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Register 26th March 1923

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SIR WILLIAM BRAGG ON IMPORTANCE OF ATOMS.

Sir William Bragg, Quain professor of physics at London University (and formerly of Adelaide), in The London Weekly Dispatch, writes:—"Remember that we ourselves and all things round us are built up of many different kinds of molecules, each of which is a pattern composed of a definite number of the 90 sorts of atoms. The forces that we see in action everywhere are those that we exert ourselves; all processes, animate and inanimate, are based on the forces that atoms and molecules exert on each other. If I introduce special groups of molecules into my body I may increase my power to work or to think; I may add to my health or I may implant disease, I may put an end to life itself. How much we have learned already of the influence of molecular forces! and how ignorant we are still! In a crystal the molecules are arranged like soldiers on parade. Nature always tries to put the molecules together in regular order if she is given time and quiet. As a matter of fact, far more substances are crystalline than is generally supposed. The crystals may be too small to see, even under the microscope; but the structure does not escape the X-rays. Our new powers rest on the X-rays and the crystal; the first for fineness of vision and the second for combination in action. With these we see the atoms and molecules, and measure the structure of Nature's building. We no longer infer, we know the arrangements of those atoms and molecules of which everything is made. That is to say, we know in time; we are too new to the work to reach more than a little way into the new world. We know already the beautiful arrangement of the atoms of carbon in the diamond, of the atoms of aluminium and oxygen that make the ruby and the sapphire, of sodium and chlorine that make salt, of oxygen and hydrogen that make ice, and so on. But this is only a beginning. We do not know where first our new discoveries will be put to a practical application. Perhaps in the manufacture of steel, or of china, or of chemicals, or even of cloth. Who knows? The point is that we ourselves, our possessions, our structures, our tools, our clothes, and our food, the product of our art and of our industries, are built of atoms, and again of molecules and combinations of molecules, and all our attempts to understand our world are repaid us over and over again. Such knowledge does not supplant spiritual knowledge, but gives it the power to express itself and to act. And always real knowledge is exact knowledge."

by a court official to the prisoner, "How will you be tried?" and the latter's answer, "By God and my country;" "By God" meaning by ordeal, and "my country" meaning by a jury, the "and" having in course of time been substituted for a previous "or," so that "By God" became a mere conventionalism to be discarded in the year mentioned.

With regard to laws which in practice have ceased to operate we find the same tenacity of formal existence. This is specially noticeable in some of the laws affecting capital punishment. They are observed by the courts but never by Governments, and as regards the courts the procedure has undergone some modification, and in respect to certain crimes we find the death sentence "recorded" but not passed. Exactly a hundred years ago an Act was adopted in England which authorised the court in capital convictions for any felony except murder to "abstain from actually passing sentence of death and to order it to be recorded," which we are told by Stephen had the effect of a reprieve. During the next forty years capital punishment, except for murder, was by slow degrees formally abolished by a series of enactments exempting various crimes from its operation, the last Act being passed in 1881, when robbery with violence, attempted murder, and arson in the case of dwelling-houses were still punishable by death. In some of the Australian States changes in the Statute-book have not so far kept pace with popular enlightenment as to confine the extreme penalty to murder, but what the law has failed to do has been done by Governments in habitually remitting the penalty except for that crime, with the result that it may quite safely be stated that not for thirty years has any man in Australia been sent with bloodless hands to the gallows. The clemency of Executives has obviated any necessity for juries to exercise their influence on Parliament by refusals to convict in respect to crimes short of murder. But in regard to that one capital crime they still seem to find a field for the expression of their discontent with the law as it now stands, judging by the frequency of acquittals, disagreements, and recommendations to mercy, and there is no doubt that the silent pressure of juries which has done so much to humanise either the law or its administration will make its influence felt here also. Laws unfit to be strictly executed ought doubtless, as Stephen affirms, to be repealed or modified, but when Parliaments, or Executives, are remiss it is well that there should be some tribunal to do their work for them. Stephen himself, though he declines to share the popular admiration for those juries of the past who perjured themselves by "affirming a £5 note to be worth less than forty shillings in order to avoid a capital conviction," admits that it is "perhaps disputable" whether a bad law should be executed strictly or capriciously. Certainly with such illustrations as history supplies—notably the trial of the bishops in 1688, and the trial of Horne Tooke and his companions for sedition in 1794—it is impossible to deny the efficacy of trial by jury as a safeguard against oppressive enactments or Governments.

This censorship over objectionable laws, however, is only one of many advantages to be placed to the credit of the jury system, and it is dwarfed into insignificance by a consideration on which Fitzjames Stephen lays much stress, all the more necessary as it is apt to be overlooked by its critics, as it has been by some of the witnesses before the Commission on Law Reform. Just as it has been well said that a thing should not only be right but should have the appearance of being right, so in the realm of justice it is extremely necessary that what is done should inspire public confidence—so necessary that Stephen puts it first among the reasons for retaining trial by jury. However element may be the judges and fair-minded the public prosecutors, their sympathies are naturally and properly enlisted on the side of authority. "The public at large feel more sympathy with jurymen than they do with judges and accept their verdicts with much less hesitation and distrust than they would

feel towards judgments, however ably written or expressed." The judges generally are as well aware of this truth as was Mr. Justice Stephen; and for their own part they would readily endorse his view that there is not one among them who covets the task now devolving on a jury. Judges as a body are not at all pleased with tributes to their greater wisdom and intelligence when these are made a ground for a proposal to load them with what to many would be the "intolerably heavy and painful responsibility" of deciding on their own authority a question of guilt or innocence. Such a responsibility, too, would bear much more arduously on a judge than it could possibly do on a jury, for it would be exercised under wholly different conditions. From a jury nothing more is required than a plain affirmative or negative, "guilty" or "not guilty," but it would be thought monstrous for a judge to escape so easily and to have a life taken or liberty forfeited on his mere ipse dixit, as it may be now on that of a jury. He would be required to give his reasons, as he does at present in civil cases, and an expression of opinion required to fortify a verdict would be a very different thing from one embodied in a summing up. As things are, a judge may always plead for a mistaken view in a summing up that it counts for nothing unless a jury confirms it.

