

The Daily Herald ^{7.} January 10th 1916

DEATH OF CHIEF JUSTICE

A MAN OF MARK

THE MAKER OF "FOOTPRINTS"

A CAREER THAT WILL LIVE IN HISTORY

LAWYER, POLITICIAN, JUDGE, GOVERNOR

HUMANITARIAN GONE TO HIS LAST LONG REST.

South Australia has lost some of its most prominent public men during the past few months, but the greatest loss of this character for many years occurred on Saturday night, when the Chief Justice Sir Samuel Way, Bart., passed away. Sir Samuel was connected actively with the history of this State for a lengthy period. His was a remarkable personage. Emerson says in one of his writings that the mind does not age with the body, and if ever this was true it was in the case of the late Chief Justice.

It has been patent for some time that the Grand Old Man—for he can rightly be termed that—has been failing physically, though his mind was undimmed by time. On one occasion at least he had been previously urged to prepare all his standing judgments for delivery. His Honor seemed to be much recovered after his recent trip to Sydney, the facts of which will still be fresh in the mind of the public, but during the past few weeks symptoms of the same trouble—a malignant tumor—showed themselves and he showed signs of distress and weakness. In the past few days he failed markedly, and the news that the end had come occasioned no surprise, though it is deeply regretted by every section of the community.

His Honor had had with him lately Mrs. Campbell (his only sister and the only remaining immediate member of the family) and Mrs. Tratman (a daughter of his late brother (Dr. Way), who had been living with him). Various relatives were constantly in attendance to cheer and brighten what were too palpably the last days of the great judge. Those who were with him late on Saturday night—he died at 11.50—say that it was remarkable how tenaciously he hung on to the fast unwinding threads of his long and strenuous life. Almost to the last he was conscious, and recognised what was going on. His end was perfectly peaceful—a fitting death for a man who had so faithfully and honorably served his God, his country, and his fellow-men.

It must have been satisfaction to an active man such as Sir Samuel was, to have maintained the ability to move around almost to the last. He had been sitting up in his chair until the last two days. On Thursday he was out on the lawn. Until four days ago he was able to move between the different rooms of his residence.

THE GOVERNOR'S REGRET

DOYEN OF THE AUSTRALIAN BENCH.

Commenting upon the death of the Chief Justice last night his Excellency the Governor said:—"The death of Sir Samuel Way will cause universal regret throughout Australia, particularly in the State, which claimed him as its most distinguished citizen. Sir Samuel was the doyen of the Australian bench, and his distinguished career was not a little due to his persistent energy, his industry, and thoroughness. The eminent services rendered by the late Chief Justice both to the Commonwealth and the State are too well known to render it necessary for me to digress thereon. His Honor's record and the high ideals which guided him through a long and useful life must ever remain as an illuminating example of duty well done. I learn the news of my Chief Justice's death with feelings of profound regret. Although my association with him covered a period of less than two years, his death is a personal loss to me. His wise counsels, his sound advice, and his ready co-operation were always assured to one in all matters that tended to the welfare of the State and Commonwealth. In addition to his high qualities as a judge

and a statesman, the late Lieutenant-Governor was a staunch friend, a genial and clever companion, and an ardent patriot. The name of his friends was legion, and I am glad to think I could count myself in that category. The patience and courage exhibited by Sir Samuel under the burden of a great sorrow and a dire disease formed an inspiring example to all who had the privilege of his acquaintance, and it was that indomitable spirit that would not acknowledge defeat which allowed a great gentleman to die in harness full of years and honor.

THE PREMIER'S APPRECIATION

A BRILLIANT AND RENOWNED CITIZEN.

