

# The young Menzies

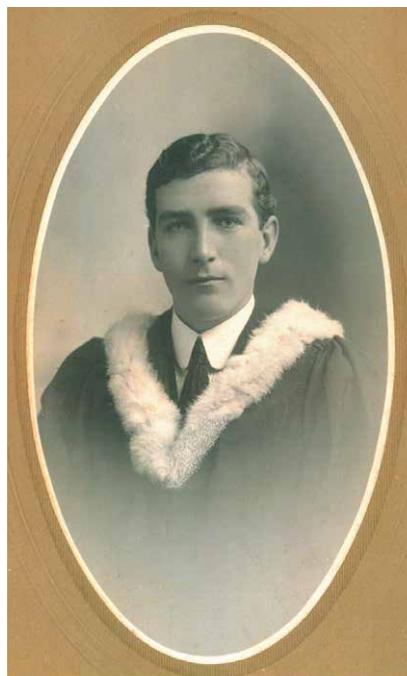
## The student and legal notebooks of Robert Menzies

Caitlin Stone and Jim Berryman

Robert Menzies' early life has frequently been overshadowed by his long and well-documented political career: as a Victorian state parliamentarian (1928–34), Commonwealth attorney-general (1934–39) and, most notably, prime minister (1939–41 and 1949–66). This article examines a significant and largely unknown source of information on the life of the young Robert Menzies: his student and legal notebooks. These records, held in Special Collections at the University of Melbourne Library, form part of the larger Robert Menzies Collection, which comprises his personal library (containing some 4,000 books and periodicals), photograph albums and ephemera.<sup>1</sup> The notebooks, which represent the most substantial archival component of the collection, are a unique source for the early life of Australia's longest-serving prime minister. This collection has now been digitised, described and published online through the University of Melbourne's digital repository.<sup>2</sup>

### The undergraduate Menzies

Robert Gordon Menzies (1894–1978) was a student at the University of Melbourne from 1913 to 1918 (LLB 1916, LLM 1918), with a brief and little-known stint as a tutor in 1919. Most accounts of Menzies' student



life have focused on his academic achievements, treating his student days as a precursor to his mature life as a politician, prime minister and statesman.<sup>3</sup> Menzies' official biographer, A.W. Martin, recounted his subject's many prizes and academic achievements, including the Dwight Prize in British history and constitutional history (1914); the John Madden Exhibition in jurisprudence (1915); the Jesse Leggatt Scholarship in Roman law, law of contract and law of property (1915); and the Bowen

Prize for an English essay (1916). For Martin, these achievements were early signs of Menzies' 'drive towards public prominence and leadership'—a 'triumphal' undergraduate career that foreshadowed his later success.<sup>4</sup> The historian Manning Clark, by no means a fan of Menzies, noted: 'From that time he began to entertain the hope that there must be a place somewhere where he would be recognized as a man of consequence. He will find that place: the discovery will bring him great joy'.<sup>5</sup>

Personal recollections of the undergraduate Menzies have not always been flattering. Percy Joske, a friend and contemporary at the university, recalled a gifted young man prone to arrogance:

While Menzies's attractive qualities won him friends, his habit of denigrating people caused him to be greatly disliked. He became a controversial figure even as a young man. It was not unusual for other people, who may not have possessed his ability but who had to measure up to him, to discover that he had made derogatory remarks about them. This may have led to the statement, afterwards often repeated, that he did not suffer fools gladly.<sup>6</sup>

Previous page: Robert Menzies at his LLB graduation, 1916. Photograph courtesy the Menzies Foundation.