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THE LEAGUE OF NATIONS.

THE THIRD ASSEMBLY.

MANDATED TERRITORIES.

By Professor H. Darnley Naylor.

On September 4th, 1922, the Third Assembly began its sittings. This time the Australian Cabinet took its duties more seriously, and four representatives were sent, viz., Sir Joseph Cook, Sir Mark Sheldon, Mr. Justice Rich, and Mrs. Dale. It is not too much to say that this improvement in the attitude of Federal Ministers was partly due to the energy of the various League of Nations Unions in Australia. But much yet remains to be done. For instance, it is high time that the nomination of representatives should be made earlier in the year. At present things are done, apparently, at the eleventh hour, and there is a tendency to choose those Australians who, by good luck, are in Europe when the Assembly is about to sit. The effect of such a policy will be that different representatives may be appointed each year, and thus, perhaps, three out of four delegates will have to serve their apprenticeship every time. The newcomer at the end of four weeks has just got into his stride, has learnt a new point of view, and drunk in a new atmosphere. To waste all this is poor economy. One may hope that, when a delegate has shown fitness for his position, the appointment will be renewed, say, for another two years at least. This course may entail greater expenditure, but the cost is nothing compared with the valuable results.

Full Discussion Needed.

Our distance from Geneva is an undoubted drawback, and it is scarcely fair to contrast the personnel of the Canadian delegation. Still one may mention, as an ideal to emulate, that Canada sent two Ministers—the Minister of Finance, and the Minister of Marine. On the other hand, Australia, being a mandatory, has direct responsibilities to the League. Every year an account of her stewardship in German New Guinea, in the islands of the Bismarck Archipelago, and in Nauru, must be rendered at Geneva. She, therefore, has much more reason than Canada to be careful in the matter of choosing delegates. Her honor is at stake, and she may have to defend herself against

used throughout the length and breadth of the State. Two things are needed—needed

includes works from such masters as Beethoven and Cesar Franck. The great Bach chorale, "Turn, O My Soul," always concludes the evening. "It may be too much to hope," said Dr. Bickersteth, "that Adelaide may soon have a Hart House, but the wonderful endowments of your wealthy citizens in the past lead me to trust that some attempt will soon be made to remedy any lack of real social life in the University. This is a vital necessity of modern education—just as a Christian foundation is necessary. The Duke of Wellington once said that to educate men without religion would be to make clever devils."

Dr. Bickersteth said he had heard with great interest of the proposal to establish a Union which would serve the needs of those students whose homes were in Adelaide. The proposed Church of England College in its turn would provide a central residence for those whose homes were in other parts of the State. He hoped to see the college system in connection with the universities extended. "True religion," he continued, "will never lead to sectarianism, and for that reason it is unwise to attempt to muzzle men of strong religious convictions." At some modern English universities a Faculty of Theology had been established, and the Anglican and other churches supplied lecturers, so that the mind of the rising generation was not left to think of religion as a mere "extra."

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THE UNIVERSITY OF ADELAIDE.

Examination Results.

PASS LISTS.

MARCH EXAMINATIONS, 1923.
FOR THE DEGREE OF BACHELOR OF LAWS.
(In order of merit).

ENGLISH LITERATURE II. (7).

Third Class.

Hardy, John Scott.

LATIN I. (2).

None passed.

LAW OF PROPERTY, PART I. (110).

Third Class.

Saunders, Pepita Cerda; Heggaton, Keith Vaudan; McCann, William Francis James (equal); Haywood, Edward Leo.

LAW OF PROPERTY, PART II. (111).

None passed.

LAW OF CONTRACTS (112).

Third Class.

Symons, Reginald Albert.

LAW OF EVIDENCE AND PROCEDURE. (114).

Third Class.

Hayward, Cedric Charlie; Goode, Evan Anderson.

CONSTITUTIONAL LAW (115).

Second Class.

Hayward, Cedric Charlie.

Third Class.

Harford, Basil Beverly; Rochlin, Elijah; Gibson, Reginald Mends; Kearney, Beasley James William; Hemenroeder, Reginald Leo; Pavy, Gordon Augustus; Ohlstrom, Patrick Andreas.

PRIVATE INTERNATIONAL LAW (118).

Second Class.

Morris, Mervyn Charles.

Third Class.

Naylor, John Colenso; Coombe, Reginald Joseph; Innes, Kenneth Norman.

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Mr. F. E. Parsons, of Adelaide, well known in surveying circles, was on Friday evening elected as president of the South Australian Ornithological Association, in succession to Professor J. B. Cleland. Mr. J. Neil McGillivray was elected vice-president.

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Professor and Mrs. J. McKellar Stewart are now living at Blackwood.

Professor and Mrs. Harvey Johnston are now settled in their home at Gilles Road, Glen Osmond.

Professor G. C. Henderson, of the Adelaide University, has taken a house at Blackwood, and he and his wife are now settled there.