPOINTMENTS.

LONDON, June 4.

D. M. I. Watson, who lectured at Capetown and Sydney, has been appointed to the Jodrell Chair of Zoology and comparative anatomy at the university college of London.

Advertiser 8/6/21

BENEFICENT DISEASE.

"A MECHANISM OF PROTECTION."

WHY THERE IS A LIMIT TO LIFE'S SPAN?

The first of a series of extension lectures was delivered by Professor Cleland in the Prince of Wales Theatre, University, on Tuesday evening, in the presence of a large attendance. His subject was "Disease," and he dealt with a highly technical subject in a most lucid, interesting, and informative manner. He said the human body was an extraordinarily complicated and wonderful living mechanism, admirably adapted to carry out its purpose of protecting the germ plasma until the next generation was born, and then of nurturing and educating the offspring till they reached maturity. Having performed these functions and passed on the precious product—the germ plasma—to a younger custodian more fitted to take the necessary care of it, the grand climacteric of the parent was reached, the accumulated effects of wear and tear, and the wear of many conflicts, exacted their toll on the biological machine, and old age gradually manifested itself. Old age, therefore, in its physical and physiological accompaniments was a normal process, because nature had obtained all that she deemed necessary for the perpetuation of the species. Old age, therefore, could hardly be called disease, though a disease process was often the terminal event that wrecked completely the clogged and tired machine.

Without Disease the Race would Die.

It was not easy to say what disease was. There were two superficial definitions, which conveyed a quite erroneous and repulsive idea of disease and all its ancillary accompaniments, but did not tell of the evolutionary origin of disease, of its frequent value and sacrificial services. They did not tell that. Without disease in its present medical sense the race would cease to exist. Nay, even a single day's events would probably be fatal to many people. Disease might be a hard master, but more often it was a faithful servant unto life's end. The phenomena accompanying it, by which each disease was recognised, indicated in most cases the effort made by the organism to limit or minimise and then to repair an injury. Thus they saw disease appearing as a beneficent factor, just as pain was. Explaining how disease might be protective as well as curative, the lecturer said acute inflammation in the majority of cases represented a battle royal between two opposing living factors, each in the eternal justice of things equally entitled to live and multiply its species. Hosts of bacteria lodged in a little spot and preyed upon the tissues there, and the human host thus attacked marshalled its fighting forces—its phagocytes or germ-engesting white cells of the blood, and its various anti-toxins, and caused the cells in the adjoining parts to multiply to compensate for losses in the conflict. All the signs of the disease, in fact, that were seen, and some of the symptoms indicated the measures that the attacked human body was taking first of all to limit the spread of the invading germs, to destroy them, and repair the damage they had done. But for these reactionary changes the bacteria would grow, and by their mere mass interfere with bodily functions and the machine would come to a standstill and die. The result of the conflict would depend on whether the invading germs could protect themselves sufficiently against the opposing forces of the human body, or whether the host could overcome the invasion and repair the damage.

Consumption and Cancer.

In the case of tuberculosis, it was clear that valiant and strenuous efforts were made to overwhelm and even to imprison the tubercle bacillus. That bacillus was, amongst bacteria, a slow grower. When it lodged in a tissue the cells of that part were irritated by its presence, and they multiplied and attacked the invading germs. According as one or the other set of operations predominated, so would the battle fluctuate. Many persons, however, overcame and completely destroyed their infection with this germ, and probably emerged from the conflict with stored experience that might stand them in good stead on later occasions. Cancerous processes appeared to the lecturer as the expression of a forlorn and hopeless biological effort on the part of groups of community-sacrificed cells to prevent their utter extinction from the ranks of living beings. It was a despairing effort, well-intentioned, but doomed to failure, disastrous to the human host involved as being bizarre, uncalled for and uncontrollable. It was disease run riot. The intention was good; the results were untoward. Cancer was biologically the most pathetic of all diseases—the expression of a despairing cry preceding a leap into the abyssal depths of everlasting oblivion.

Old Age may be Postponed.

There were still other forms of disease in which the view he had expressed held little away. As old age approached the arteries became calcified, the elasticity of the skin disappeared, the nerve cells worked slowly from imperfect nutrition. These were manifestations of disease in its passive aspect. They were the natural results to be expected from old machines, however perfectly run. The likelihood of medical science making such advances that the commonly allotted span of man's life might be greatly prolonged was very remote. The reason might be inferred from what he had already said. The only way which seemed possible would be to increase the length of the reproductive period and prolong the period of infancy so that it would take many more years to develop the young to a stage at which they could look after themselves. It was possible that the onset of old age would be postponed for many years, and that the average age at death might be considerably increased. People might be long-lived because of an inherited tendency to remain young, or because they showed a special resistance to epidemic and other diseases. Both the types were eminently desirable, and the combination was delightful to contemplate.

A Good Fight Put Up.

There were diseases, such as diabetes, in which the mechanism for some reason had gone wrong. Here the irregularity might be the chief indication of the disease, the effort to overcome it being subordinate to the manifestations of the disease though, doubtless, still present. Again the various congenital malformations were the expressions of disease if not actual diseases themselves. In many instances their appearance was the best that nature could do under disadvantageous circumstances. Summing up, he said the reactions that occurred in disease were beneficent in intention, and were part of a definite mechanism of protection that the individual had developed. The intention might be misdirected in individual cases, might do harm instead of good—the patient might die cured. The damage to be repaired, the invading forces to be overcome, might be insuperable, but, nevertheless, a good fight was put up. The victory was more often on the side of human beings than not. It was some comfort that the end came in so many cases when life's work is over, and that one lived again in one's children or children's children. (Applause.)

Critic 8/6/21

ELDER CONSERVATORIUM CONCERT.

