

THE LATE JUDGE MITCHELL.

The worst fears with regard to the illness of Judge Mitchell have been realised, and it is with deep regret that we announce this morning its fatal termination. It is a regret that will be widely shared, for he was regarded with affection and respect, not only by the legal profession, of which he was a distinguished ornament, but by the public to whom he served in many capacities, and with loyalty and distinction in all. In his early life commercial pursuits claimed his attention, first at Mount Gambier and afterwards at Port Augusta, but not to such an extent as to prevent him from cultivating an interest in public affairs, which led at the latter place to his election, first as a member of the council and then as mayor. Subsequently, after a brilliant career as a law student at the Adelaide University, where he took the LL.B. degree, he joined the legal profession. In 1901 he entered the political field as member for the Northern Territory, and the interest he showed in its affairs was recognised by his appointment as Government Resident and judge after he had served for a few months as Attorney-General in the Peake Ministry. When the Territory had passed under Federal control, Judge Mitchell continued its administration for a few months, which might have been prolonged had he desired; but the terms of the appointment were not congenial, and he returned to Adelaide to become police magistrate, and later, on the death of Mr. J. G. Russell, Commissioner of the Insolvency Court, a title which only this year was altered to that of judge. In this office he was assisted by his early business training hardly less than by his judicial experience in the Territory. As in other capacities, he brought to his work great ability, untiring energy, and force of character, so that on the appointment of commissions of enquiry into the circumstances connected with the construction of the Thousand Homes and the charges of bribery against the police he was entrusted with the responsibility for their conduct. Such a career bespeaks a man of no ordinary calibre, and it is not too much to say regarding the judicial office vacated by his death that he gave as much prestige to it as he derived from it. There was, indeed, no office which he would not have dignified, for his courtesy was not second to his ability. Regarding the Bribery Commission, his disappearance will create no small difficulty. Considering the time expended on the proceedings their interruption is nothing less than disastrous, but we understand that the evidence already taken will be available if any further action is contemplated.

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The death of the Hon. S. J. Mitchell while busily engaged in the onerous duties of a high office was not inappropriate to his purposeful and strenuous career; but it had for some time been evident that his intellectual vigour and will-power considerably exceeded his bodily strength, and that the strain which his devotion to work placed upon his physical reserve forces might lead to a collapse. Judge Mitchell, at 75 years of age, was discharging with marked ability and energy tasks from which many men several years his junior in his profession would have shrunk. Instead of relinquishing office for a restful retirement, as he might fairly have done five years ago, he preferred to stand to his post; and in doing so added to the debt of obligation which the State owed to him, on account of the wise uses to which he put his profound knowledge of its affairs, and his wisdom and ripe experience as an administrator of the law. He provided a very satisfactory example of advancement from the party legislative arena to positions of eminence in the public services of the State and the Commonwealth. Landable ambition impelled him, while a young man engaged in auctioneering at Port Augusta, to enter active municipal politics, and then to

make a study of the law. Two years after graduating as a legal practitioner, he was returned to the House of Assembly as a member for the Northern Territory. Few men have taken so keen and practical an interest in the resources and possibilities of that vast dependency, and it is a great pity that when the Federal Government assumed the responsibility of its management, it failed to recognise the desirableness of retaining Mr. Mitchell as its Administrator and Judge. His sterling faith in the Territory was based on knowledge gained on the spot, and his foresight and good sense would almost certainly have saved the Commonwealth from the costly and ridiculous mistakes which have caused that lamentably backward country to be undeservedly termed a "white elephant." The Territory's loss, however, meant a gain to South Australia, in that Mr. Mitchell was enabled for many years to fill, with growing credit to himself and distinct advantage to the State, important positions in the local judiciary. His acumen, courage, and patience were strikingly in evidence recently in the protracted investigations which he conducted as a Royal Commission on alleged cases of bribery of members of the police force, and it is unfortunate indeed that this enquiry should be interrupted by his demise. As a Judge, His Honor always sought to be guided by the principles of equity, and to temper justice with mercy. As a citizen, he was generous and kind, and made strong and abiding friendships. The places he has vacated will not easily be so worthily filled.

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JUDGE MITCHELL.

Death on Sunday Morning.

Judge Mitchell, of the Insolvency Court was one of the most highly esteemed citizens of Adelaide. He was of a retiring and studious nature, and in ordinary circumstances might have been a recluse, but in his walk of life—an important post in legal circles—Judge Mitchell became a familiar and prominent figure in the activities of the State. News of his death on Sunday morning at the Memorial Hospital will cause widespread regret. The man was worthy of his office, for he dispensed justice, as he saw it, without fear or favour. Naturally the possessor of a kind heart and of keen understanding of human nature, the Commissioner, as far as possible tempered justice with mercy. Judge Mitchell was an active man, of apparently



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tireless force, and he belied his claim to be ranked with the septuagenarians. He was in his seventy-fifth year

Well-Deserved Promotion.

