

favor of a gentleman who had not succeeded in showing any sufficient qualifications, and in disregard of others who had shown them. A gentleman, whose testimonials show him to have gone through the University and the Inns of Court, undistinguished either in arts or law, who deserted the Court of Chancery to take refuge during ill-health in the agreeable occupation of secretary to a colonial Governor, and who for six years has remained unconsulted in the chamber and unheard in the courts, is not the man to suddenly undertake the discharge of the onerous and responsible duties relinquished by Mr. Phillips. There were other applicants whose record showed them to be more competent. If a highly distinguished law prizeman and law graduate of the Adelaide University was to be rejected as not having earned classical honors, or for some other reason, no such objection could apply to the learned gentleman from Sydney, who wound up a brilliant undergraduate career as a first class-man in classics and a second class man in mathematics, and who afterwards became master of arts, and bachelor and doctor of laws by examination in a university where the studies are large and the tests severe. And yet both these gentlemen were wholly passed over by the Law Faculty; and it was only when the attention of the main body of the council was called to the imperfect claims of Mr. Pennefather, and the excellent record of the gentleman from Sydney, that it was resolved to request the latter to attend. But what is most remarkable is that when the applicant had attended, and his qualifications were undisputed, he was rejected in favor of one who was without achievement.

It is no business of ours to advocate the claims of any of the rejected candidates, or to say that any of them should have been appointed; but we distinctly say that Mr. Pennefather should not have been appointed, and that the discredit of his appointment is aggravated by his being blindly preferred to better qualified men. If Mr. Pennefather was qualified others were more so. If those others were not qualified, neither was he. And if none were qualified no appointment should have been made. In the latter case fresh applications could have been invited, and the work could in the meantime have been done as before by dividing it among local lawyers. If there is any further aggravation needed to excite indignation at what has happened it is to be found in "the way it was done." Allowing for the absence of a clergyman and the only nominal presence of the retiring lecturer, the Law Faculty consisted of the Chief Justice, Dr. Barlow, and Mr. Ayers. Now, assuming that the late secretary of Governor Jervois had done much to raise himself in the opinion of these gentlemen, is it not strange that they were so confident in their own judgment as to brave the opposition in the council of lawyers like themselves? And when the opponents' votes were by accident reduced so as only to equal those of the faculty and of the men who naturally adhered to them, is it not strange that the Chief Justice should have paid so little respect to that opposition as to carry his favorite by his single vote? Men of experience should know that when private friendship is carried to so extraordinary a length it is apt to invite rude imputations on the part of the public. It is no wonder, at all events, that the graduates and the lawyers—whether graduates or not—are much

dissatisfied at the choice of the person who is to be the sole public teacher of law, and who is to act as examiner in every branch of it. Nor does the mischief end with the sacrifice of the legal teaching and examining. It will tend to discourage good candidates from applying for other places as they become vacant, for fear that the advertisement opens up a competition in which the winner is already fixed upon by favoritism and not by merit. If the fear of unfairness is once admitted the advertisements of the University will only be answered by those who are strangers to it. In the present case it may be too hard a thing to say that a job has been perpetrated ; but it is certain that a great mischief and a great injustice have been done. They have been done to the public and to the University as a body. Without complaining of the rejection of any applicant, however worthy, we join with a good many members of the legal profession in censuring the appointment of a gentleman who had no claim to the place even if there had been none to compete with him.

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