Brian Lewis, a younger contemporary of Menzies and future dean of architecture, wrote: 'At the University he was a big fish in a pool depleted of males by the war; most of the males who were there were waiting to enlist at the end of the year'.<sup>7</sup>

The Great War was the defining event of Menzies' student life. In 1914, when war broke out, only two of the university's professors were Australian-born; the others came from Britain, and 'all rallied to the imperial cause'.<sup>8</sup> The male students were overwhelmingly the product of schools in which the Empire was fervently honoured.<sup>9</sup> Menzies, a graduate of Melbourne's exclusive Wesley College, was no exception, despite having received a government scholarship to undertake his university study.<sup>10</sup> Military training was mandatory in Australia, but enlisting for war service was voluntary. Imperial fervour inspired mass enlistment, resulting in an exodus of able-bodied and patriotic male students: 1,723 University of Melbourne students served in the war, of whom 271 were killed.<sup>11</sup>

Despite being an enthusiastic supporter of the war and a strong advocate for conscription, Menzies never enlisted for active service. Instead he joined the University Rifles—the local citizens' militia—

and attained the rank of lieutenant. He also threw himself into extra-curricular life, becoming 'a major campus personality'.<sup>12</sup> He served for two years as president of the Law Students' Society and was a founding member of the Historical Society.<sup>13</sup> In early 1916, Menzies was elected president of the Students' Representative Council. That year, he was also appointed editor of the *Melbourne University Magazine*, a role that appealed to Menzies' organisational abilities and literary interests. It involved writing much of the magazine content, obtaining advertisements and making arrangements for printing.<sup>14</sup>

### The Menzies notebooks: their scope and content

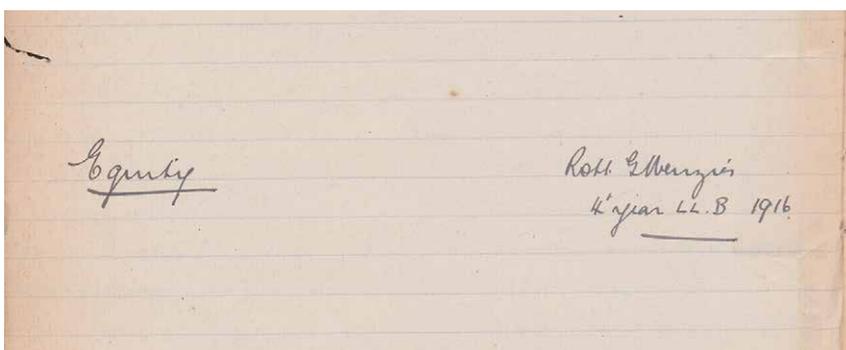
In 1976, two years before he died, Menzies offered his personal library to the University of Melbourne. The collection was deposited in the Baillieu Library in 1980. Among the collection of more than 4,000 books are nine photograph albums, dating from 1950 to 1959 (when Menzies was prime minister), plus a set of handwritten notebooks. The notebooks are the earliest Menzies-related documents held in a public collection, and pre-date the two major Menzies archival collections held by the National Library of Australia and the National

Archives of Australia.<sup>15</sup> Unlike those collections, which predominantly cover Menzies' public life in his political and prime ministerial career, the notebooks are private records.

The Menzies notebook collection is composed of 21 bound items: 19 notebooks and two ring-binders. The series ranges in date from 1913 to 1947. Twenty notebooks date from Menzies' student and early professional life, from 1913 to 1925. One smaller notebook is dated 1947, and is exclusively concerned with a town planning case on which Menzies was working at the time.<sup>16</sup> The notebooks dating from Menzies' student years typically contain handwritten lecture notes, and each bears a conspicuous sign of ownership (see opposite, above). He would typically inscribe his name and the year, for example 'Robert G. Menzies, 4th yr LL.B. 1916', and the name of the subject, for example 'The Law of Procedure and Evidence', on the first page of each notebook. Some notebooks include his home address; for example, "'Lowan", Rockley Road, South Yarra'.<sup>17</sup> Menzies was a meticulous student; the notebooks include few doodles or other signs of distraction.

The notebooks are not a complete record of Menzies' academic life. Records held in the University of

Example of ownership signature:  
Robert Menzies' student notes:  
'Equity [volume 2]'. Robert Menzies  
Collection, Special Collections,  
University of Melbourne Library.  
All photographs of the notebooks are  
by the University Digitisation Centre.



