

The Register

Jan'y 14<sup>th</sup> : 16

# THE LATE CHIEF JUSTICE.

On Monday next the Supreme Court will meet for the first time since the death of the Chief Justice (Sir Samuel Way, Bart.). The judges will attend the opening of the Criminal Sessions to express their sense of the loss that has befallen the State in the death of his Honor. It is expected that the Attorney-General (Hon. J. H. Vaughan) will voice the grief of the bar. If not, the senior barrister present will perform this sad duty. There is sure to be a large attendance of members of the profession.

At a special meeting of the board of management of the Children's Hospital on Wednesday it was unanimously resolved, on the motion of Dr. Lendon, seconded by Sir Charles Goode—"That the board has learnt, with profound regret of the death of its distinguished president, the late Right Hon. Sir Samuel James Way, Bart., Lieutenant-Governor of the State of South Australia, and Chief Justice. For nearly forty years the Chief Justice has been closely associated with this institution; he was the chief speaker at the public meeting held in White's Rooms on October 6, 1876, when the establishment of the hospital was decided upon, and he was elected as its president; he officiated as Administrator of the Government at the laying of the foundation-stone of the building in which we are now met, and which bears his name; and month by month, even as late as last December, he usually presided over the meetings of the board. Our late president's services are not to be measured merely by their long duration. His high office and social rank, his commanding abilities, his knowledge of affairs, his legal training and judicial temperament, and, above all, his unflinching tact, combined to make him an ideal chairman. He conducted the meetings with dignity, with skill, and with patience. He was always ready to acknowledge the assistance of others, and fully recognised the work of those who in so many ways contribute to the welfare of the hospital. The board feels that it will be well nigh impossible adequately to fill his place. By the members of the board individually he was held in the highest esteem and affection. The board desires to convey to his sister, Mrs. Allen Campbell, and her family; to his stepdaughter, Mrs. Herbert Rymill; and to his niece, Mrs. Fratman, and other relatives, this expression of its sympathy with them in their bereavement."

The Provincial Priory of Knights Templar for South and Western Australia was represented at the late provincial prior, Sir Samuel Way's, funeral by the provincial sub-prior (Mr. C. G. Gurr), the provincial prelate (the Rev. W. G. Marsh), the past provincial sub-prior (Mr. Jasper Bee), and the provincial vice-chancellor (Mr. Frank Johnson).

At a meeting of the Port Adelaide City Council on Thursday it was resolved to forward a letter of sympathy to the relations of the Chief Justice.

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# DEATH OF SIR SAMUEL WAY.

## SUPREME COURT SITTING.

The Supreme Court will on Monday next meet for the first time since the death of the Chief Justice (Sir Samuel Way, Bart.). The Judges will attend the opening of the criminal sessions to express their sense of the loss that has befallen the State in the death of His Honor. It is expected that the Attorney-General (Hon. J. H. Vaughan) will express the grief of the Bar. If not, the senior barrister present will perform this duty. There is sure to be a large attendance of members of the profession.

## CHILDREN'S HOSPITAL RESOLUTION.

At a special meeting of the board of management of the Adelaide Children's Hospital, held on Wednesday, and summoned for the purpose, it was unanimously resolved, on the motion of Dr. London, seconded by Sir Charles Goode, that:—1. The board of management of the Adelaide Children's Hospital has learnt with profound regret of the death of its distinguished President, the late Right Hon. Sir Samuel James Way, Bart., Lieutenant-Governor of the State of South Australia, and Chief Justice. 2. For nearly 40 years the Chief Justice has been closely associated with this institution; he was the chief speaker at the public meeting held in White's Rooms on October 6, 1876, when the establishment of the hospital was decided upon, and he was elected as its President. He officiated as Administrator of the Government at the laying of the foundation stone of the building in which we are now met, and which bears his name; and month by month, even as late as last December, he usually presided over the meetings of the board. 3. Our late President's services are not to be measured merely by their long duration. His high office and social rank, his commanding abilities, his knowledge of affairs, his legal training and judicial temperament, and, above all, his unfailing tact combined to make him an ideal Chairman. He conducted the meetings with dignity, with skill, and with patience. He was always ready to acknowledge the assistance of others, and fully recognized the work of those who in so many ways contribute to the welfare of the hospital. The board feels that it will be wellnigh impossible to adequately fill his place. By the members of the board individually he was held in the highest esteem and affection. 4. The board desires to convey to his sister, Mrs. Allan Campbell, and her family; to his stepdaughter, Mrs. Herbert Rymill, and to his niece, Mrs. Tratman, and other relatives, this expression of its sympathy with them in their bereavement."

