

The Register - 21 - Jan 20th 1916

Mr. Buchanan, Third Judge.

An Offer to Professor Jethro Brown.

Although the new judicial appointments, consequent upon the death of the Chief Justice (Sir Samuel Way) will not be formally announced until after a meeting of Executive Council this morning, the Attorney-General (Hon. J. H. Vaughan) was able to give the altered personnel on Wednesday night. The decision of the Government will not come as a surprise. It had been recognised throughout the period of Cabinet consideration that it was practically certain that His Honor Mr. Justice Murray would succeed to the Chief Justiceship, and that Mr. Justice Buchanan, who had been President of the Arbitration Court and Acting Judge for more than 12 months, would be promoted to a permanent position on the Supreme Court Bench. These prognostications have been fulfilled. The Attorney-General stated last evening:—"The office of Chief Justice was first offered by the Government to Sir John Gordon, who is the senior Judge. His Honor intimated that he felt reluctantly compelled to decline the honour, as his health would not permit of the additional strain which would be entailed by the added responsibilities of the position. We thereupon asked Mr. Justice Murray to accept the Chief Justiceship, and I am pleased to be able to inform the public that he has accepted. Mr. Justice Buchanan, who has acted for more than four years almost continuously as a temporary Judge, will take the position of third Judge, and will vacate the presidency of the State Industrial Court. The Government has asked Professor Jethro Brown, of the Adelaide University, to accept the position of President of the Industrial Court, which has become vacant owing to the elevation of Mr. Justice Buchanan." The appointments will be officially made this morning.

THE NEW CHIEF JUSTICE.**A BRILLIANT CAREER.**

There can be no doubt that South Australia is eminently fortunate in having available for the highest seat of the Supreme Court a gentleman of such distinguished attainments as Mr. Justice Murray. His appointment is one which will be accepted by the profession and the general public with great satisfaction and pride. His Honor will give to the Chief Justiceship the lustre of singularly fine personal and judicial gifts. If Sir Samuel Way had had the choice of a successor there is no question that he would have named his talented colleague, who from to-day steps up to a seat he so splendidly filled for 40 years. Not once, but often, Sir Samuel made that wish public—he persisted in stating it. On a certain occasion many years ago, when Mr. Murray had exhibited, with more than ordinary prominence, his forensic powers in a case which bristled with technical difficulties, the late Chief Justice remarked:—"I congratulate you, Mr. Murray, on the skill with which you have presented your arguments. You know, I am looking forward to the day when you will be occupying my seat on the Bench." Mr. Murray, whose innate modesty was embarrassed by this notable compliment, merely smiled his acknowledgment. It is quite probable then that he never contemplated the honour. But Sir Samuel Way was a wonderful prophet. It came, and not so very far down the perspective of years.

—Intellectual Victories.—

The new Chief Justice has not sought these high judicial distinctions. They have come to him, in spite, it might almost be said, of those qualities of a singularly delicate and dignified temperament, which is shy of public honours, and regards as exceedingly distasteful any display of ostentatious ambition. Sheer authority of merit is the explanation of the position in which Mr. Justice Murray finds himself to-day. His own conquering talents have forced him to the forefront. He has accomplished what he has because what he is. His Honor's intellectual victories, leading him first from college to the Adelaide University, after that to a brilliant academic course at Cambridge, then to a call under rare professional auspices to the Bar at the Inner Temple, took him eventually to a practice

of some prestige in South Australia. Nearly four years ago, pursuing their swift race for adequate recognition, they sought the wider ambit of a puisne judgeship, until now they have reached their greatest attainment of all in the exalted rank of Chief Justice. The satisfaction which was felt when Mr. Murray was elevated to the Bench will have a deeper and fuller significance by reason of the latest appointment, and the proof which he has given of his fitness for the functions of his office. All that was expected of him has been fulfilled. His soundness or erudition, the authority which instinct and training have assured, his engaging dignity and unshakable fairness, his well-balanced judicial temperament, and unimpeachable integrity have made the new Chief Justice an altogether admirable figure.

—A Life Study.—

All his life His Honor has devoted himself to the study and application of the law. No other sphere attracted him. He had no inclination for politics, although on one occasion he was invited to enter the arena. This was to contest the East Torrens seat with Mr. John Darling, but the game had no allurements for a man of his scholarly tastes. It is conceivable that politics might have spoilt him. Mr. Murray has always been an assiduous worker, and if there was any branch of the law in which he might be said to have specialized it was that of equity. He was conspicuously forcible here, and was associated with many notable cases. Mr. Murray was not a pleader in the sense of dramatic argument, but he displayed rare ability in the lucid and systematic presentation of technical affairs. He was ever calm, dignified, and forcible, and did not affect any forensic embellishment. In the marshalling and arrangement of his arguments he was masterly, and it was always a pleasure for a Judge to listen to him. As a pleader, however, His Honor was by no means ineffective, and during his regime as Acting Crown Solicitor, when the late Mr. Stuart was absent, he showed ability even in that direction. Mr. Murray, apart from his busy career at the Court, wrote a large number of valuable opinions of a constitutional and commercial character. The generous confidence and esteem which he carried at the Bar have been won on a more imposing scale as a member of the judiciary. Mr. Murray is destined to become one of the most lustrous of Australian Chief Justices.