Melbourne Archives tell us which subjects Menzies studied as an undergraduate.<sup>18</sup> Comparing his enrolment details with the notebook collection, we can see that we possess notebooks for fewer than half of his subjects (the whereabouts of the notebooks not held at the University of Melbourne is unknown):

Two notebooks postdate Menzies' student days. Dated 1919, these feature Menzies' personalised rubber stamp, 'Robert G. Menzies, Barrister-at-Law', and the handwritten inscription, 'The Law of Property in Land & Conveyancing: Special Course of 12 lectures delivered 1919 to Returned Soldiers of the Law

School, Melbourne University'. Menzies, of course, had not served in the war and did not qualify for admission to a course such as this. Further investigation revealed that the Law School had employed him as a sessional academic in 1919.<sup>20</sup> This teaching appointment was instigated by a massive expansion in student numbers immediately after the war, as returning soldiers recommenced their study in specially convened course-intensive programs. Menzies' notebooks from this period help document an important transitional period in campus life, which saw enrolments double from 1,204 in 1917 to 2,449 in 1922.<sup>21</sup> Although biographers have largely overlooked or been unaware of Menzies' brief teaching appointment, it is a significant episode in his long and varied association with the University of Melbourne.

Menzies' early legal career is well represented in the notebooks (see table, p. 12). Menzies was admitted to the Victorian Bar in 1918, when he was apprenticed to the prominent judge Owen Dixon. He became a tenant of Selborne Chambers, the established home of the Victorian Bar, and built a successful practice specialising in constitutional law.<sup>22</sup> In 1920, as advocate for the Amalgamated Society of Engineers,

### *Undergraduate subjects and notebooks*

Year	Subject studied	Notebook
1913	Latin I	Not held
1913	Deductive Logic <sup>19</sup>	Psychology, logic, and ethics
1913	English I	Not held
1913	Ancient History	Not held
1913	History of the British Empire I	Not held
1914	British History II	Not held
1914	European History	Not held
1914	Political Economy	Political economy: Notes 1914
1914	Constitutional History and Law I	Not held
1915	Jurisprudence including Roman Law	Not held
1915	Law of Property	Property. Volume 4
1915	Law of Torts	Not held
1915	Constitutional History and Law II	Not held
1916	Private International Law	Not held
1916	Administrative Law	Not held
1916	Equity	Equity [volume 1] Equity [volume 2] Equity [volume 3] Equity Volume IV
1916	Law of Wrongs	The law of wrongs, civil and criminal
1916	Law of Procedure and Evidence	The law of procedure and evidence
1916	Constitutional History and Law III	Not held

Example of Robert Menzies' student notes:  
 'The law of wrongs, civil and criminal'.  
 Robert Menzies Collection, Special Collections,  
 University of Melbourne Library.

9.

former; but must show malice + no reason-  
 able cause for the prosecution.

The Defamation case not easy. But in  
 cases of privilege - e.g. master writing a  
 character of his servant; then latter, prosecuting  
 master, must show malice - indirect or im-  
 proper motive. absence of privilege.

based in Kenny's Selected Cases in Tort.

Bad motive in legal act does not render the  
act illegal. (Braapnd v Pickles ✓  
Allen v Flood ) ✓

Negligence and intention are however,  
 always important.

Negligence - Pollock considers this a  
 specific tort in itself.

Breach of the duty to take care  
 element in nearly every tort, but isn't itself  
 ✓ a tort. Page 45 Be II, III Digest of Civil Law.

Treated not as specific tort, but as a ground of  
liability. Anything which is a tort if  
 committed negligently is a tort if committed  
 intentionally.

Confusion arises from the failure of common  
 law to ever classify the torts on which action lay.

he won a case in the High Court that proved a landmark in the positive reinterpretation of Commonwealth powers over the states,<sup>23</sup> bringing Menzies 'sudden fame' in legal and political circles.<sup>24</sup> Five bound items, of varying length and detail, represent this important period. Two client books, 1923-26, list Menzies' clients and his fees, revealing a busy and lucrative legal practice. Two bound items contain notes on judgements of various cases from 1924, while another (incomplete) item contains handwritten notes on cases (see opposite, left). The fifth item, affixed to one of the property law lecture notebooks from 1919, contains miscellaneous legal notes and references, a handwritten list of

**Legal notebooks**

1923-24	Clients and fees, January 1923 to September 1924
c. 1924	Notes by Robert Menzies on cases and legal subjects
1924-26	Clients and fees [October 1924 to October 1926]
1925	Legal notes on cases, R.G. Menzies, Selborne Chambers
c. 1935	[Notes on nationalisation of banking, banks, credit, tariffs and other contemporary issues]
1947	[Notes on cases]

Robert Menzies, 'Federated Gas Employees vs Gas Company', in 'Legal notes on cases, R.G. Menzies, Selborne Chambers'. Robert Menzies Collection, Special Collections, University of Melbourne Library.

