

SIR FRANCIS BOYD ADAMS

As a legal practitioner, as a judge, and as a legal writer, Sir Francis Adams was one of the most distinguished products of the Otago Law Faculty, and the Editorial Committee of this Review is proud to count him amongst the most celebrated contributors to these pages.

It is with a profound sense of loss, coupled with feelings of gratitude and pride, that we publish below the following tributes to the life and work of Sir Francis Boyd Adams.

Sir Francis Boyd Adams died at Christchurch on the 24th April 1973, aged 84 years. His life had been one dedicated to the law—a trust to which he remained faithful right up to the time of his death. Following a distinguished career at the bar, culminating in his appointment to the Supreme Court Bench, he served, on his retirement in 1960, as the consulting editor and one of the authors of the first edition of *Criminal Law and Practice*—a subject on which he was an acknowledged authority. He also gave generously of his time to the writing of articles for many of the university law reviews published in recent years, as well as producing helpful treatises on some of the more controversial aspects of the criminal law.

But the work for which he will be long remembered is the second edition of *Criminal Law and Practice* which he largely rewrote himself, disclosing his characteristic facility for accurate thought and clear expression in the re-statement of legal principles from the confusion of conflicting authorities. This book, which was published in 1972, after nearly seven years in painstaking preparation, has been aptly described as the “New Zealand *Archbold*”. He did not however regard his task as finished with the publication of this monumental work, but continued to collect and collate material for the insertion of annual annotations designed to keep the text up to date. Until a few days before his death, he was to be found in the Christchurch Law Library following the daily routine he had adopted in the writing of his book and the subsequent annotations, his capacity for the sustained mental effort demanded in the examination of reported cases and other relevant material, undiminished by the passing of the years.

In the same way as the late Sir Timothy Cleary in his busy years at the bar made a niche for himself in the Wellington Law Library, so did Sir Francis make a corner of the Christchurch Library his own. But he was always ready to lay down his pen and light up his pipe for a chat with a friend, or to respond readily to the diffident approach of a young practitioner seeking his advice upon some problem of practice or procedure. In the concluding paragraph of his preface to the second edition of his book, Sir Francis acknowledged his debt to the Canterbury Law Society for granting him the privilege of using the Library and the pleasure he had enjoyed in working in such congenial surroundings. He ended by saying, “If however the ghosts of finally retired lawyers are ever allowed out on occasional probationary periods of haunting, mine will perhaps be seen or heard at times around this place of happy

memory, 'a stubborn unlaidd ghost' perhaps still offering 'ghostly counsel and advice'."

But it is not only in the field of criminal law that Sir Francis will be remembered. He was the complete lawyer equally proficient in all branches of the law. During his years on the Supreme Court Bench it fell to his lot on more than one occasion to deliver judgments on questions arising out of new legislation or modern developments in family law, equity and the law of contract for which there was no clear line of judicial precedent. He did not hesitate to venture beyond the stepping stones of previous decisions when by the logical extension of legal principle he could do justice between the parties seeking the judgment of the court. He has enriched our Law Reports by such enlightened judgments both in the Supreme Court and in the Court of Appeal—sometimes minority judgments—which have since been cited with approval both in our own Courts and in those of other Commonwealth countries.

Sir Francis was a scholarly man of strong principles instilled upon him by his upbringing; a man of integrity and unfailing courtesy. Although austere in outward appearance he had a lively sense of humour and a friendly disposition. His great love was the law and from his student days this devotion shaped his life. He himself once said "The Law is a stern mistress. She has worked me hard both at the Bar and on the Bench. But there are no regrets on that score and I would play the game again with her as my taskmistress."

W. F. Thomson.

Sir Francis in the Library

When Sir Francis Adams retired from the Supreme Court Bench in 1960 he occupied himself with legal writing. But in effect he merely moved from his chambers in the Supreme Court into the Law Society's library which he had used for so many years, as indeed his father had done before him. His entrenched figure became part of the library. As the years passed, he spent more and more time working on his massive second edition of *Criminal Law and Practice* and writing special articles on this subject, which seemed to engross his whole mind.

I enjoyed the privilege of lunching with him several days a week at "Aldersgate", opposite the Supreme Court, where many Judges, Magistrates and lawyers came to our table when visiting Christchurch. I mention this because it afforded me a unique opportunity of understanding something of his legal thinking, and his approach to legal problems generally. The following remarks are offered in all humility.

Sir Francis was an analytical positivist, in the loose sense that he was not fundamentally interested in concepts of natural law, or in comparative law or sociological jurisprudence. He looked almost exclusively to legislation and reported cases before committing his opinion to writing. He wrote in longhand, and considered very deeply everything he wrote. He examined all aspects of a problem and carefully tested and revised his drafts. Having made up his mind he could not be moved