

Daily H.
May 18th

A Catholicity of Mind.

Sir Samuel Way's duties as Chief Justice would, in the case of an ordinary man, have severely limited other channels of public service. But though that high office was always his chief concern he added to it prodigious labors in other fields. For 40 years he was the most influential and attractive personality in all the higher walks of public usefulness in the State. Loyal to the Church of his fathers and with no question marks against his own faith, he yet possessed a catholicity of mind which made him a generous supporter of all religious movements. As Lieutenant-Governor, Chancellor of the University, President for many years of the Public Library and Art Gallery, and a liberal private patron of literature, art, and science, he has done perhaps more than any other citizen to promote culture in our midst; while as President of the Children's Hospital and in many other spheres of practical benevolence he devoted himself to the service of the suffering and the poor.

Undaunted to the Last.

"It is a matter of profound thankfulness that, though at the close of his life he suffered great bereavement, and was himself encompassed by the shadow of death, his mind remained unclouded and his heart undaunted. Right up to the end of the last term he sat in court listening to arguments of counsel with patient courtesy, and exhibiting unimpaired that unerring instinct which invariably enabled him to grasp the crux of a legal controversy and apply the proper principles to its decision. It was, indeed, an inspiring example of high courage and devotion to duty. Now, dear to his friends, honored by all men, and precious to his country, he has passed away. But his life remains a national asset which will retain its value for many generations."

On Behalf of the Bar.

The Attorney-General, in adding a few words to the eloquent and touching tribute to the honor of "our honored and revered Chief Justice," said:—"It is difficult for us to realize that these courts, over which for so long a period his was the presiding genius, will know his voice no more. The vacant chair, eloquent of the solemn and sorrowful nature of the occasion on which we attend to-day, has held no other occupant for close upon 40 years. There are, happily, still a few among us whose memories will carry them back to the year 1878, when the brilliant Attorney-General of that day relinquished the emoluments of his profession for the weightier responsibilities attaching to the high office of Chief Justice of the State. Such few have been privileged to see the dawn of his judicial career, to bask in the brilliant rays of his intellect in the zenith of its power, and to watch it set in no less brilliant sunset at a ripe and honored old age. The great majority of us, however, were called to the Bar when the brilliance of his intellect, his wonderful mastery over legal principles, and the ripeness of his judgment had already won for him a reputation that extended even beyond the limits of our continent. Trained in the theory of the law at the University of which he was so assiduous and capable a Chancellor, we received at his hands the passport of admission to these precincts, and the whole work of the Bar has been accomplished under the illuminating rays of his great genius. Our Law Reports contain an undying record of his work upon the Bench; but to future generations they cannot give any indication of the beauty and charm of personal qualities that endeared him

to us all, nor do they tell of the many-sided activities through which he strove and not in vain, to dignify and elevate the administration of our law in all its branches. His unfailing courtesy to members of the Bar will ever be remembered with gratitude, and there are few of us who cannot remember the warm encouragement which at all time he so willingly gave to any little merit pertaining to our labors.

A Great Judicial Figure.

"To-day, when the rough hand of a tyrant has so ruthlessly challenged the principles upon which our very civilization rests, we have gained a fresh insight into the value of British freedom and of the institutions themselves under which it is preserved. The pride which as Britishers we feel in our legal institutions is due not merely to the institution, but to the great builders of the law whose duty it has been to administer the principles of justice. Among the great judicial figures of all time we feel with pride that our departed Chief Justice occupies a prominent place. The deep sorrow that we feel to-day is tempered by the consoling thought of a great life than ran its full course in the service of the state, and of the indelible mark that he has left upon the history of our land."

The court then adjourned.

Advertiser
Jan 18. 16

NEWS OF THE DAY.

THE CHIEF JUSTICESHIP.

The Attorney-General (Hon. J. H. Vaughan) stated on Monday that the Government had not yet considered the appointment of a new Chief Justice. The matter would be considered at a Cabinet meeting probably on Wednesday.

Register

Jan 19. 16

JUDICIAL APPOINTMENTS.

