

the key to University reform. It is further a thoroughly sound principle that the State should have ex-officio representation on the Senate. The Minister for Education should be there, and the Director of Education. If there were a special department of secondary schools its head also should have a seat in the Senate. As to the other recommendations they concern mainly extensions of activity, whose principles do not come into dispute. Such are evening lectures in science and reduction of fees. Two points, however, are contentious. Would support be forthcoming that would place affiliated colleges on a strong basis? The case may be altered if the State

follows Mr. Board's advice, and rapidly develops a sound system of secondary education. The other contentious point is one we can heartily support; we mean the granting of degrees by examination to students who are unable to attend lectures. This is a very valuable privilege, but the experience of those Universities that have granted it shows that it is not abused. It is so obvious that it is better to attend lectures, that all who can do so are tolerably certain to do so. In practice the innovation would be taken advantage of in the main by teachers and a few others who, having completed part of a degree course, had been obliged to take up work in the country before they were ready for final examinations—and this is a class a liberal University should wish to help.

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KING'S COUNSEL.

During many months past there has been much discussion in legal circles in Adelaide concerning the appointment—or, rather, non-appointment—of certain lawyers to be King's Counsel. Unless the facts have been misinterpreted the position is that the Premier and the Chief Justice differ regarding the matter, and that (as neither will give way, and as both must agree in opinion), a deadlock has been reached and long sustained. Such a situation is manifestly unsatisfactory, and it should be altered. Some people may think that there are already sufficient King's Counsel in the State; but it is evident that, if there are enough now there were too many a year ago, for within that time two gentlemen who ranked as K.C. have died, and no successors to them have been announced. In these circumstances the public will be curious to know what prospect there is of egress from the blind alley into which the negotiations with that purpose have led. Who is to prevail—Premier or Chief Justice? The point at issue is said to concern the professional qualifications of two lawyers in particular, and in that fact is involved an interesting consideration. What is the prime quality required in a Counsel for the King? If it be pleading power alone, it must be that power as displayed in the highest Courts and on the widest issues, because the King must have no relatively inferior service. If it be case-preparing capacity, not necessarily fertilized by forensic eloquence, the same general condition just stated is equally applicable. The union of the two qualifications would be the

nearest approximation to perfection, but such a combination of gifts is no more common in South Australia than it is in any other part of the world. About one thing there can be no doubt—that a number of men in Adelaide today who have not the right to "take silk," are as well entitled to it on the ground of ability as some of those who have had it conferred upon them in past years.

The deadlock suggests the enquiry whether a radical change might not judiciously be made in the system of selection. No lay Minister can reasonably be expected to be the best arbiter concerning the promotion of lawyers to a higher rank, and in present circumstances the Premier would probably not claim any such distinction. He may, however, naturally feel that the prevailing system charges him with a serious responsibility to exercise a general discretion regarding the social and professional status of any man whose name may be submitted to him. So far as the Chief Justice is affected he ought to know most of the ability of the lawyers who practise in the higher Courts; but there are many reasons why Judges should have as little as possible to do with public appointments—or, indeed, with almost any official positions outside their own Courts. An old maxim was that in salary and in everything else—apart from Imperial titular recognitions of eminent services—a man should have neither hope nor fear from the time when he first took his seat on the Bench. In South Australia the teaching thus indicated has been observed in relation to the salaries and pensions of Judges, which have practically never been altered so as to affect the position of any sitting Judge. When the law which gave to Judges a pension was repealed, all then existing rights were properly preserved, and so two gentlemen who recently retired from the Bench draw the pensions of £1,300 per annum each which were a condition of their agreement with the Government. The Chief Justice will be able to enjoy a similar advantage on his retirement. Other privileges which the Judges share are virtually independence of and immunity from Ministerial or Parliamentary criticism except in most extraordinary contingencies. The dominant idea is that the chief administrators of justice should be superior to and aloof from all influences which might, however unconsciously, sway their judgment; and that, generally speaking, the less they are brought into contact with even reasonable possibilities of such influences operating upon them, the better for the community's estimation of themselves and of their exalted office. It is more in consonance with the public notion of the fitness of things that a Judge should be accused of being a hermit than that he should be considered as in any sense a popularity hunter.

It would be absurd to demand that a Judge with special gifts as a speaker and with a wide range of reading must never use those talents for the edification of audiences; but the boundary line between debateable and non-controversial subjects in a small community is so fine that, even in this matter much circumspection is needed in

order to guard a Judge, speaking in fervency of spirit, from exceeding his limitation in criticism or in advocacy. At least one legislator has stated that he would prevent any Judge from holding any public office besides his own, on the grounds that he ought to keep a single eye to his official duties, and that it is well-nigh impossible for a Judge to be connected with public institutions without being associated, or—what is as mischievous for all practical purposes—considered to be associated, through one side or other, with the official cliques which is bound to arise. The relevancy of the instances cited to the point now specially under discussion is obvious. On the one hand if a King's Counsel is known to be appointed through the strenuous advocacy of any Judge, in opposition to the opinion of the responsible executive authority, that knowledge will be apt to create an uneasy feeling that the Judge may be unconsciously unduly partial to the K.C. concerned. On the other hand, if an appointment should be insisted upon by the executive authority in spite of the protests of a Judge, the lawyer nominated might naturally have an apprehension of disfavour when he appeared to plead before the Judge. As the present system of

selection is open to these and other objections, as it is well known to have caused much heart burning, and as it is responsible for the prevailing impasse which is so unjustly affecting certain deserving members of the legal profession, would it not be well to replace the established method by a better? Much may be said in support of the plan of election of King's Counsel by the lawyers themselves, voting as a body, with necessary qualifications regarding length of service at the Bar whenever they might be called upon by the Executive Council to do so. At any rate, in this way would be avoided any suggestion of political or personal partisanship; the electing agency would be the most competent to decide without bias upon the capacity of the aspiring men; and as a rule the voters might confidently be trusted to maintain the dignity of the profession by not choosing practitioners of mediocre attainments.