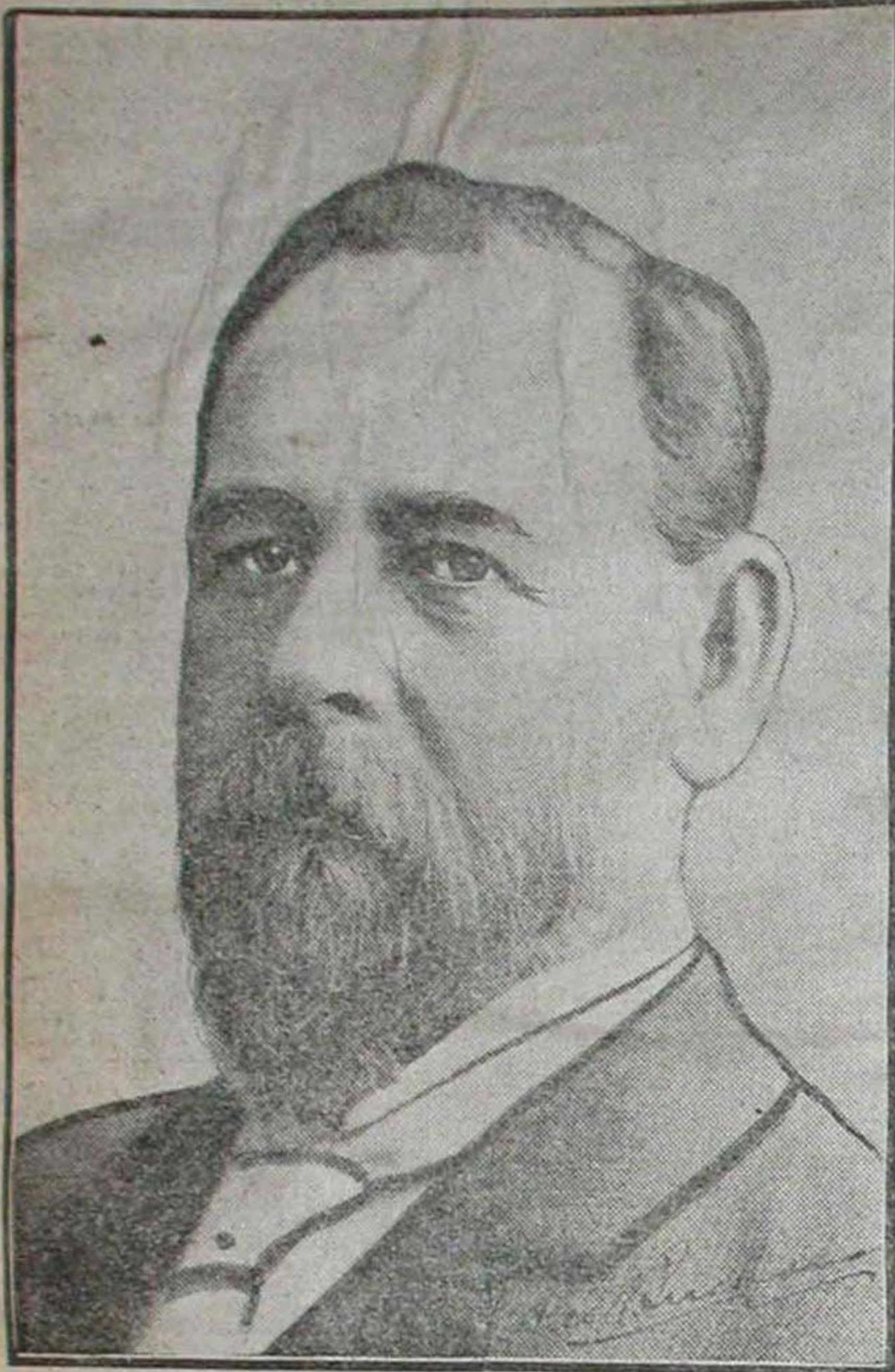


The Register <sup>-22-</sup> January 20<sup>th</sup> 1916



MR. JUSTICE BUCHANAN,  
WHO HAS BEEN CHOSEN AS THIRD JUDGE.

