

Samuel promised to write the introduction to a volume I contemplate issuing in England this year. "When I am stronger I shall cheerfully comply with your request," he caused his secretary to write to me three weeks ago. I am grateful to the departed baronet for many courtesies and favors. And there are many other citizens to whom he showed special attention, and who will remember his kindnesses. The marvel was that he found time to give interviews at Montefiore, for he was an exceedingly busy man. Even after the death of Lady Way, and after his operation in Sydney, one wondered how he managed to crowd so much activity into his life for one so advanced in years. For some time I had been trying to arrange an interview with him for the purpose of a special article. Sir Samuel wrote me in November, 1914:—

"Just now I am engaged every moment of the working day and in the evening as well, and I cannot get in time for an interview. Have patience with me, and I will pay you all. Moreover your sketch will be more likely to be read after the war is over." I regard the late baronet of Montefiore as the greatest South Australian, and an historic Australian figure—a great judge, a great and noble citizen, one who thought and spoke continentally, who was thoroughly cosmopolitan in sympathy and aspiration, a strong Imperialist, deeply rooted to the ties that bind Commonwealth and Motherland, always courtly and gracious, and one of those really outstanding figures that genius alone supplies to a community. Three years ago I included in some jottings of mine concerning the Chief Justice that "no other distinguished living Australian has rendered greater service to his country, and by that service enhanced the reputation and the fame of his homeland." That statement will hold good when shortly I shall write a memoir of Sir Samuel's life for inclusion in the next supplement to the "Dictionary of National Biography," edited by Sir Sidney Lee. As the newspaper press will be full of worthy tributes to the many-sided character of the remarkable personality whose noble spirit has just quitted far-famed Montefiore, and whose passing will be mourned by the whole community, I will add but briefly to what is sure to be said in extolling his life and work. At the time of his death Sir Samuel was the oldest judge in the British Oversea Dominions, if not the senior by length of judicial service in the Empire. If he had lived until March 27 next he would have been 40 years on the bench, continuous service probably without parallel as a Chief Justice in the Empire. He was not 40 when on March 18, 1876, he was appointed Chief Justice of South Australia, being, with the exception of the late Lord de Villiers (Chief Justice of Cape Colony, and afterwards of South Africa, who was his colleague on the Judicial Committee of the Privy Council in 1897), the youngest Chief Justice in the British Empire. It was Sir Samuel's ambition to celebrate the 40th anniversary of his going on the bench, when he would have probably retired and spent the eventide of his life free from the cares of official duties. "There is plenty of room at the top. Some of us will be making room for others probably before long." With those words Sir Samuel welcomed a number of gentlemen in admitting them to the South Australian bar 34 years ago. So vigorous, so sound in body and mind, was the Chief Justice then, that no one in the community imagined that his prediction was so soon to be fulfilled. Probably his Honor realized though the inevitable from the creeping burden of his years. When Sir George was last in Adelaide, just after trying from his illness, on the eve of joining the steamer for England, the Commissioner motored down to Jetty Beach, where Sir Samuel was resting after an illness. The meeting of the two great Australians had a pathetic touch. Both had been seriously ill, well nigh to death's door. Sir George greeted the baronet by kissing him affectionately on the cheek. They were warm friends. I remember Sir Samuel telling me the incident with the most pleasurable recollection not unmixed with emotion, and of how it reminded him of a somewhat similar scene many years before when in Sydney he visited the venerable Sir Alfred Stephen, then over 90, late Chief Justice and Lieutenant-Governor of New South Wales, on his deathbed, and on entering the chamber our Chief Justice bent down and kissed his former brother judge for the last time. It was his warm personal friend, Sir Alfred Stephen, who bequeathed to the South Australian Chief Justice a walking-stick, which has an interesting history. The first Australian Privy Councillor, William Bala Dalley, who sent troops to assist Britain in the Sudan war in 1885, parted with the stick to the second Privy Councillor, Sir Alfred Stephen, who in turn bequeathed it to Chief Justice Way, who was the third Australian to be created a Privy Councillor. I shall not be surprised that this historic stick has been handed down under Sir Samuel's will to an Adelaide citizen who was one of the late baronet's

closest friends. Interesting also attaches to Sir Samuel's appointment to the Judicial Committee of the Privy Council as representative of the Australasian colonies in Queen Victoria's Diamond Jubilee year, and that history may be written some day. Sir Samuel had friends in all parts of the Empire. He maintained until quite recently a large private correspondence with eminent people in England, the United States, and elsewhere across the seas, and there were few, if any, distinguished visitors to the State who were not given the generous hospitality of Montefiore.

An In Memoriam Service.

It is understood that the Rev. Henry Howard will make reference to the late Chief Justice at an in memoriam service to be held at Pirie-street Church next Sunday morning.

The Courts.

The front entrance to the Supreme Court will be closed to-day, but the office will be open for the transaction of public business. Entry by way of the rear of the premises will be possible. No business claims the attention of the Supreme Court bench this week, but the Criminal Sessions were set down to commence next week. A case has been fixed for hearing in the Industrial Court this afternoon, but it is understood that the President (Mr. Justice Buchanan) will adjourn it.

References in the Churches.

At many of the churches sympathetic references were made on Sunday evening to the death of the Chief Justice.

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ADELAIDE: MONDAY,

JANUARY 10, 1916.

THE LATE SIR SAMUEL WAY.

