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# The Register.

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## LAW REFORMS.

The chief mode of law reform aims to codify scattered statutes, rationalize underlying principles, and express the Legislature's intention in clear and unmistakable terms. Another almost equally important object is to elevate the legal profession, which not only supplies Judges, but exists to aid the Courts in interpreting the law and legislating by inference, analogy, and precedent. A practitioner enrolled as an officer of the Supreme Court is in a peculiar sense a public servant, and among his primary obligations are those of assisting in promoting the ends of justice and maintaining law and order and good government. This fundamental truth has been too often forgotten or obscured, but its restatement is desirable. It possesses an important bearing upon the right of the public to control the profession, as well as upon the question of the proper training of law students. The fact that any layman may be appointed a Judge or an Attorney-General might give ground for the argument that there is no necessity for a practitioner to be learned in the law. A Judge, however, is invariably selected from the profession, and a Stipendiary Magistrate must also be a lawyer, or a layman possessing some special qualifications for the office; while the appointment of a lay Attorney-General is a political device, and the holder of it is associated with experienced legal advisers. Although the principle of competency is thus admitted and acted upon relative to Judges and Special Magistrates, it is too frequently ignored concerning the commission of the peace; and "justice's justice" in some parts of the State has become an unpleasant byword however well, on the whole, the untrained magistrates render service to the public, especially since the guidance of the Justices' Association has been available. As advocates unskilled in law and procedure would, moreover, be a hindrance to the Courts and a peril to clients, candidates for admission to the Bar must have a test of a more general, fixed, and scientific character than is implied in personal selection as in the instances mentioned.

The efficiency of government in all its branches is almost entirely dependent upon the free exercise of a high order of criticism. When the law-making function of Parliament is weak and inept, the failure is revealed through the administrative and executive departments. Every public officer needs to be hedged about by a body of expert critics. It is not too much to say that, apart from the fact that the forensic field supplies an indispensable training ground for future Judges, the quality of the Bench corresponds in a large degree with the status, capacity, and usefulness of the legal profession. Members of the Bar furnish that competent public opinion whose disinterested approval supplies a stimulus to even the wearers of the ermine; and in the excellence of the judiciary is a sure defence of democracy. It is, therefore, a matter of national consequence, and not merely of professional concern, that the study of the law as an essential to appearance before the Courts should be placed on an intelligent and a rational basis. The remarks made some time ago by the newly appointed Professor of Law at the Adelaide University (Dr. Jethro Brown) raise the question whether the authorities in this State have not been proceeding on wrong lines in connection with the preparation for the legal profession. In order to make the position clear, it should be noted that the old system under which our Judges and King's Counsel became practitioners was virtually an office training only. A youth was articled to a solicitor; and, if he possessed average ability and proved diligent, and if his employer fulfilled his part of the obligation, he found himself at the end of his term qualified to enter upon his profession, and was admitted after a more or less nominal examination. In the United States and in New Zealand articles or apprenticeship are dispensed with, and the candidate entered on the rolls is the man who passes a severe examination after a prescribed course of study. This, too, is in effect the present mode of qualifying for the position of an English barrister. Either alternative is intelligible, and has justified itself in experience. South Australia has, however, abandoned the one, and not adopted the other. It has confused the two together, with the result that justice is not done to the idea of apprenticeship or to that of theoretical study. The candidate often practically loses the value of the premium paid for articles, and does not derive the full benefit of his University course.

Professor Brown pointed out that Harvard and some other American Universities have made a radical change in their Law Schools by adopting the inductive method under which the students build up for themselves principles of jurisprudence and construct their own text-books. The main purpose of this reform, which has apparently been signally successful, is to develop and discipline the mind. It is quite on the lines of the new education movement, and is psychologically scientific. The chief end of mental training is to acquire power rather than mere information, and the legal mind needs not so much memorised precedents and conclusions as the skill to apply the one and to form the other. But Professor Brown found that he could not fully introduce the inductive method, which is so pre-eminently calculated to furnish real knowledge and intellectual pliableness and capacity, because of the hindrance to concentrated study caused by the existence of superfluous articles. The patchwork system necessitated another unsatisfactory piece of patchwork—a vain attempt to reconcile the conflicting American and English methods of education. Why put new wine into old bottles? The course for the diploma of mining suggests one solution of the difficulty. There the student completes his theoretical examinations, and then proceeds to obtain practical experience by working in a mine for a term. On proof of such service, he receives his diploma. If, however, the United States, and New Zealand, and England (so far as barristers are concerned) find that an adequate knowledge of the principles of jurisprudence is a sufficient qualification for the legal profession, there seems to be no genuine reason in the public interest for handicapping talent unsupported by wealth by insistence upon the taking of articles as a qualification to practise.

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# THE COMMEMORATION.

## UNIVERSITY COUNCIL AND STUDENTS.

## A QUESTION OF CONDUCT.

## STUDENTS WILL NOT ATTEND.

The pressure of Adelaide University life increases gradually during the year. The opening months are quiet. Books are reopened, after the long vacation, with a melancholy sigh or ejaculation, according to the temperament of the particular scholar. New "boys" walk the corridors, with uncertain steps. Lectures are not over-crowded. This is at the beginning. Gradually, however, the atmosphere of the institution is regulated, and the mouths drift on until the examinations loom upon the horizon. Then the pressure begins to be felt. Bit by bit, inch by inch, it increases. The examinations soon leave the horizon, where the students would doubtless have been happy to view them for ever and ever, and approach with alarming rapidity. They invest North-terrace, and cast their spell upon the edifice of learning itself. The pressure increases every hour. The peculiar atmosphere seems to cling to the poor scholars themselves, and they carry it home with them. It is not in their clothes, for it goes to bed with them, and keeps their eyes wide open when Nature would only too willingly have closed them. Then, amidst the last frantic flutter of note-books, text-books, and all the articles of erudition, the blow falls. It is examination time. None but those who have passed through the ordeal can appreciate the dreadfulness of that feverish period. The whole work of the year is crowded into a few days. The pressure is intense. Then there follows the explosion—the commemoration.

When extraordinary pressure is applied to most things in this world, and no outlet is allowed, there is, not infrequently, trouble. Something noisy happens, or something breaks, or, perhaps, there are some pieces to collect for the purposes of identification. What would happen if there were not a harmless explosion of