Poem by Robert Gordon Menzies, loose sheet included in Robert Menzies' barrister notes: 'Clients and fees (1924-1926)'. Robert Menzies Collection, Special Collections, University of Melbourne Library.

Federated Gas Employees vs. Gas Company  
 High Court, February 1925

Application for injunction to restrain Union and Crofts from breaches of filed agreement.

conciliation, arbitration Act Act 48

Injunction to be granted or refused on ordinary equitable principles  
*Whitaker v Timber Workers 31 C.L.R. 564*

*Order nisi* -

① Breach of award by striking.  
 No sanction that Union has struck or that Crofts has struck

② Breach of Act by doing something of the nature of a strike or taking part in a strike  
 - Ditto

③ Adversely counselling or encouraging Crofts? Certainly not Union

The Law Students' Society  
 of Victoria.

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Left o'er the fountain, Ling'ring falls the sunbeams moon:  
 Far o'er the mountain Breaks the day too soon!  
 In thy dark eyes' splendour, Where the warm light loves  
 to dwell

Wearily looks, eyes tender, Speaks the fond farewell.  
 Nita! Nita! Ask thy soul of weald-part!  
 Nita! Nita! Lean thou on my heart.

When in thy dreaming, Moons like these shall shine again,  
 and daylight-beaming Prove thy dreams are vain,  
 wilt thou not, relenting, For thine absent lover sigh,  
 In thy heart consenting To a prayer gone by?

Nita! Nita! Let me linger by thy side!  
 Be my own fair bride!

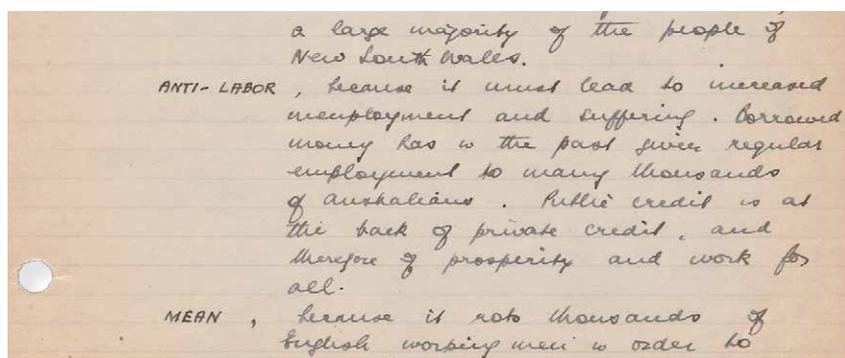
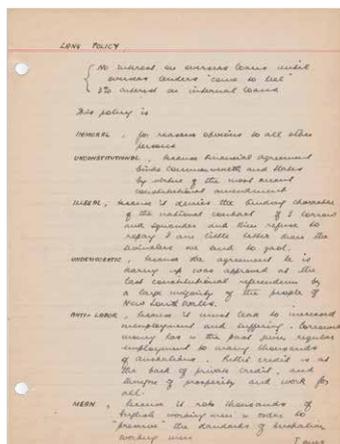
practising members of the Victorian Bar, and a catalogue of legal texts from an unidentified law library (possibly his own).

One of the client books (1924-26), contains several loose documents,<sup>25</sup> some of which can be dated from Menzies' time at university. A handwritten poem, in ink on a sheet of

paper bearing the letterhead of the Law Students' Society of Victoria, is a romantic verse including the refrain 'Nita! Nita!'. This work might date from 1916, when Menzies edited the university magazine and was president of the Law Students' Society (see above, right). Percy Joske recounted: 'Any claim for Menzies

to be considered a poet is based on the verse he wrote for the magazine and so is a somewhat slender one'.<sup>26</sup> The poem is one of several older documents contained in this notebook. A copy of Menzies' birth certificate, issued on 28 February 1913, the month before his matriculation on 20 March 1913, is also enclosed.