In spite of the heavy rain there was a capital attendance at the Elder Hall on Monday evening, when Miss Myrtle Ingham gave a vocal recital, and the later addition to the Conservatorium staff, the talented solo bassoonist, Mr. W. H. Foote, made his debut in Adelaide. The lady vocalist was in good voice, and she presented a list of attractive numbers, which demonstrated her versatile interpretation. Miss Ingham is equally at home in the powerfully emotional or the light and dainty items. Her list included the fine recitative and air from Debussy's "L'Enfant Prodigue," Weckerlin's four "Bergettes," charming fragments of the romance of the eighteenth century. The audience evinced their appreciation again and again. "From Rosy Bowers" (Purcell) and Boito's scena from "Mephistopheles," both won a recall. Brahms' "Lullaby," Schubert's "Impatience," "In a Distant Land" (Taubert), a charming item; Sullivan's "Where the Bee Sucks," Bishop's "By the Simplicity of Venus' Doves," were each a gem. Mr.

Foote impressed his hearers with his undoubted talent. His opening number was a concertino by Ferdinand David, which met with applause, so admirably was it rendered. Weber's "Andante and Rondo Ungarete" followed, and this too awakened demonstration and two encore numbers were supplemented. "The Swan" (Saint-Saens) and Thomas Lack's "Valse Arabesque," arranged by Mr. Foote for the bassoon. Messrs. Harold Wyld and George Pearce were the efficient accompanists.

Register 11/6/21

UNIVERSITY LAW STUDENTS.

At a meeting of the University Law Students' Society, held last Tuesday evening, the following question was considered:—Edward White, of Adelaide, in the belief that his two daughters, Mary (the elder) and Jane, are destined to live together all their lives, bequeaths to them jointly a picture by Rembrandt. Shortly after their father's death Mary, contrary to Jane's wish, marries, and takes up residence with her husband at Mount Gambier, Jane remaining in possession of the picture. Mary, wishing to have the picture in her new home, offers to buy Jane's share in it, but Jane declines to part with it. Eventually Mary offers to sell her own share to Jane, and Jane again rejects the offer. Thereupon Mary asks the Court to help her. Counsel for Mary, Mr. T. Cole, with Mr. E. W. Reeves; counsel for Jane, Mr. J. L. Power, with Mr. C. Hewitt. The President of the Society (Professor Coleman Phillipson) presided. Messrs. Bednall, Outlack, Crump, Leslie, Ward, Nesbit, Wilson, Hannan, Frisby Smith, and Piper also discussed the question. The President, in giving his decision, stated that the case was entirely without precedent. Jane and Mary jointly owned the picture wherever it was. Jane in possession, and was entitled to remain in that position. Had Jane refused to allow Mary to exercise her full rights to enjoy the picture? Mary claimed that Jane had done so. The right to enforce the enjoyment was clear, but what was her remedy? The Court must avoid establishing a remedy of a new genera. Was Jane guilty of conversion, for which Mary could bring an action on the basis of trover? Here there was an appropriation of a chattel partly the property of the appropriator and partly the property of another. Jane had committed no wrong if she used the chattel in an ordinary and legitimate manner, or took and kept it, although allowing Mary to enjoy it. There was no action of sale, but only an action of account. The adjudicator thought that she would be guilty of conversion if she directed and possibly excluded Mary from enjoying the chattel (see *Jacob v. Steward, Stubbs v. Stubbs*). On the facts and general grounds of fairness and justice Jane had positively and directly excluded Mary from enjoying the picture, and Mary would be awarded damages equal to half the value of the picture, on the basis of an action of trover for conversion.

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CONFERENCE OF MUSIC TEACHERS.

Early in April Dr. E. Harold Davies (Elder Professor of Music) issued a circular to music teachers which proposed a conference of those interested in the teaching of music to be held at the University in the week beginning on July 11. He received replies from nearly 200 teachers, who expressed a desire to attend the proposed conference, which has, therefore, been arranged to be held from July 11 to July 16. This congress, the first of its kind ever held in South Australia, will be of special value to country teachers, who have few opportunities of hearing good music and discussing matters of importance concerning their work. With this view in mind, the following syllabus has been drawn up:—Monday, July 11.—3 p.m., reception and afternoon tea; 4 p.m., opening address, "The place of music in education," Professor Harold Davies, Mus. Doc.; 8 p.m., chamber-music concert, the Conservatorium String Quartet and Miss Maude Puddy, Mus. Bac. Tuesday.—10.30 a.m., "The development of piano teaching," Mr. I. G. Reimann; 2.30 p.m., vocal recital, Madame Clara Serena; 4 p.m., bassoon recital, Mr. W. H. Foote; 8 p.m., violin, cello, organ, and piano recital, Mr. Harold Parsons, Mus. Bac., Mr. Harold Wyld, F.R.C.O., and Mr. George Pearce. Wednesday.—10.30 a.m., "The singer's art," Madame Agnes Larkcom (of the Royal Academy of Music, London); 2.30 p.m., violin recital, Mr. Gerald Waienn; 4 p.m., piano recital, Miss Maude Puddy, Mus. Bac. Thursday.—10.30 a.m., "Harmonization and modulation," Professor Harold Davies, Mus. Doc.; 3 p.m., piano recital, Mr. Brewster Jones; 8 p.m., "Mozart"—Concert by the South Australian Orchestra and the Adelaide Bach Society (Requiem Mass and E flat Symphony). Friday.—10.30 a.m., questions and answers; 2.30 p.m., "Registration of music teachers," Mr. E. E. Mitchell, followed by discussion; 4 p.m., violin recital, Miss Sylvia Whittington, A.M.U.A. Saturday.—10.30 a.m., "Aural culture" lecture and demonstration, Miss Agnes Sterry.