From "Juventus":—"Australia borrows unquestioningly many of England's inappropriate customs and ideas. One of these is the notion that a lawyer cannot be a satisfactory Judge unless he has one leg in the grave. The tendency in other spheres of life is to realize what is undoubtedly true, that a septuagenarian or even a man of 60, is not possessed of the physical virility and mental energy of a man in the prime of life. The State Government shows its officers the doormat at 70, and the Federal authorities at the age of 65. Yet many Judges are appointed at an age when, in other avocations, they would be politely shown the exit. The judicial office is far from being the position of dignified leisure many people imagine it to be. It is an office which, if its functions are properly discharged, calls for energy and concentration in the highest degree. It may be that there have been and are many Judges who show marked ability in spite of their burden of years. The ability of such men is not because of their age; it is in spite of it. Justice has taken the full count on many occasions for the simple reason that the presiding Judge is called upon to decide matters which, on account of his last generation sympathies, he cannot see in proper perspective. The Australian public are deceived by the touching histrionic displays of some of the Judges. The lawyer alone knows that the capable Judge is often the least spectacular. The comparatively young Judge can perform with speed and precision a volume of work which would weary an older man into sleep. Above all, let us have young Judges—*young*, that is, as Judges go. As Disraeli said, 'The history of achievement is the history of youth.' A Judge needs experience at the Bar, but not necessarily 40 or 50 years of it. Our late respected Chief was a capable Judge at the age of 40, and dozens of other cases could be quoted if space permitted. England is beginning to realize the error of her ways in this direction. We have the latest example of the appointment of a young man—Lord Reading to the Lord Chief Justiceship. In the Divisional Courts particularly younger men are being appointed than was previously the custom. It is time that Australia realized the fallacy of appointing tired old grandfathers to onerous positions."

Daily Herald Jan 19. 16

THE VACANCY ON THE SUPREME COURT BENCH.

It is probable that the appointments to fill the vacancies in the judiciary caused by the death of Sir Samuel Way will not now be made until Monday next. "Owing to the fact that the Commissioner of Public Works and Minister of Industry are absent on the West Coast, and the Premier and Commissioner of Crown Lands are not able to return until to-morrow, the Government will not be able to hold a full Cabinet until Monday," stated the Chief Secretary (Hon. A. W. Styles) yesterday. "The matter of the appointment of a Chief Justice, a third judge, and a President of the Industrial Arbitration Court will then be settled." It was intended to hold a Cabinet meeting yesterday afternoon to convenience the Premier, but on account of the latter's absence it was postponed until to-day, but we found that by meeting to-day we would not have the presence of several other Ministers, so that only purely formal business was dealt with this afternoon." Seen subsequently, the Attorney-General (Hon. J. H. Vaughan) remarked:—"It is probable the appointments will not be made before Monday, but I cannot definitely state." There is much speculation regarding the appointments, and it is somewhat amusing to read the speculative paragraphs appearing in certain sections of the daily press. Each day new names are added to the list of legal luminaries who are considered to have claims on the Chief Justiceship, third judgeship, and Presidency of the Arbitration Court. In addition the 'Register' is devoting leading articles to the question, and tendering advice wholesale. Such tactics may be amusing, but they are certainly not edifying.

The Register
June 19th 1916

THE CHIEF JUSTICESHIP.

No Appointment Yet.

The absence of most of the Ministers in the country is delaying the appointment of the new Chief Justice, as a full Cabinet meeting has been impossible for some days. The Premier (Hon. C. Vaughan) and the Commissioner of Crown Lands (Hon. C. Goode), who have been making an inspectional tour of the Murray settlements, were to have returned to Adelaide by motor car from Swan Reach on Tuesday night, but the Irrigation Department's steamer, by which they travelled downstream, in company with the Director of Irrigation (Mr. S. McIntosh), stuck on the bank, and detained them overnight. They expect to be in the metropolis this morning. Then the Commissioner of Public Works (Hon. H. Jackson) has been away on the west coast for some days, and will not be back at his office until Monday; and now the Minister of Industry (Hon. R. P. Blundell) has gone on a visit to these areas. There was a Cabinet meeting on Tuesday afternoon, attended by the Chief Secretary (Hon. A. W. Styles), and the Attorney-General (Hon. J. H. Vaughan), but it was brief, and only formal business was transacted. As the whole of the Ministers will not be in Adelaide again before Monday next, a complete gathering of Cabinet will only then be possible. It is probable that on that occasion the appointments of the new Chief Justice, the third Judge, and the President of the Arbitration Court will be made.