—His Career.—

His Honor is a son of the late Mr. A. B. Murray, who was a noted pioneer sheep breeder, and sat both in the House of Assembly and Legislative Council. He was born at Murray Park, Magill, in 1863, and received his earliest education at the school of the late Mr. J. L. Young, in Adelaide, and afterwards went to Scotland, where he remained for two years, attending the High School of Edinburgh. On his return to South Australia Mr. Murray entered St. Peter's College, where he began his long and brilliant academic career. He won the Prankerd, Wyatt, Christchurch, and Farrell scholarships, and in 1881 secured University entrance scholarship, tenable for three years. He then entered upon his degree course for law, and in 1882 was awarded the first John Howard Clark Scholarship for English literature. At that time this honour was not given on the result of the year's work, but at a special examination held every April. In 1883 His Honor took his B.A. degree, and with the Hon. Walter Kingsmill, of Western Australia, obtained the highest scholarship of those days—the South Australian. This was valued at £200 a year, was tenable for four years, and was awarded by the Minister of Education on the recommendation of the council of the University. It was at the commemoration in December, 1883, that Mr. Murray publicly received these tributes to his early and distinctly promising ability. There is a pathetic coincidence in the fact that they were conferred by the late Chief Justice during the first year of his Chancellorship, and with Sir Samuel on the platform was His Excellency the Governor, Sir William Robinson. Sir Samuel, in his complimentary remarks to the young student, made one of those felicitous prophecies which were so characteristic. "Mr. Murray," he said, "I congratulate you very sincerely upon having obtained the most distinguished honour which can be produced in the University of Adelaide. I have had much pleasure in watching your career since you were quite a small boy, and I remember you well as a prizetaker at St. Peter's College. I had pleasure, also, to admit you as the holder of one of the University scholarships (South Australian), and I am sure you will be able at the end of your residence in England to give us good an account of the way in which you have spent your time in that country as you have done here. I am sure we shall hear of you just as we have heard of other South Australian scholars who have already distinguished themselves at home. However you may distinguish yourself outside of your academic curriculum it is in that direction especially I wish you success."

—Entering the Law.—

The future Chief Justice was then 20. He probably accomplished far more than even the late Chief Justice had expected. With this South Australian scholarship Mr. Murray proceeded to Trinity College, Cambridge, and entered upon a course which was to bring him conspicuous distinctions.

While in England His Honor took a concurrent course of law in London. At Cambridge he passed his law tripos in 1887, and was bracketed senior. He was at the same time admitted to the degrees of B.A. and LL.D., and then read in chambers in London with Mr. E. A. Wurzburg and Dr. W. Blake Odgers, K.C. (author of the well-known book on libel and slander). Mr. Murray entered as a student at the Inner Temple in 1886, and was awarded a studentship at the Inns Court on jurisprudence, Roman law, and public and private international law. His achievements in the old country were crowned by his being called to the Bar at the Inner Temple on April 25, 1888. He returned to South Australia that year, 12 months later entered the Bar in this State, and became Associate to the Chief Justice (Sir Samuel Way). When Sir Samuel left on a visit to England in 1891 Mr. Murray began practice in partnership with Mr. W. A. Magarey.

—Fine Legal Record.—

During the intervening years before his appointment in 1912 as a Judge, he had been associated with some highly impor-