## FREEMASONS' TRIBUTE.

The Provincial Priory of Knight's Templar for South and Western Australia was represented at the funeral of the late Provincial Prior (Sir Samuel Way) by the Provincial Sub-Prior (Mr. C. G. Gurr), Past Provincial Sub-Prior (Mr. Jasper Bee), the Provincial Prelate (Rev. W. G. Marsh), and the Provincial Vice-Chancellor (Mr. Frank Johnson).

## PORT ADELAIDE SYMPATHY.

The Mayor of Port Adelaide (Mr. J. Sweeney), at a meeting of the local city council on Thursday evening, mentioned the death of Sir Samuel Way. It was resolved to forward a letter of sympathy to the bereaved family.

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*January 15, 1886*

## THE NEW CHIEF JUSTICE.

From Paris Nesbit:—I protest against the suggestion that the Chief Justice should be appointed from the bench. Such a thing would be diametrically opposed to the spirit of the British Constitution, which demands that a judge of a superior court should have nothing to fear and nothing to hope from the Government. A departure from this principle would lay the axe to the root of that fair tree—the independence of the Judicature. The only eligible person available is, of course, Sir Josiah Symon. I am confident that Mr. Vaughan would not dream of accepting the situation, nor the Government of offering it to him. The career of the late Mr. Justice Hobbins, who never led in an important case in his life, was a ghastly calamity. The Supreme Court was occupied for several months after his death in setting right his absurd decisions.

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# THE LATE CHIEF JUSTICE.

## A GOVERNOR'S REGRET.

The Governor of New South Wales (Sir Gerald Strickland) telegraphed on Friday to the Government—"Present my condolences to the Ministers and relatives of Sir Samuel Way."

## INDUSTRIAL COURT EULOGY.

At the first sitting of the Industrial Court for the year Mr. Justice Buchanan (President) said that before entering upon the business of the day he desired to give expression to their grief, shared in by every section of the community, at the death of the Chief Justice (the late Sir Samuel Way). "His removal," said the Judge, "leaves a wide gap in the life of this State, but in no public sphere will the loss be so acutely felt as in the Courts over which he so long, and with so much distinction, presided. That noble tradition to which the British administration of justice in no small measure owes its prestige is no dead thing: it is a living stream which in its course gathers volume and strength from the personality and character of the great Judges, who from time to time appear, and the passing of our venerable Chief Justice finds that glorious tradition deeper and fuller than before. It has been my very great privilege to hold for close on a quarter of a century offices in connection with the Supreme Court, which necessitated constant, almost daily, intercourse with my beloved chief. Every question of difficulty or doubt—whether official or private—submitted to him, received a consideration almost microscopic in its thoroughness, and it was seldom indeed that he failed out of the rich stores of his long experience to bring forth some precedent to help to a satisfactory conclusion. That vast fund of wisdom and experience can now, alas, no longer be drawn upon by us, but the memory of his crowded life of whole-souled devotion to duty and the public weal furnishes an example and an incentive for which we must feel abidingly grateful. I do not attempt to appraise his great qualities of intellect and of heart. We stand too close to be able adequately to realize the full greatness of him who has gone from among us. But we do know that it is a great Judge and a great and good man, whose loss we mourn, and, for myself I add, a true friend."

—Tribute From the Bar. —

Mr. H. Angas Parsons said that on behalf of the members of the Bar who practised before that important tribunal, and without wishing to anticipate what would be said in the Supreme Court on Monday, he would like to add to the remarks which had fallen from the President concerning the event which had cast a shadow upon the whole of South Australia, and far beyond its confines. The gloom, outside the sorrowing circle of those united to the late Chief Justice by ties of blood, was deepest among the members of the profession which, next to his kith and kin, knew him best. There were no keener, more exacting, and, happily, more fearless and, on the whole, fairer critics of the Judges than those who practised in their Courts, and it was the highest, as it was true, testimony to say that after his 40 years spent as Chief Justice, there was not a member of the Bar who did not grieve that His Honor's great career was ended. That was the more striking when it was remembered that those years were spent in what was as yet a relatively small community where little that was hidden was not soon revealed, and that by reason of the late Chief Justice's accessibility opportunities were frequent to estimate the qualities of his mind and character. History—not merely themselves—would record that Sir Samuel Way was both a great Judge and a great man, and while they mourned his death, they counted themselves fortunate to have come under the influence of a life which touched with advantage nearly all the activities of the people of South Australia and yet did not lose force by the diffusion and universality of its interests.