Left and below: Robert Gordon Menzies, 'Lang policy', in notes on nationalisation of banking, credit, tariffs and other contemporary issues. Robert Menzies Collection, Special Collections, University of Melbourne Library.



### The Menzies notebooks: their significance

What do the Menzies notebooks tell us about the young Menzies? They are a unique archival record of Robert Menzies' pre-public life as a student at the University of Melbourne and a young barrister in professional practice. These manuscripts add to our knowledge of Menzies' early life, a period often treated sketchily by his biographers. Aside from the personal recollections of Joske, Lewis and others, accounts of Menzies' student days have drawn largely on official University of Melbourne records and publications, such as Menzies' student record card, the records of the Office of the Registrar, brief references in the minute book of the Students' Representative Council, and the *Melbourne University Magazine*.<sup>28</sup> Although the notebooks probably provide little insight into the emotional world of the young Menzies, they deserve further research as a record of the early intellectual influences and thinking of the future barrister and politician. The notebooks dating from Menzies' early legal career also warrant closer examination. For instance, A.W. Martin noted the lack of detailed information on Menzies' work in the Commonwealth Court of Conciliation and Arbitration.<sup>29</sup> These records can help to fill this biographical gap.

This particular notebook is among the most intriguing items in the collection. It combines older material from Menzies' student days, with contemporary documents such as press cuttings and receipts dating from his professional practice in the 1920s. A handwritten sheet of Morse code is among the strangest loose items here.

The notebook collection also contains evidence of Menzies' early career as a politician, which began in state politics, when he entered the Victorian Legislative Council in 1928. In 1929, he stood successfully for a seat in the Legislative Assembly at the Victorian general elections. Menzies made the move from state to federal politics in 1934. A ring-binder inscribed 'Robert G. Menzies, Selborne Chambers, Melbourne' contains handwritten notes and typed drafts pertaining to political events and politicians from the early 1930s

(pictured above, with detail). Notes on Douglas Credit, a form of social credit that briefly gained support during the depths of the Great Depression, as well as documents on banking, tariffs and monetary policy, implicate these documents in the tumultuous events that resulted in the formation of the United Australia Party in 1931. Draft notes for a speech, entitled 'What sound government has done', match an address Menzies gave in Tasmania in September 1934 while campaigning for the return of the Lyons government in that year's federal election.<sup>27</sup> This speech represents one of Menzies' earliest appearances in the federal political arena. This was the same election, held on 15 September 1934, that saw him enter federal politics as the member for Kooyong, the seat he would hold until his retirement in January 1966.

The notebooks also have a place in the broader history of Australia's prime ministers, highlighted in the *Australian prime ministers* website recently launched by the Museum of Australian Democracy at Old Parliament House. The website brings together prime ministerial collections—including the Menzies notebook collection—from around Australia with the aim of producing 'the most complete picture of our prime ministers'.<sup>30</sup> The notebooks held at the University of Melbourne provide insights into Menzies' pivotal early years and are a significant part of this national picture.

**Authors' acknowledgements:** We thank Mrs Heather Henderson for granting permission to reproduce pages from Menzies' notebooks and the image of the young Robert Menzies, the Menzies Foundation for providing the image of the young Menzies, and the Friends of the Baillieu Library for sponsoring the digitisation of the collection.

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1 For overviews of the Robert Menzies Collection, see Caitlin Stone and Jim Berryman, 'Robert Menzies Collection at the University of Melbourne', *University of Melbourne Collections*, issue 12, June 2013, pp. 45–50; Caitlin Stone and Jim Berryman, 'Making personal libraries accessible: The example of the Robert Menzies Collection', *Australian Library Journal*, vol. 63, no. 3, 2014, pp. 238–46.