—Who Will Be Appointed?—

It is considered as fairly certain now that His Honor Mr. Justice Murray will be promoted to the chief judicial seat, as the added responsibilities of Chief Justice, entailing certain social obligations, particularly those associated with the office of Lieutenant-Governor, are not favourably regarded by His Honor Sir John Gordon, who is the senior occupant of the Bench, in his condition of health. The statement was made on Tuesday, however, that it would be by no means surprising if Sir John should accept the position. Sir Josiah Symon is absent on a holiday at Kangaroo Island, and will not return for some days. There are persistent rumours that Mr. Justice Buchanan, who is President of the Arbitration Court, will be made third Judge, and that the Attorney-General may take his place. There is little doubt that the elevation of Mr. J. H. Vaughan would be approved by the Labour Party and the unions. The names of Mr. Donald Campbell, who was once a Socialist member of the Assembly, and was subsequently appointed by the Federal Labour Government to a seat on the Dominions Commission, and of Mr. J. H. Sinclair, S.M., are also mentioned in this connection. Mr. Campbell was chosen last year by the Vaughan Cabinet to be Chairman of the Reference Board for the settlement of any disputes in the Civil Service, but so far, apparently, there has been little or nothing to do. In the event of Mr. Vaughan's promotion to the Bench, the Government, no doubt, would experience some difficulty in finding another Attorney-General, as he is the only available legal member of the party. Mr. Vaughan had no public statement to make on the general judicial position yesterday, but it is understood that matters have advanced to the stage where the new personnel is now practically only a formality for Cabinet confirmation. The Attorney-General has been giving the subject close and serious attention for more than a week, and from all accounts finality has been reached.

—"No Present Intention."—

The Attorney-General subsequently made a statement on Tuesday night, as follows:—"No steps will be taken to fill the position of Chief Justice until Cabinet meets after the Premier's return. As, however, persistent paragraphs have appeared in the public press suggesting that I am a candidate for judicial honours, I wish to say that I have no present intention of relinquishing the position which I am now privileged to occupy by virtue of the confidence of the electors and the members of my party."

Advertiser

Jan'y 20th. 1916

GENERAL NEWS.

THE NEW JUDGES.

The important appointments to the Supreme Court bench of South Australia announced this morning will not come as a surprise to readers of "The Advertiser." On Monday last we published a paragraph stating that it was understood that Mr. Justice Murray would be appointed Chief Justice (Sir John Gordon having declined the position) and that Mr. President Buchanan would become third judge. On Tuesday a further paragraph mentioned the name of Professor Jethro Brown in connection with the presidency of the Arbitration Court.

Daily Herald

Jan'y 20th. 1916

The guessing competitions about the new Chief Justice are over.

It was wicked of the Government to say that the appointment would not be made till Monday.

And then to announce it yesterday.

As we forecasted, the best man received the appointment.

It is a feather in the cap of the Attorney-General that he refrained from pushing his own barrow.

There are few who could have resisted the temptation.

Sir Samuel Way had not been Attorney-General so long as Mr. Vaughan has when he donned the robes of the Chief Justiceship.

It was a stroke of genius to think of Professor Jethro Brown for the Arbitration Court.

Wanted to know—Whether H. A. P. would have been Chief Justice if Sir Samuel had died 12 months ago.

Daily Herald

Jan'y 20th. 1916

The Attorney-General is a South Australian; the Premier is a South Australian; the new Chief Justice is a South Australian; the third judge is a South Australian; and the gentleman who has the offer of the fourth judgeship and Presidentship of the Arbitration Court is a South Australian. Hurrah for South Australia!

Register

Jan'y 20th. 1916

NEW K.C.'S.

From "Jus":—"The promised appointment of additional K.C.'s has not yet been made, and it is interesting to weigh the prospects of the candidates for the position. I speak as one whose position involves some knowledge of law and the lawyers. The qualities and achievements which entitle a man to the coveted honour are various and diverse, but, above all, it is conceded that a K.C. should have a thorough practical knowledge of the conduct of cases, a good standing in the profession, and high forensic ability. Curiosity has compelled me to ascertain from the latest volumes of the S.A. Law Reports which I could obtain, the number of cases in which leading Adelaide lawyers were engaged. I took the reports for 1911, 1912, and 1913, and a summary hastily, but I think accurately, compiled by me reveals that the following counsel were engaged in the number of cases set after their respective names:—Mr. Poole, 9 cases; Messrs. Cleland, K.C., P. Nesbit, and Parsons, each 8 cases; Mr. Skipper, 7; Messrs. Isbister and F. V. Smith, each 5; Sir J. H. Symon, K.C., and Mr. Piper, K.C., each 5; Messrs. O'Halloran and Napier, each 4; Messrs. McLachlan, Webb, and Shierlaw, each 3. There are, of course, many who have been engaged in only one or two reported cases. I am told that only a certain number of the (legally) important cases are reported. I should say that it would be impossible to easily obtain any figures that would show the total number and relative importance of cases in which Adelaide's respective counsel have appeared in all the superior Courts. The above summary, however, is at least an interesting clue."