

The Closest Attention to Details

Was one of his Honor's life mottoes. He remarked to a friend quite recently, "I have always made it the rule of my life to thoroughly get to the bottom of things," and when we remember how life is made up of small things we see that often the best service is rendered not in that which is great, but in that which is small. It is the unapplauded things that are hard to do, and many of the best services of every day are seen and cheered by no one, and to keep on doing the small things well, unnoticed, often shows the truest heroism. Combined with that of service was his Honor's

Deep Sympathy.

No one could come into contact personally with Sir Samuel without discovering how broad and deep were his sympathies. Every year his Honor sent out books inscribed with a cheerful message to the various ministers, and he also remembered his father's friends. Many acts of kindness and sympathy were performed by him unknown except to the recipients, and many have marvelled that a life so full of service could yet find time for so many kindly deeds. It is rare to find the successful man full of sympathy. His success may have meant the crushing of the other fellow, and to crush another always means the crushing of one's own heart. It was fitting that a life so brilliant in achievement, so widespread in its influence, should be "gathered to the grave in peace." So peacefully he died that the only word to describe his departure is "he fell asleep like a tired child on its mother's lap."

"The bright sun dies not, when the shading orb

Of the eclipsing moon obscures its ray;

It still is shining on; and soon to us

Will burst undimmed into the joy of

day—

The fine gold has not perished, when the

flame

Seizes upon it with consuming glow;

In freshened splendor it comes forth

anew.

To sparkle on the monarch's throne or

brow.

Thus nothing dies, or only dies to live!

Star, stream, sun, flowers, the dew-

drop, and the gold;

Each goodly thing, instinct with bouyant

hope

Hastes to put on its purer finer mould.

Thus in the quiet joy of kindly trust

We bid each parting saint a brief fare-

well;

Weeping, yet smiling, we commit their

dust

To the safekeeping of the silent cell.

Safely within that peaceful resting-place

We lay their weird limbs, and bid the

clay

Press lightly on them till the night be

past,

And the far east give note of coming

day."

DAILY TELEGRAPH. 18:1:16

THE CHIEF JUSTICESHIP.

From T. W. Martin, Prospect:—The letter of Mr. Paris Nesbit throws some light on the matter of the appointment of a new Chief Justice. He states, and I have no doubt correctly, that the Chief Justice should not be appointed from the bench, and gives sound reasons for the statement. His next statement is doubtful, viz., "The only eligible person available is, of course, Sir Josiah Symon." If this statement be correct, then South Australia must be in a unique position. The Legislature of this State has decided in its wisdom that men of 70 years of age are no longer fit to hold responsible positions. Is Sir Josiah a unique individual in this respect? It is peculiar it would be if the same Cabinet meeting dismissed four or five men in responsible positions under the Government, because they had reached the age of 70, and then appointed a man in his seventieth year to the position of Chief Justice. It might do for a Liberal (?) Government, but not for the sound, honest Labor Government in power at the present time. Mr. Nesbit is confident that Mr. Vaughan would not dream of accepting the situation, but as a layman it seems to me Mr. Vaughan is just the man to fill the bill. I understand he is by examination LL.B. He has always lived a clean life as a lawyer. He is in the prime of life (about the age of Sir S. J. Way when he took the same position). He is a man widely respected and popular, or he could not have won the position he holds—first in the Legislative Council and then in the Ministry. He is no doubt well fitted for the position, and may prove in the same position even superior to the late excellent Chief Justice (Sir Samuel Way). The many thousands of Laborers and Democrats who support them expect the present, and every other Labor Government, not only to believe that they are superior to the other side, but to prove that they believe it by appointing Labor and the sympathizers with Labor to every worthy position which they have the opportunity of doing.

The Advertiser 18.
January 18th 1916.

FROM BENCH AND BAR.

TRIBUTE TO SIR SAMUEL WAY.

A GREAT JUDGE HONORED.