In 1918, owing to the death of Mr. Commissioner Russell, Judge Mitchell, who had been a Stipendiary Magistrate, presiding over the Adelaide Police Court, was made Commissioner of Insolvency and S.M. at

the Adelaide Local Court, as well as of the Taxation Appeal Court. During Mr. Russell's protracted illness Judge Mitchell acted for him, and subsequently continued in that capacity until his appointment was formally confirmed. The Judge's parents arrived in South Australia from England when the province was founded, and landed at Kangaroo Island. They then proceeded to Mount Barker. There their son was born in 1853. He was educated at Miton's Academy, Adelaide, and at other private institutions. Upon leaving school he went to Port Augusta, where he conducted the business of an auctioneer. For several years he was a member of the local district council, and he was Mayor of the municipality for two years.

Distinguished Legal Career.

On returning to Adelaide, Judge Mitchell articulated himself to Messrs. H. E. & H. F. Downer, and arranged to be allowed to attend the University in pursuance of his legal studies. He took the LL.B. degree in 1889, and in the following year he began to practise in Adelaide. In 1901 he was elected as a member of the House of Assembly for the Northern Territory. He was again returned for that constituency in 1903, with Mr. C. E. Herbert (now Judge Herbert, of Papua). In June, 1909, when the Peake Government was formed, Judge Mitchell was appointed Attorney-General, but on the reconstruction of the Cabinet in December of the same year, he resigned and accepted the position of Government Resident in the Northern Territory, in succession to Judge Herbert, and combined with other work the duties of Judge. He remained at Darwin until the transfer of the Northern Territory to the Commonwealth, when a Federal official was appointed to succeed him. For a number of years the commissioner was President of the Electric Telegraph Association. Prior to taking charge of the Adelaide Police Court in 1916, in succession to the late Mr. Thomas Gepp, Judge Mitchell acted as Stipendiary Magistrate at Port Pirie for four and a half years, and in the northern district made many friends.

Vision and Activity.

His experience in the Northern Territory gained for him a deserved reputation as an authority upon that part of Australia, and only last year the first Administrator of the Northern Territory contended that so valuable a property should not have been handed over to the Federal authorities. Chatting informally, Judge Mitchell stressed the importance of that heritage which had been so lightly considered by South Australians. He was optimistic as to its future as a wheat area and used to quote the 93,70 square miles with its rainfall of from 20 to 30 in.; and another 40,600 square miles, with a rainfall of from 30 to 40 in. Although of late years he had had to devote much of his life in a sedentary occupation he spent every available moment in active exercise. He was a keen motorist, and was very familiar with the beauty spots of the hills. A nature lover, as well as a student of Australian history, Judge Mitchell passed many happy hours out of doors. Among his other sources of enjoyment was an appreciation of music. He had longed always to visit the land of his forefathers, and at the end of March 1923, he and his wife achieved their ambition. Of his trip to England and Scotland, the traveller had much to say when he returned in September. Judge Mitchell married Eliza daughter of the late Mr. John Gardener. One son, Harold Flinders Mitchell, also followed the law. He enlisted when war was declared, and attained the rank of lieutenant in the 45th Battn. He was killed in action in France in 1918. Another son is Mr. Garnet Mitchell, of Goulbourn (N.S.W.), and a second daughter is Mrs. McDonald, who also lives at Goulbourn. Nurse Jean Mitchell, of Adelaide, is the other daughter.

Important Appointments.

At the beginning of 1926 the good work of His Honor in the Local and Insolvency Courts was deservedly recognised by the Government, who altered his title from that of Commissioner to Judge, and he was heartily congratulated upon the elevation of the position. Of the many offices Judge Mitchell held, there were few of more importance than his last appointment as Commissioner on the Police Bribery Commission. Early in 1925 allegations of bribery were made against certain members of the police force, and when the Government decided to appoint a royal commission to enquire into the charges, its choice fell upon Judge Mitchell, who began his duties on May 3. It was by far the most tedious and nerve-racking position he had ever filled, and for months he listened to evidence for and against the police officials concerned. He fulfilled the important office with his usual spirit of fairness and impartiality, but His Honor did not live to present his report to the Government. The commission had been in session for nearly five months when the fatal illness overtook him, and there still remained a number of police witnesses to be called. Thus the work of His Honor remained unfinished, which is indeed unfortunate, in view of the enormous amount of work, worry, and expense, which the commission has entailed.