## WIDESPREAD CONDOLENCES.

The President (Rev. G. Hall) and Secretary (Mr. J. Delehanty) of the Council of Churches of South Australia, sent the following message of condolence to Mrs. Allan Campbell:—"On behalf of the Council of Churches we desire to express our deep sympathy with you and the other relatives of the late Chief Justice. As a council we have been indebted to him for much valuable service cheerfully given to us. We would also join in expressing our conviction as to his great influence on behalf of religion and Christian morality in the State of which for many years he was such a distinguished citizen."

messages of sympathy have also been received from the Rev. A. Taylor (Secretary of the British and Foreign Bible Society, London), the Secretary of the local branch of the society (Rev. J. H. Sexton), President of the Baptist Union (Rev. D. C. Stribling), the Rev. W. Penry Jones (Secretary of the Congregational Union and Home Mission of South Australia), trustees of the Way Memorial Church, Bowden. Mr. Henry Savage (President of the London Missionary Society, South Australian Auxiliary), Mrs. A. S. Neill (President of the Y.W.C.A.), members of the Renmark Fruit-packing Union, Unley City Parliament, Brighton Town Council, District Council of West Torrens, Kensington and Norwood Council, Moonta Town Council, Port Pirie Town Council, Mr. W. T. Stacy (Consul for Denmark), St. Albans Lodge, Mr. F. W. Vasey (Chairman of the Advisory Committee for Military Hospitals and Convalescent Homes in South Australia), the Government Astronomer and officers of the Adelaide Observatory, Mr. J. C. Genders (Secretary of the Justices' Association), Mr. A. Searey (President of the Harbours Board), Mr. W. R. Bayly (head master of Prince Alfred College), Mr. G. E. Kreuzler (Secretary of the Adelaide branch of the A.N.A.), Mr. G. L. S. Tyler (Secretary of the Navy League), and Mr. C. J. Dashwood.

## SIR SAMUEL WAY.

### Old-Time Memories.

[By T. W. H.]

The ranks of South Australia's men of light and leading are being rapidly thinned. During the last 12 months there have passed into the land of the unseen J. H. Finlayson, the able journalist; Sir John Downer, the weighty barrister; and now Sir Samuel Way, the eminent Judge and University Chancellor—three personages of whom for their distinguished abilities any community might be proud. My first acquaintance with the boy who was destined to become Chief Justice was 60 years ago. It was a nodding acquaintance. He was a lawyer's clerk, and I was a school-boy. The first thing I remarked about him was the early hour at which he went to office. It was generally before 9 o'clock when we passed each other. He was evidently a studious youth, and I never saw or heard of him taking part in cricket or any other game. My occupation as a reporter called me a good deal into the country, and for some time I lost sight of Mr. Way and other young aspirants for fame. When I next heard of him was some six or eight years later, when he assumed the business of Mr. Alfred Atkinson, who was called away by death. Mr. Atkinson was a chamber lawyer, and had a good connection with some of the wealthiest men of the State. Much of this business, as well as church work, fell into the hands of Mr. Way, through the influence of his Bible Christian father.

—An Early Partnership.—

The late Mr. W. J. Brook, who had also been in Mr. Atkinson's office, was speedily captured as partner by Mr. Way, who was gifted with a keen, penetrating insight into character and ability. I remember well that, when Mr. Way was lunging ahead in his profession, it used to be said that but for Mr. Brook's help his chief would never have made the rapid leading he did. Mr. Brook's peculiarly strong gift was in looking out precedents bearing upon the cases submitted to the firm, and, thus fortified, many a victory was won. When fame and fortune had been achieved at the Bar, Mr. Way turned his attention to politics, and this marked the turning point of his life. He had been elected a member of the House of Assembly, and he was quickly lifted to the position of Attorney-General to Mr. J. P. Boucaut's Ministry. Mr. (now Sir James) Boucaut was the introducer of the famous "broad and comprehensive" policy, which provided for the spending, I think, of 10,000,000 sterling upon public works, and which was to start the colony upon the high road to prosperity. I remember the many interviews that took place between Mr. Boucaut and Mr. Howard Clark, then the gifted Editor of *The Register*. Mr. Clark contended that taxation to cover the interest on the outlay should be included in the proposal, but to this Mr. Boucaut demurred, and so the politician and financier went on their separate ways.