A notable tribute was paid to the memory of Sir Samuel Way prior to the opening of the Criminal Sittings of the Supreme Court on Monday. When their Honors Mr. Justice Gordon and Mr. Justice Murray took their seats upon the black-draped bench the court was crowded with members of the legal profession, most of them being in wig and gown. Officers of other courts were also present, and some of the accommodation in the public gallery was utilised. Seated at the bar were the Attorney-General (the Hon. J. H. Vaughan), the Hon. P. McM. Glynn, K.C., Mr. E. B. Grundy, K.C., and Mr. A. W. Piper, K.C. The Attorney-General apologised for the absence of Sir Josiah Symon, K.C., who was unable to attend. The Acting Crown Solicitor (Dr. Richards), the Master of the Supreme Court (Major W. L. Stuart), and the Sheriff (Mr. O. H. Schomburgk) were present. Accommodation was provided in court for Mesdames A. Campbell N. Campbell, E. Tratmann, and S. Weston, relatives of the late Chief Justice.

A Great Judge.

All in court respectfully rose and remained standing while Mr. Justice Gordon referred in sympathetic terms to the death of the late judge. His Honor said:—Mr. Attorney-General and Gentlemen of the Bar—We mourn to-day for the death of the Right Honorable Sir Samuel James Way, Baronet, for forty years Chief Justice of South Australia, who, after a long life of invaluable service to the community in almost every sphere of usefulness open to a citizen, has gone to his rest. Within these walls we knew him as a great judge, who shed lustre upon the dignity of his office, and whose work will stand as a monument of honor to this court. He possessed a judicial mind in which the highest analytical powers were blended with swift apprehension, and great constructive and administrative ability. Above all he had a passion for justice. He loved justice for the sake of justice. To these natural qualities he added the long study, observation, and experience which Lord Coke pronounced essential to the ultimate equipment of a great lawyer. A judge more anxious to do his duty never adorned the bench. He was never content to rely in comparative ease upon his judicial genius, and the self-informative power of his capacious and brilliant mind. He gave the most exhaustive consideration to the facts and the law of every case which came before him. No labor was spared in studying conflicting evidence nor was any cranny of the law applicable to the case in hand left unexamined in his extreme care that the scales of justice according to law should be held with evenness. Learned, fearless, and just, his legal career is a landmark in our history. But to his colleagues on the bench and to his brethren of the bar he was more than a great judge. He and they knew and loved him in the more intimate relationship of a loyal friend. His intellect did not dispossess his heart, and his heart went out to all the members of the profession. There can be but few of us who have not had reason to be grateful to him for wise counsel and generous encouragement. 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 forty 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; whilst 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. 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 his 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. He 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.

Deep Sorrow of the Bar.

The Attorney-General said:—May I, on behalf of the bar of South Australia, add a few words to the eloquent and touching tribute, to which it has just been our privilege to listen, to the memory of our honored and revered Chief Justice. It is difficult for us to realise that these courts over which for so long 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 amongst us whose memories will carry them back to the year 1876, 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 the 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 unflinching 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 times he so willingly gave to any little merit pertaining to our labors. To-day when the rough hand of a tyrant has so ruthlessly challenged the principles upon which our very civilisation rests we have gained a fresh insight into the value of British freedom and of the institutions under which it is preserved. The pride which as Britishers we feel in our legal institutions is due not merely to the institutions themselves, but to the great builders of the law, whose duty it has been to administer the principles of justice. Amongst 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 that ran its full course in the service of the State, of the indelible mark that he has left upon the history of our land.

CITY COUNCIL'S REGRET.