PREMIER'S APPRECIATION.

The Premier (Hon. L. L. Hill) stated on Sunday:—"I express sincere regret at the sad news of the death. By the passing of Judge Mitchell the State has lost a citizen

who played many important parts. He had a wide experience in South Australia and also in the Northern Territory as a stipendiary magistrate, and as a Judge he proved himself to be capable and impartial. In behalf of the Government, I express sincere sympathy to the relatives."

"GREAT PUBLIC SERVANT."

The Attorney-General (Hon. W. J. Denny) said:—"The announcement of the death of Judge Mitchell will occasion very deep regret to the public, and especially to a large circle of friends. He had filled many public offices with great distinction. As a member of Parliament, Administrator of the Northern Territory, a Special Magistrate, and a Judge in insolvency he carried out his duties with conspicuous success, ability, and fearlessness. His aim was to do substantial justice, irrespective of all other considerations. At the same time he possessed a very lovable disposition, which made him a kindly and genial companion. He had a very intimate knowledge of the works of Charles Dickens, and revelled in the recital of the characters of the famous novelist. By his death South Australia has lost a great public servant, and his family an ideal husband and father. I express my most sincere sympathy to his wife and children."

AN ESTIMABLE GENTLEMAN.

"ECRIVAIN" writes:—"The passing of Judge Mitchell is an irreparable loss, not only to the judiciary but to the community generally. His Honor was every inch a gentleman. Generous, genial, and kindly of disposition, he was a favourite with all who knew him. Charitable and high-minded, he hated humbug, hypocrisy, and insincerity, but was ever ready to commend honesty and reward merit. The milk of human kindness flowed freely from his frank, open nature. His intimate acquaintances knew his abundant capacity for true friendship. Inspired by a high sense of duty and honour, his aim always was to dispense justice rightly. His study for the Bar comparatively late in life—he was about 38 years old when he was admitted a practitioner of the Supreme Court—and his fine achievements in his profession, the result of his own industry and plodding perseverance, showed his inherent grit and determination. The Judge's reign as Government Resident and Judge of the Northern Territory was much shorter than he expected. He was appointed to Darwin by the State Government in 1910. A year later he became Administrator and Judge of the Supreme Court there under the Commonwealth. In April, 1912, he resigned his post on finding that the Federal Ministry did not regard his appointment as Judge for life, but terminable at the will of the Government of the day. Generally optimistic, he remarked to me once, "What a lot of disappointments meet one in a lifetime! The greatest I ever had was the Northern Territory." He had felt he was getting on so well at Darwin, and that he could have done more for the welfare of the newly acquired Commonwealth dependency had he been encouraged to remain there. His recreations outside walking, which was a favourite exercise—he invariably stepped briskly to and from the courts rather than ride—were literature and music. To books and his flute (of which he was a master) he was greatly attached. He would, however, sometimes say to his friends that in neither literature nor music were his attainments such as to raise a feeling of satisfaction in himself. But that was really the natural expression of one who was not content with one's own achievements—for he always strove for the highest ideals in life, and was satisfied with nothing short of the best that was in him. He used to lecture a good deal at literary societies, and in that connection rendered valuable service at Port Pirie, where, after his return from Darwin, he held the Magistracy for some time. While at Port Augusta before he settled down to the practice of the law in Adelaide he was Master of the Flinders Masonic Lodge. He was one of the signatories to the memorial for the establishment of the Grand Lodge of Freemasons in Adelaide more than 40 years ago; not many of those survive.

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The council of the University of Adelaide has adopted the recommendations of the examiners that the following theses and exercises be accepted:—For the degree of M.E., on "A variable speed induction motor," by Mr. Rex Whaddon Parsons, B.E.; for the degree of M.Sc., on "The shot-hole disease caused by Clasterosporium carpophilum, &c.," by Mr. Geoffrey Samuel, B.Sc.; and the final composition for the degree of Mus. Bac., presented by Mr. Dalley-Scarlett, of Brisbane.

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The council of the University of Adelaide has adopted the recommendations of the examiners that the following theses and exercise be accepted:—For the degree of master of engineering on "A variable speed induction motor" by Mr. Rex Whaddon Parsons, B.E.; for the degree of master of science on "The shot-hole disease caused by Clasterosporium Carpophilum and so on," by Mr. Geoffrey Samuel, B.Sc.; and the final composition for the degree of bachelor of music, presented by Mr. Dalley-Scarlett, of Brisbane.