## MR. JUSTICE BUCHANAN.

Mr. Justice Buchanan, who has been promoted to be third Judge, has been President of the Industrial Arbitration Court since the end of 1912, and has acted as a temporary Judge

of the Supreme Court almost continuously for four years. He has long been one of the most popular and respected identities connected with the work of the Supreme Court; and in private life his personal qualities, unflinching urbanity, and geniality have made him hosts of friends. He is a son of the late Mr. A. Buchanan, of Anlaby, and was born in that charming part of the lower north in 1842. He received his earlier education at St. Peter's College, and afterwards went to college at Hofwyl, in Switzerland, and at the University of Glasgow. His entrance into business life was made in connection with an auctioneering business at Clare. This was subsequently relinquished for the study of law under articles to Mr. T. R. Bright. Having been admitted to the Bar in 1884, in the following year the young lawyer came to Adelaide and associated himself in partnership with the late Hon. C. Mann, Q.C., and Mr. E. A. Thornton, as Mann, Thornton, & Buchanan, until Mr. Mann's death; and afterwards with Mr. Thornton as a member of the firm of Thornton & Buchanan.

### —From S.M. to Judge.—

His first appointment in the Civil Service dated from August 1, 1881, when he was given the position of Stipendiary Magistrate at Port Adelaide, in succession to the late Mr. John Formby. Mr. Buchanan held that office for only a month, when he handed it over to Mr. T. K. Pater (since deceased), in order to accept the position of Master of the Supreme Court, which had become vacant through the death of Mr. William David Scott. Towards the end of 1911 Mr. Buchanan was appointed Acting Justice, to take the place of Mr. Justice Gordon on leave. Mr. Buchanan's legal knowledge and impartiality have been recognised by all who have had to do much business in the Supreme Court, and in his

dealings with clients of that tribunal never combined a tactful and courteous manner with a firm administration. He has been a hard worker in the interests of the Civil Service generally. He was at one time President of the Public Service Association, and is still a Vice-President; and had also identified himself with the workings of the Teachers' and Public Service Superannuation and Provident Funds.

### DR. JETHRO BROWN.

The name of Professor Jethro Brown, Professor of Law at the Adelaide University, has been persistently mentioned as successor to Mr. Justice Buchanan in the State Industrial Court. Others have been discussed in this relation, but all along it has been recognised that the Government would be impressed by Dr. Brown's great scholarly gifts and legal qualifications. His books have always commanded considerable attention from scientists, and have been frequently quoted in Parliament. Although the Attorney-General states that the professor has been "asked" to accept the office, it is understood that he will accept it. His favourable decision will undoubtedly meet with approval in Labour circles. The President of the Industrial Court has many duties to fulfil. Apart from the jurisdiction of the Court to deal with matters submitted to it, he may, whenever in his opinion it is desirable in the public in-

terest to do so, deal with any industrial matters and disputes, and summon all parties to attend a conference. The Court may also make such award as in its discretion it may think proper for the prevention or settlement of disputes, except that it is debarred from presenting an award giving preference to members of an association, but a dispute arising out of a claim of giving preference to unionists may be brought before the Court.



PROFESSOR JETHRO BROWN.

who has been invited to accept the position of President of the State Industrial Court.

—Unusual Splendour.—

Professor Brown is one of the intellectual forces of the Adelaide University. He has been professor of law there since January, 1906, and prior to that appointment successfully filled with eminent success similar chairs in the University College of Wales, Aberystwith, and the Universities of Tasmania and Sydney. Professor Brown is a South Australian, a native of Mintaro, where he was born 47 years ago. His academic career was one of unusual splendour. He was educated at St. John's College, Cambridge, and took double first-class honours in the Law Tripos. In the same year he won several important distinctions, and then headed the list in the examination for the degree of Doctor of Laws at the University of Dublin. Professor Brown is the author of a number of celebrated works, including "The New Democracy" (for which the University of Dublin conferred upon him the high honour of D.Litt.), "The Study of Law," "The Australian Theory of New Democracy," and "The Underlying Principles of Modern Legislation." His degrees are M.A., LL.D. (Cantab), and LL.D., D.Litt. (Dublin). Dr. Brown was called to the Bar at the Middle Temple in 1891. He was professor of law and modern history at the University of Tasmania from 1893 to 1900, and then for 12 months filled the Chair of Constitutional Law and History at University College, London, and for the five subsequent years was Professor of Comparative Law at the University College of Wales. He succeeded Sir John Gordon as Chairman of the Commonwealth Sugar Commission when His Honor resigned in 1912. On the occasion of Dr. Brown's admission to the South Australian Bar, the late Sir Samuel Way paid an eloquent tribute to his ability and scholastic attainments.

