

‘Servants of all, yet of none’

By Carol Webster

We have all seen the motto of the Association, ‘Servants of all, yet of none’, but who knows today how or why it was adopted? The history can be traced in the files of the Bar Association.

In 1957 Sir Garfield Barwick suggested that the Association obtain a formal grant of arms. It was proposed that a panel bearing the arms of the Bar Association be installed at the southern end of the entrance to Wentworth Chambers, near the stones bearing the Arms of the Inns of Court. Those stones were handed over on behalf of the four Inns of Court by The Right Hon. The Lord Morton of Henryton when the building was officially opened on 20 August 1957 by The Hon. J J Cahill, then premier and of New South Wales.

A subcommittee of the Bar Council was formed to consider the question of a coat of arms and also whether any motto should be included, and if so, what that should be. There was correspondence back and forth with Sir John Heaton-Armstrong, the Clarenceux King of Arms of the College of Arms for some time afterwards, with sketches going backwards and forwards. It probably will not surprise that it took some time before final decisions were reached.

The idea ‘Servants of all and of none’ was suggested for a motto, but the next question was whether it ought rather be in Latin. Lord Eldon had said of the barrister, in *Ex parte Lloyd*, Montague Reports 69 at 72, ‘He lends his exertions to all, himself to none’.

Scholarly advice was sought as to

the correct Latin, including from Professor A J Dunston, Dean of the Faculty of Arts at the University of Sydney. A correct Latin equivalent of the phrase, ‘Servants of all and of none’ caused some difficulties, because of the double meaning an English speaker readily recognises for ‘servant’, which would not have been at all apparent to an ancient Roman from the noun *servi*. *Cuiusque serui et nullius* conveys the modern meaning but is not good Latin for the meaning. Professor Dunston suggested *Cuiusque ministri, serui nullius*, or, using the Latin verb *seruio*, either *non serui seruimus or salua libertate seruimus*.

Finally, the idea of a motto in Latin was abandoned and there was a poll on the question of a motto in English, which considered the following possibilities:

- (A) Servants of all and of none.
- (B) In the service of all, but servants of none.
- (C) Serving all, servants of none.

- (D) Servants of all, yet of none.
- (E) Servants of none, yet of all.
- (F) Servants only of the law.

The poll result was tied between (A) and (D) and at a Bar Council meeting of 13 August 1959, (D) was favoured.

The correspondence continued, and finally one finds in the Bar Association file a clipping from the *Sunday Mirror* of 26 June 1960. The headline is ‘Servants of all - yet of none’ recording that three weeks ago the Association had received from London a Grant of Arms with the motto, ‘Servants of all yet of none’. The meaning of the motto was explained, ‘that barristers will take any briefs from anyone without prejudice, but will take orders on how to conduct cases from no one’.

The story of the motto and the grant of arms is told in Dr John Bennett’s *History of the New South Wales Bar* (The Law Book Company, Sydney, 1969) at pages 183-184.

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The history of trial by jury in New South Wales

By Wendy Robinson Q.C. & Carol Webster

At the request of the History Committee, Ian Barker Q.C. has agreed to deliver a lecture late next year, on the topic ‘The History of Trial by Jury in New South Wales’. Wendy Robinson Q.C. is the Project Secretary, assisted by Carol Webster.

The History Committee encourages all barristers interested in the topic who have personal recollections or other specialised knowledge which may be appropriate for incorporation into the lecture, to make that information known as soon as possible. Equally, the Committee is keen to identify any barristers who would like to assist with the research and statistical exercises to be undertaken in preparation for the lecture.

Persons interested in providing information or otherwise assisting should contact either Wendy Robinson Q.C. ph: (02) 9285 8836 or Carol Webster, Assistant Secretary of the History Committee ph: (02) 9224 1550.

For further information generally, contact the Secretary of the History Committee, Chris Winslow, the Public Affairs Officer of the Association on ph: (02) 9229 1732, or Geoff Lindsay S.C., Chairman of the History Committee ph: (02) 9232 6003 or Carol Webster.