- 2 *Robert Menzies Notebook Collection*, University of Melbourne Library, <https://digitised-collections.unimelb.edu.au/handle/11343/55385>.
- 3 Biographies of Menzies include Percy Joske, *Sir Robert Menzies, 1894–1978: A new, informal memoir*, Sydney: Angus & Robertson, 1978; Cameron Hazlehurst, *Menzies observed*, Sydney: Allen & Unwin, 1979; A.W. Martin, *Robert Menzies: A life* (vol. 1, 1894–1943), Melbourne University Press, 1993; A.W. Martin, *Robert Menzies: A life* (vol. 2, 1944–1978), Melbourne University Press, 1999; Anne Henderson, *Menzies at war*, Sydney: NewSouth Publishing, 2014.
- 4 Martin, *Robert Menzies: A life*, vol. 1, pp. 19–20, 30.
- 5 C.M.H. Clark, *A history of Australia*, vol. 6, Melbourne University Press, 1987, p. 62.
- 6 Joske, *Sir Robert Menzies, 1894–1978*, pp. 19–20.
- 7 Brian Lewis, *Our war: Australia during World War 1*, Melbourne University Press, 1980, p. 261.
- 8 Stuart Macintyre and R.J.W. Selleck, *A short history of the University of Melbourne*, Melbourne University Press, 2003, p. 60.
- 9 Macintyre and Selleck, *A short history of the University of Melbourne*, p. 60.
- 10 Martin, *Robert Menzies: A life*, vol. 1, p. 19.
- 11 Macintyre and Selleck, *A short history of the University of Melbourne*, p. 60.
- 12 Hazlehurst, *Menzies observed*, p. 33.
- 13 Joske, *Sir Robert Menzies, 1894–1978*, p. 18.
- 14 Joske, *Sir Robert Menzies, 1894–1978*, p. 11.
- 15 Papers of Sir Robert Menzies, 1905–1978, MS 4936, National Library of Australia; Folders of papers maintained by Robert Gordon Menzies as prime minister, M2576, National Archives of Australia; Personal papers of Robert Gordon Menzies as attorney-general, CP450/7, National Archives of Australia.
- 16 'Notes by Robert Menzies on cases', 1947, *Robert Menzies Notebook Collection*, <https://digitised-collections.unimelb.edu.au/handle/11343/55395>.
- 17 Robert Gordon Menzies, 'Equity [volume 2]', 1916, *Robert Menzies Notebook Collection*, <http://hdl.handle.net/11343/55404>.
- 18 'Menzies, Robert Gordon' [student record card]. 1988.0051, Student Administration (formerly Student Records), University of Melbourne Archives.
- 19 According to the *University Calendar 1913*, p. 447, the subject was called 'Deductive Logic and Elementary Psychology'.
- 20 John Waugh, *First principles: The Melbourne Law School 1857–2007*, Melbourne University Press, 2007, p. 98; Dean's report 1919. 1919/82, 1999.0014, Office of the Registrar, University of Melbourne Archives.
- 21 Macintyre and Selleck, *Short history of the University of Melbourne*, p. 65.
- 22 Martin, *Robert Menzies: A life* (vol. 1), pp. 32–52.
- 23 A.W. Martin, 'Menzies, Sir Robert Gordon (Bob) (1894–1978)', *Australian dictionary of biography* (vol. 15, Melbourne University Press, 2000), National Centre of Biography, Australian National University, <http://adb.anu.edu.au>, viewed 18 July 2016.
- 24 Arthur Dean, *A multitude of counsellors: A history of the Bar of Victoria*, Melbourne: Cheshire for the Bar Council of Victoria, 1968, p. 195.
- 25 Robert Menzies, 'Barrister notes: Clients and fees (1924–1926)', *Robert Menzies Notebook Collection*, <https://digitised-collections.unimelb.edu.au/handle/11343/55389>, viewed 19 July 2016.
- 26 Joske, *Sir Robert Menzies, 1894–1978*, p. 11.
- 27 'Issue not in doubt: Mr Menzies' conviction sound government preferred', *The Mercury*, 13 September 1934, p. 9.
- 28 Martin, *Robert Menzies: A life* (vol. 1), p. 20, n. 40.
- 29 Martin, *Robert Menzies: A life* (vol. 1), p. 46, n. 33.
- 30 Museum of Australian Democracy, *Australian prime ministers: About*, <http://primeministers.moadoph.gov.au>, viewed 18 July 2016.