## The Register.

ADELAIDE: THURSDAY, JANUARY 20, 1910.

### THE SUPREME COURT BENCH.

The appointment decided upon by the Government to fill the vacancy on the Supreme Court Bench caused by the death of Sir Samuel Way must command general approval. The Vaughan Cabinet has taken the proper course, and avoided an unfortunate example set by a Liberal Government 11 years ago. Strong condemnation of the misuse of power at that time was promptly expressed by The Register—for on questions of principle and public right this journal desires to make no distinction between political parties, however unpleasant may be the duty of plain and severe criticism. For this reason, it is the better able to appreciate a course dictated by regard for the national welfare, and especially so when the path of rectitude may have been difficult to pursue on account of partisan and other considerations tending in another direc-

tion. The Government as a whole present the recommendations for Judgeships to the Governor in Council, and it assumes the responsibility of them; but, necessarily, the Attorney-General exercised large influence in regard to the selections, and therefore Mr. J. H. Vaughan merits congratulations from the public and the Bar alike for having realized the nature of the important duty which devolved upon him, and for the success which attended its fulfilment.

In the English judiciary the instances which have occurred of puisne Judges being promoted are few. The spirit of the British Constitution suggests that a Judge of a superior court shall have nothing to fear and nothing to hope from the Government. Lord Brougham contended that no promotion whatever should be possible:—"The hopes of it, the struggle for it, the chagrin at not receiving it, all interfere with the perfect calmness, the entire abstraction from Court intrigue, the complete independence of all party connection, the exclusive devotion to judicial duties, which ought to characterize the great functionaries of justice—the oracles of the law." The rule against promotion compels approval, but it is open to exception, particularly in a self-governing State with a comparatively small population. There can be little or no danger of such evils as Lord Brougham enumerates so long as puisne Judges are unable to assert the slightest claim to advancement. Obviously, South Australia would have been at a disadvantage if the Government had not been free in the present circumstances to elevate Mr. Justice Murray to the principal Judgeship. It is perfectly plain that neither of the two puisne Judges coveted the higher honour. Sir John Gordon declined it for health reasons, and both he and Mr. Justice Murray would doubtless have been delighted if the position had been accepted by the brilliant leader of the Bar, Sir Josiah Symon. The changes have been effected in the best interests of the State, but the course adopted must not be regarded as a precedent.

The new Chief Justice complies, as a lawyer and a citizen, with all the demands of a great public office. His learning and legal acumen long ago brought him to the front in his profession, and he is deeply respected for his keen love of justice, untiring industry, and worthy personal character. The late Sir Samuel Way held him in high and affectionate regard, and it is well known that he desired that his one-time Associate should succeed him as Chief Justice. Mr. Murray was appointed to the Bench in 1912 by the Peake Government, which thereby rose superior to any wish to consider partisan activity in the political arena as a passport to preferment in the State service. The new Chief Justice has not won popularity by widespread labour for and patronage of philanthropic, religious and social movements. His temperament is different from that of his illustrious predecessor, who was never happier than when exercising his versatile gifts in the society of his fellow-men; but he is disposed to quiet retirement, while always courteous and considerate towards everybody, and conscientious in the due discharge of duties. The public must not expect that the new Chief Justice will emulate in public life the example of Sir Samuel Way, but they may be assured that he will ably and thoroughly maintain the traditions of the South Australian