The Hon. Crawford Vaughan (the Premier) said:—"The news of the death of Sir Samuel Way did not occasion surprise, for most people were aware that he has been in failing health for some time. While one is glad to know that he has been released from pain, his death will cause widespread regret throughout Australia. He might very truly be described as one of the pillars of the State, and he enjoyed not merely a national, but an Imperial reputation. As Lieutenant-Governor of South Australia he always filled the position with dignity and impartiality. He will best be remembered, however, as the Chief Justice of South Australia, a position which he filled for a period of nearly 10 years. During his long and highly honorable career on the bench he displayed an extraordinary brilliance of mind and wonderful judicial talent, which made him renowned throughout the Empire. As a layman I perhaps cannot appreciate as fully as a member of the legal profession those

fine qualities of intellect and that clarity of judgment that distinguished the decisions of Sir Samuel Way, but I do know that his reputation in that respect added lustre to South Australia. Apart from his duties as Lieutenant-Governor and Chief Justice, he filled a host of other high and important positions. As president of the University Senate he rendered conspicuous service to this country. His energy, indeed seemed to be boundless. Whatever movement or institution he became associated with felt the benefit of his enthusiasm and zeal—whether it was in the direction of religious, educational, philanthropic, or social activity. Sir Samuel Way's political career ended about the time I was born, so I am not able to measure the full worth of his services to the State in that respect; but I know that the Boncourt Ministry, of which he was a member, was certainly the most progressive Government of those times. I am

sorry the late Chief Justice was not able to carry out his long-cherished idea of writing his reminiscences, for his life was contemporaneous with the history of this State from the time of the inauguration of Constitutional Government down to the present day. Those who had the benefit of conversing with Sir Samuel Way from time to time well know the wealth of interesting and historical information concerning the early doings of South Australia which he had at his command and his extraordinary conversational gifts."

THE SPEAKER'S EULOGY

JUDICIAL RECORD "HARDLY EQUALLED."

The Speaker of the House of Assembly (Hon. F. W. Conroy) said last night:—"Although I knew that his Honor the Chief Justice was very ill, it came as a shock to me when I heard that Sir Samuel had passed away. I am sure that it will be sincerely regretted by the people not only of South Australia, but of Australia, for he was one of whom I am sure it is safe to say that he was respected by all sections of the community. Through his death South Australia has lost one of her greatest personalities, and Australia one of her ablest judges—one whose record on the judicial bench is hardly equalled by any other judge in the world. Sir Samuel was gifted with a tremendous store of energy and vitality, and at times we have marvelled at the extraordinary amount of work he was able to get through—associated as he was with so many of South Australia's public institutions, to all of which he gave unparagoned service. I had the honor and privilege of meeting Sir Samuel frequently during my term of Ministerial life, and particularly during the passage of the University Bill. That measure was to give the institution—of which Sir Samuel was the honored chancellor—greater powers, and extend its scope and sphere of usefulness. I well remember the great help he gave then. Sir Samuel was always courteous, dignified, and interesting, and with the thousands of others I wish to add my appreciation of the great work he did for South Australia and to express my deep sympathy with the relatives who are left to mourn his loss."

SIR JOSIAH SYMON'S TRIBUTE

"FULL OF YEARS AND HONORS."

"The death of the Chief Justice closes a long life of conspicuous success, great public usefulness, and high distinction," said the leader of the South Australian bar (Sir Josiah Symon, K.C.). "He died full of years and honors. His energy, strength of will, and force of character were equally remarkable, and those qualities were manifest in whatever he undertook. He entered Parliament in 1875, when he and I were in partnership, and was a member only a few months, part of the time as Attorney-General in Sir James Boucaut's Ministry, when in March, 1876, he was appointed Chief Justice in succession to the late Sir Richard Hanson. That high office he has held for about 40 years, dying in harness as he wished to do. At the bar when practising as a lawyer he was remarkable for industry, learning, acuteness, and force. Those qualities he took with him to the bench. He was an eminent judge, enjoying the confidence of the profession and the public, and was animated by a desire to get at the very truth in the cases which came before him, and to do justice between the parties. Apart from his professional and judicial duties, his activities were widely extended, and his services to this community in manifold ways will be an abiding monument to him. As judge and citizen his name and work will always hold an honored place in the history of the State."

THE HISTORY OF HIS ILLNESS

GROWTH OF A MALIGNANT TUMOR.