Though not unexpected by those who for some time past had noted with deep sorrow the rapid impairment of his physical powers, the effect of a wearing and incurable disease, the death of the Chief Justice, announced to-day, will come as a painful shock to the whole community. No citizen of South Australia was better known or more universally liked, admired, and respected than Sir Samuel Way, whose public career, extending over a period of forty years, and marked by varied and distinguished service to the State, had identified him in a special degree with the country of his adoption. His death while he was still in harness, at the ripe age of 79, seems to signify even more than the disappearance of an interesting, accomplished, and lovable personality. It is as though one of the institutions of the State had been suddenly removed, for not only as a judge had he a much longer record than any other in Australia—the whole British Empire, indeed, furnishing but one instance of seniority to him as a member of the judicial bench—but the part he played in connection with educational, religious, and philanthropic movements was so prominent and useful, and had continued uninterruptedly for so many years, that he appeared to have become almost necessary to their normal activity. As Lieutenant-Governor, too, he had so often discharged, and always with marked success, the important and responsible task of administering the government of the State, that the length of his viceregal experience actually exceeded the term of any South Australian Governor sent out to rule over us by the Colonial Office. The recipient of high Imperial honors, including a baronetcy and membership of the Privy Council, there were many occasions when Sir Samuel Way had the satisfaction also of receiving from his fellow-citizens in this State the sincerest tributes of their gratitude for his eminent labors in their interest, of respect for his great abilities, and of high appreciation of his sterling character. The closing years of his life were clouded with heavy afflictions, which he bore with a noble fortitude. From the blow inflicted by the death of his beloved wife he never fully recovered, and suffering as he did from a cruel malady, which necessitated a critical operation, the wonder is that he had the strength to continue the performance of his multifarious public duties. Only the intensity of his sense of duty, and the power of his will, enabled him,

most to be last, to overcome physical infirmities and pursue his work with a pathetic energy and determination. Lonely as he was left by the death of Lady Way, he had, happily, to console him the warm sympathy of innumerable friends, and many proofs of the public regard won by his long and devoted attachment to the highest interests of the State.

Sir Samuel Way was a many-sided man, whose remarkable natural gifts and broad culture fitted him to shine, as he did, in all the undertakings of an exceptionally busy life. Though early in his career he rose to the head of his profession, and acquired a more than Australian—an Imperial—reputation as a distinguished jurist who was equally sound and brilliant, he never permitted himself to be enslaved, or even narrowed, by the exacting demands of his legal studies. It is more than 51 years since he was called to the South Australian bar, and his advance was so rapid as to be almost meteoric. Only ten years had elapsed before he had taken silk; four years later he was Attorney-General of the State; and a year afterwards, on the death of Sir R. D. Hanson, he became Chief Justice, a position the responsibilities of which he discharged for nearly forty years in such a manner as to win alike the admiration of those learned in the law and the confidence of the general public. From his judgments there was never a successful appeal. When in 1897 the British Government resolved to enlarge the personnel of the Judicial Committee of the Privy Council in order to make that august tribunal more representative of the Empire, the Chief Justice of South Australia was paid the compliment of appointment as the Australian member. It was a well-deserved tribute, for the judiciary of the Commonwealth could not have supplied a lawyer of superior learning and ability. Sir Samuel Way's profound knowledge of constitutional law and practice stood him in good stead when he acted as Governor of the State. He made no mistakes himself, and his valuable counsel, always willingly given when sought by others less experienced, has saved from error many a South Australian Governor not so well acquainted with the requirements of the office in States under responsible government. But while characteristically thorough in the discharge of professional and official duties, Sir Samuel Way had both the tastes and the abounding vital force necessary for the enthusiastic pursuit of many other interests. For seven years Vice-Chancellor, and for 32 years Chancellor of the Adelaide University, he placed that institution under a load of obligation by the wisdom and vigor of his direction of its policy and progress. As the Grand Master of the Masonic order in this State, for many years president of the Public Library Board, and from its foundation president of the Children's Hospital, he impressed his virile personality on those institutions. The service he rendered was never perfunctory or merely ornamental. While his name and position conferred a valuable prestige, he took an active and intelligent interest in the work, and spared no effort to secure efficiency and success. His industry in so many different fields was, indeed, a marvel.

Described by Froude in "Oceana" as charming and accomplished, the late Chief Justice had in an extraordinary measure the faculty of making and keeping friends. The breadth of his humanity and the liberality of his culture enabled him to understand and appreciate the most varied types of character and achievement. He was a most hospitable and entertaining host, and his correspondence with interest-

ing and distinguished people all over the world was so extensive that the time and labor it involved would have seemed to a less active and energetic man positively appalling. While he maintained a close grasp of all contemporary affairs, and kept himself au courant with modern developments in politics, literature, art, and science, the past had also for him its fascination. He loved books, he was well versed in the history of nations, and he had a highly cultivated sense of the beautiful both in nature and art. With all his learning he remained sincerely loyal to the simple religious faith of his childhood. To the Bible Christian denomination, of which his father was one of the earliest minist-

ters, he kept unspotted his allegiance throughout a long career marked by an exceptional degree of worldly success and honor. But his catholic spirit put him from the first on the side of that great movement of Methodist union which finally absorbed the Bible Christian denomination and opened out wider opportunities for its evangelistic zeal. The Methodists of Australia counted him as their foremost and most influential layman. He commanded, however, the respect of all classes as a typical Australian, patriotic, broad-minded, and tolerant, devoted to great ideals of national progress and improvement, and full of the restless energy which is ever striving to attain them. Though not born in this country, he recognised the large claims of Australian citizenship, and did not spare himself in satisfying them, while at the same time doing the duty he owed to the great Empire of which the Commonwealth is proud to form a part. In him the Crown and the democracy have lost a good and faithful servant.