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REPORTS,

1916.

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THE HONOURABLE GEORGE JOHN ROBERT MURRAY.

THE HONOURABLE ALEXANDER BUCHANAN.

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## MEMORANDA.

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1916

JAN. 9.—THE RIGHT HONOURABLE SIR SAMUEL JAMES WAY, P.C., BART., CHIEF JUSTICE, DIED.

JAN. 20.—THE HONOURABLE GEORGE JOHN ROBERT MURRAY WAS APPOINTED CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH AUSTRALIA.

JAN. 20.—HIS HONOUR MR. PRESIDENT ALEXANDER BUCHANAN, PRESIDENT OF THE INDUSTRIAL COURT HAVING RESIGNED THAT OFFICE WAS APPOINTED A JUDGE OF THE SUPREME COURT OF SOUTH AUSTRALIA.

# THE LATE RIGHT HONOURABLE SIR SAMUEL JAMES WAY. P.C., BART.,

CHIEF JUSTICE OF SOUTH AUSTRALIA.

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The Right Honourable Sir Samuel James Way, P.C., Bart., Chief Justice of South Australia died at his residence, Montefiore, North Adelaide, in the State of South Australia, on 9th January, 1916, at the age of 79 years.

On 17th January, 1916, at a special sitting of the Full Court (Gordon and Murray JJ.), His Honour Mr. Justice Gordon said :—

“ MR. ATTORNEY-GENERAL AND GENTLEMEN OF THE BAR :

“ We mourn to-day for the death of the Right Honourable Sir Samuel Way, Baronet, for 40 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 honour 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 labour 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 the 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. We 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 labours in other fields. For 40 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; while 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 the 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. It was indeed an inspiring example of high courage and devotion to duty. Now, dear to his friends, honoured 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."

The Attorney General (the Hon. J. H. Vaughan) said :—

“ Y●O●U●R H●O●N●O●U●R●S :

“ 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 honoured and revered Chief Justice. It is difficult for us to realize that these

Courts over which for so long a period 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 among 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 still no less brilliant sunset at a ripe and honoured 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 unfailing 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 labours. To-day when the rough hand of a tyrant has so ruthlessly challenged the principles upon which our very civilization 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. Among 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."