

The Advertiser

SATURDAY, JANUARY 23, 1897.

THE RIGHT HON. S. J. WAY.

OUR cablegrams to-day announce that his Honor the Chief Justice, Lieutenant-Governor of South Australia, has been called to her Majesty's Privy Council. We heartily congratulate Chief Justice Way on a well-merited distinction. The dignity to which he has attained is an exceedingly high one. Comparatively few of the Queen's subjects in her great colonial empire have been privileged to receive it, and in these rare cases appointment to the Privy Council has rewarded Imperial service peculiarly honorable and useful. A member of that ancient and august body is entitled to be styled Right Honorable -- the proper title of a "lord" -- because "a lord of her Majesty's Privy Council." By virtue of his office he takes precedence over knights, baronets, and younger sons of viscounts and barons. The honor and prestige of the position are, therefore, very great, but on all sides the Chief Justice will be accounted exceptionally worthy. He is a representative Australian, a patriotic citizen in the larger sense, a man whose broad personality reflects the federal spirit. He belongs essentially to the Commonwealth yet to be formally created. The Chief Justice is, too, a loyal, devoted, and able servant of the Crown. Imperial functions have been exercised by him, times without number, to the entire satisfaction of the Colonial Office and with the absolute approval of his fellow colonists. But as a South Australian, animated by a public spirit so generously active that in a score of directions it has transcended the limits of his judicial office, where yet he has distinguished himself as a brilliant lawyer and a sound and patient judge, naturally the Chief Justice comes nearest to us. In all relations he has won consideration and respect.

Probably the honor conferred on the Chief Justice will be all the more acceptable to him because with the office certain duties are definitely associated. He does not enter the Privy Council as a non-working member. There is a place for him in the Judicial Committee, one of the departments of the Council which continue to give that body, even in these days of Cabinet rule, much more than a ceremonial character. A position that the Chief Justice accepts never continues, even if it began so, purely ornamental. He overflows with vital force, and inaction would only irritate him. Where his sympathies are engaged, there he must find work to do; and no end

of public institutions—educational and charitable—gratefully acknowledge the magnitude and value of his labors. In the past the Chief Justice has declined titular dignities of the kind usually bestowed on eminent Australians. He accepted the Queen's commission as Lieutenant-Governor, but that office involves work as well as honor. The emoluments of the office when the commission is active do not count; they go only a part of the way towards meeting the heavy expenses. It is in keeping with the record of the past that the Privy Councillorship to which the Chief Justice now attains is not merely an honor but an opportunity for further service. His position on the Judicial Committee will be an unpaid one. It will enable him, however, to do good and necessary work for the colonies generally, and for South Australia in particular. "The appellate jurisdiction of her Majesty's Privy Council," it has been said, "exists for the benefit of the colonies, not for that of the mother-country." The new departure, in pursuance of which the Chief Justice has been made a member, seeks to bring about a completely satisfactory expression of that principle. The purpose of the recent Imperial Act, providing for the enlargement of the Judicial Committee of the Privy Council by the inclusion of colonial judges, was to render the tribunal at once more representative and efficient. In the British dominions there is an immense variety of legal systems. It has been rightly felt desirable to employ the aid of colonial judges, familiar with local conditions and laws, in the final adjudication of causes remitted from the colonies. Their knowledge and experience will undoubtedly prove valuable, and the new arrangement can hardly fail to increase respect for the Imperial Court of Appeal and to heighten confidence in its decisions.

Unquestionably this extension of the Privy Council, besides aiming at a practical advantage, was also intended as a mark of distinguished consideration for the colonies. It is another formal recognition of the substantial solidarity and unity of Imperial interests. The school of Little Englanders is pretty well extinct, and the colonies are no longer regarded as disentitled to the sympathetic attention of Imperial statesmen. The new Act, while leaving colonial autonomy where it was, establishes union at a new point between the colonies and the mother-country. In a sense, it federates the colonial and English judiciary systems. Judges from the colonies are held to be fully qualified to take their seats by the side of distinguished English judges in the highest Imperial tribunal. This is a compliment likely to be appreciated, but it is not undeserved.