Referring to the death of the Chief Justice (Sir Samuel Way), the Mayor of Adelaide (Mr. L. Isaacs), in the Adelaide City Council on Monday, said:—"It is with great regret that I have officially to report the death of the Chief Justice and Lieutenant-Governor. The splendid achievements and character of the late Sir Samuel, which gained for him the proud position of leading citizen of the State and marked him as one of the greatest men in the Commonwealth, are household knowledge in South Australia. It would be superfluous to refer to them in detail. I have already taken upon myself to dispatch a letter of sympathy on behalf of the council and citizens to the relatives." "On the motion of Alderman Moulden, seconded by Alderman Ent-

wistle; it was decided that a letter of condolence be forwarded to the relatives.

MESSAGES OF CONDOLENCE.

Messages of sympathy have been received by the relations of Sir Samuel Way from the Lord Mayor of Melbourne, the Anti-British League, the District Council of Burnside, the S.A. Employers' Federation, the Adelaide Central Methodist Mission, and the Honorary Justices' Association of Victoria.

The Mayor of Unley (Mr. T. E. Yelland), referring with regret to the death of the late Chief Justice, at the meeting of the council on Monday, said for 46 years his Honor was a prominent figure in the history of South Australia, and the honors which were conferred upon him from time to time by the Imperial Government were an indication of the esteem and respect with which he was held in England. He took a prominent part in philanthropic work, and the community would sorely feel the loss of so prominent a citizen. He nobly filled his place in the progress of South Australia, and his name would ever be remembered as one who stood for truth and right.

The Mayor of Hindmarsh (Mr. W. Wood) said at a meeting of the council on Monday the council would be lacking in its duty if it did not record its appreciation of the great services rendered by the late Chief Justice. They had lost a great man. He had sent letters of condolence to the relatives.

The Register.

ADELAIDE: TUESDAY, JANUARY 14, 1914.

THE JUDGESHIPS.

The reconstruction of the Supreme Court Bench, rendered necessary by the death of Sir Samuel Way, is a matter of vital interest to the public, and in making a selection or selections for office, it is most important that the Cabinet shall faithfully observe the best traditions, and jealously maintain the standards of ability, independence, and impartiality which have characterized the local judiciary in the past. The community's deep respect for, and strong confidence in the Bench, as the dispenser of "equal justice to all," according to the laws of the land, are an invaluable factor in the promotion of a sense of security and order. As the late Professor Goldwin Smith remarked—"To any State an independent Judiciary is an inestimable blessing; to a democracy it is a blessing unspeakable." It would be unfortunate for a State if the occupant of a high judicial office should attain to that position because of his political opinions rather than on account of his legal knowledge, acumen, and experience. It would be nothing short of a calamity if he were elevated to such a post largely because of his real or supposed partisan predilections in an unhappily long-drawn-out series of class disputes. Sincere regret will undoubtedly be felt if Sir Josiah Symon shall definitely decline to become Chief Justice. He is able considerably to strengthen the Bench beyond any degree of power and influence that it can reach without him. His consent to become principal Judge would automatically remove difficulties and possible temptations which otherwise complicate the situation. But Sir Josiah must be allowed to dispose of his future as he deems wise, and no one has a right to blame him, if he should refuse to see eye to eye with the general public regarding what may be his duty. It—as seems to be likely—the Chief Justiceship shall be conferred on Mr. Justice Murray, the appointment will be rightly acclaimed as quite satisfactory in every way. Presumably, however, Mr. Acting Justice Buchanan would then become third Judge, and this would necessitate the appointment of another gentleman as President of the State Industrial Arbitration Court and Acting Judge.

For this last-mentioned dual office a first class lawyer of high reputation who can command the esteem of Socialists and Liberals, employees and employers—is imperatively required. Hitherto the President of the Industrial Arbitration Court has had little to do, and we may hope that the work will not increase. The Act provides that his services may be called into requisition as a Judge of the Supreme Court, and, as a matter of fact, Mr. Acting Justice Buchanan has spent most of his time in that Court. A Government Bill has been prepared, providing for the appointment of a fourth Judge, and that, presumably, the new President of the Industrial Court will also stand as a full-fledged member of the Judiciary. In any case he will need to be fully qualified to assist their Honors in