When asked for some information regarding the illness of his Honor, Mrs. Campbell referred the press to Dr. Lendon, who had been the medical adviser. On application to the doctor he said:—

"I have attended the late Chief Justice for the last 17 years or so. Previous to that his only illness had been a sharp attack of pneumonia, contracted when travelling in Japan. By some good luck when he was just at his worst his brother (the late Dr. E. W. Way) met him there, and managed to pull him through. His Honor had a serious attack of typhoid fever when he was Acting-Governor prior to the arrival of Lord Tennyson. He contracted this during his residence at Marble Hill. He made an excellent recovery, and was never troubled with anything but minor ailments until the commencement of what might be termed his break-up about three or four years ago. Sir Samuel was at that time in the habit of alighting from his carriage at the cathedral on the way home and walking up the steep hill along Pennington terrace to "Montefiore" for exercise. One evening he arrived at his gateway in a state of collapse, which was found to be due to angina pectoris. This was the result of over-training the heart following upon a severe attack of influenza. The illness laid his Honor aside for several months; but he made a fair recovery, and resumed his judicial duties and other work. But it was obvious that

he had become considerably aged. In April, 1914, the discovery was made of a growth in the upper part of his left arm, which was judged to be of a malignant nature. The character of it was not divulged to the Chief Justice at the time, but he was urged to deliver his outstanding judgments, which he did. Meanwhile he had left for England, and Dr. J. C. Verco, who was attending Sir Samuel, explained the nature of the trouble to him, whereupon he pluckily determined to take the risk of amputation in the hope that his life might be prolonged. The tumor was of such a nature that recurrence was most probable, and for many months past it has been evident that his symptoms pointed to a recurrence within the chest. Happily, the knowledge of this fact was kept from his Honor, as there was no local recurrence of the growth. His most distressing symptoms were attack of paroxysmal coughing and increasing weakness. But there was no clouding of the mind. His Honor passed away peacefully at ten minutes before 12 o'clock on Saturday night."

FUNERAL FIXED FOR TUESDAY

ROUTE OF THE CORTEGE.

As already stated, the late Chief Justice is to be accorded a State funeral. This will take place at 2 o'clock on Tuesday afternoon, and the procession will leave "Montefiore" at 2 o'clock for the West Terrace Cemetery. The route to be followed is along Palmer place to Brougham place; along Brougham place to the Children's Hospital; thence along King William road to North terrace; along North terrace past the University to Pulteney street; along Pulteney street to Pirie street; along Pirie street to the Methodist Church (where a service will be conducted by the Rev. Henry Howard). After the service the procession will re-form and proceed to King William street, going down through Victoria street to Gouger street; past the Supreme Court Buildings, along Gouger

street to West terrace; thence to the cemetery.

There will be a short service at "Montefiore" before the cortege departs, and the burial service at the graveside will be conducted by the Rev. Henry Howard. The mortuary arrangements are being carried out by Messrs. Geo. Downs and Co.

A STATE FUNERAL

GOVERNMENT'S OFFER ACCEPTED.

The Premier stated yesterday afternoon that the Government had asked the relatives of the Chief Justice to allow it to accord the remains a State funeral, and they had been pleased to accept the offer.

UNIVERSITY CLOSED

In consequence of the death of the chancellor, the Right Hon. Sir S. J. Wray, the University will be closed on Monday and Tuesday, 10th and 11th inst.

BIOGRAPHICAL SKETCH

A DISTINGUISHED CAREER.

It is given to few men to accomplish great deeds that will mark them from their fellows, and it is given to still fewer of that few to so nurse the great honors that their eminence remain unsullied by any taint of self-seeking, self-aggrandisement, unwarrantable hypocrisy, or pride. The late Sir Samuel Wray was one of the exceptions, and at the close of his distinguished life all, from the hardest-shelled Conservative down to the most fervent advocate of advanced Socialism were unanimous in recognizing in him a man of faithful service. He needs no monument, as he has raised one for himself in the minds and memories of men. His life has been one series of episodes of achievement which has left its mark in the history of the country and the life of the people, and posterity will recognize in him a strong man, a great man, whose ability, courage, broad principles, and exemplary conduct have left lasting footprints on the sands of time, which can not be effaced in an eternity.