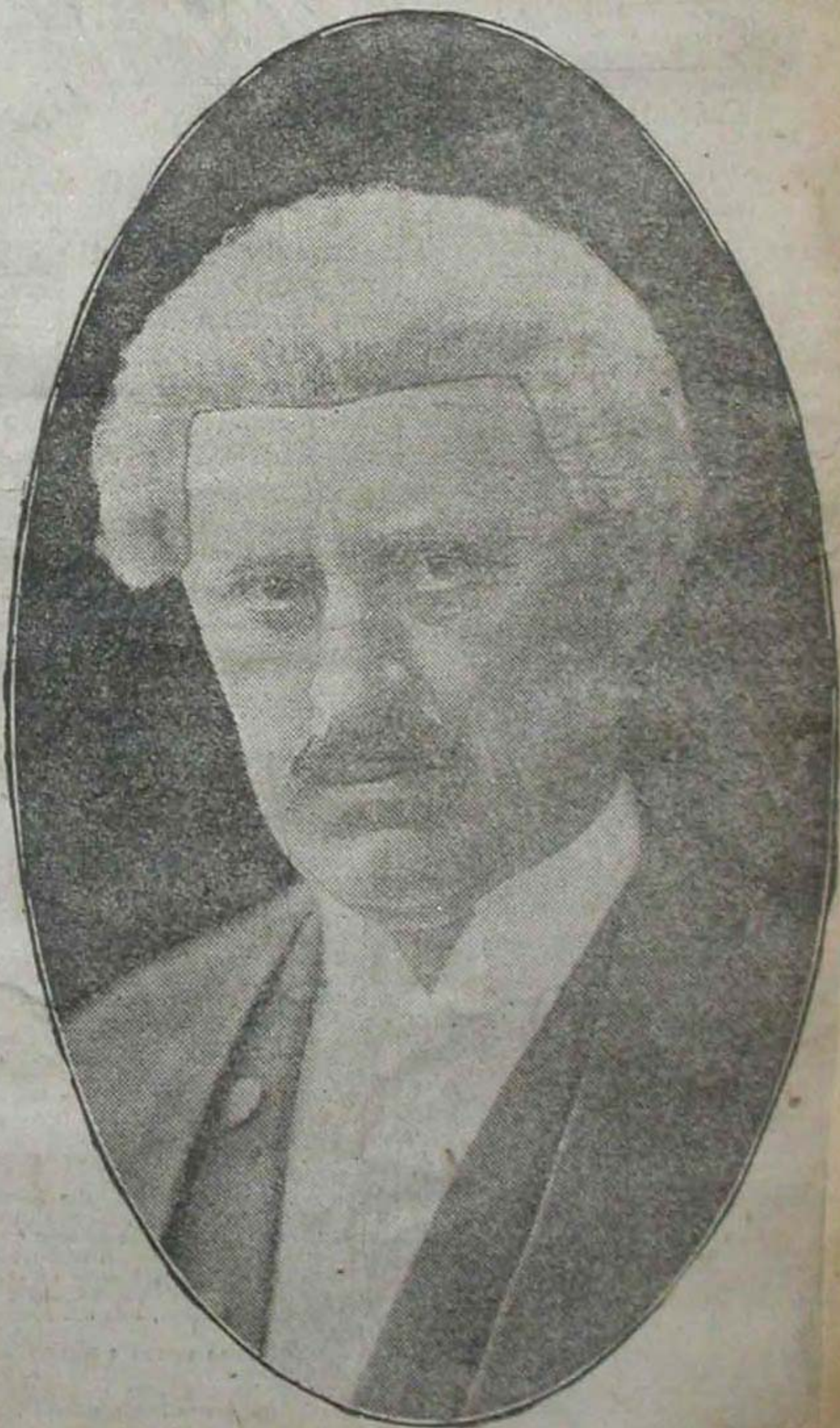
tant cases, and his prestige as a keen and widely read counsel was great. Upon the death of Mr. James Henderson the two firms of Murray & Magarey and Henderson and Hayward became amalgamated, and Mr. Murray became head of Murray, Hayward, & Magarey. He has been a member of the University Council since 1891 (and is now Vice-Chancellor), and in one year, during the absence of Professor Pennellier, he acted as Professor of Law. For a

considerable success. He was twice a member of the Board of Examiners of the Supreme Court, and a member of the Rhodes Scholarship Selection Committee in this State. His Honor was the first graduate of the Adelaide University to take silk, as he was made King's Counsel in 1902—a fitting honour for one who had been such an ornament to the profession by reason of his great intellectual gifts and fine forensic equipment. Mr Murray proceeded to England again in 1909, and took his LL.M. degree. His Honor was offered a judgeship in 1911, when Sir John Gordon obtained six months' leave of absence to take the position of Chairman of the Sugar Commission. He then declined, for

the reason that his partner (Mr. C. W. Hayward) was in England, but considerable satisfaction was expressed when early in 1912 the Peake Government secured his acceptance to a seat on the Bench, which even in four brief years he has so conspicuously adorned.

MR. JUSTICE GORDON.

His Honor Sir John Gordon, who has declined the honour of appointment as Chief Justice owing to the condition of his health, is in his 66th year, and has been on the Bench since 1903. Sir John was called to the Bar in 1876, and was a distinguished Parliamentarian prior to promotion to his judicial position in which he has shown marked ability and courtesy. Sir John, whose career has been one of notable accomplishment, was knighted nearly eight years ago for his distinguished personal and professional services.



MR. JUSTICE MURRAY,

WHO HAS BEEN APPOINTED CHIEF JUSTICE AND LIEUTENANT-GOVERNOR OF SOUTH AUSTRALIA.