**Record of the**
**Proceedings of the Queensland Parliament**
**...**
# Legislative Assembly
# 8th May 1861
**...**
Extracted from the third party account as published in the
Moreton Bay Courier 9th May 1861

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The Speaker took the chair at eight minutes past three.

## COMMONAGE.

Mr. GORE asked, without previous notice, when the regulations respecting commonage and other reserves would be published; also, when the government intended to introduce their Impounding Act?

The COLONIAL SECRETARY said that the regulations were in course of preparation, and when framed would, in all probability, be submitted for the consideration of a committee of the whole house. The Impounding Act would be introduced after the adjournment, which, in all probability, would shortly take place.

## LEGISLATIVE LIBRARY.

Mr. WATTS asked the Honourable the Colonial Secretary—"(1.) Who is the librarian and what are his duties? (2.) When are the books to be placed in the library, for which a sum was voted last session; and why are such books as could be purchased in the colony not now in the library?"

The COLONIAL SECRETARY stated that no librarian had yet been appointed, and at present the Usher of the Black Rod was fulfilling the duties of that officer. Some of the books sent for were expected in the vessel just arrived at this port. It had been found much cheaper to get them direct from England than to purchase them in the colonies.

## JOINT COMMITTEES.

A message was received from the Council, notifying the appointment of certain members of that body to the Library Committee, the Refreshment Committee, and the committee to superintend the arrangements of the parliament buildings. Members to act on these committees were then nominated on behalf of the Assembly.

## PAPERS, &c.

The COLONIAL SECRETARY laid upon the table a list of the books ordered and now in the Library of the Legislature; also, returns of the arrival and departure of shipping at the Port of Brisbane asked for by the hon. member for North Brisbane (Mr. Cribb).

## TELEGRAPH OFFICE.

Mr FERRETT asked the Colonial Secretary "If the government intend to continue the system now adopted by the Telegraphic Department, of not transmitting messages before 10 a.m., and closing the telegraph altogether for forty-five consecutive hours every week."

The COLONIAL SECRETARY replied that the arrangements now instituted were merely experimental, and if found to be unsatisfactory to the public, would be altered. The office would for the present be kept open daily from nine to five; and on Thursday night, to meet the

convenience of the Ipswich press, the line would be kept in operation from eight to half-past eight. On Saturday afternoon the line would be kept open until five o'clock.

## FORFEITED RUNS.

Mr HALY, with the permission of the house, would make a few remarks concerning the returns of runs tendered for, and upon which rent had not been paid up to the end of March last. These returns were laid upon the table a day or two ago, and without some explanation were calculated to mislead some hon. members. He would—

The SPEAKER called the hon. member to order. There was no question before the house.

## THE TWO-THIRDS CLAUSE.

Mr. LILLEY, pursuant to notice, moved for leave to introduce a bill to repeal so much of the Constitution Act, 17 Vic., as requires the concurrence of unusual majorities of members in the Legislative Council and Legislative Assembly respectively, in the passing of bills to alter the Constitution conferred by the said act, or the number and apportionment of representatives in the said Legislative Assembly.

Mr. MACALISTER seconded the motion.

The COLONIAL SECRETARY would oppose the motion. But very short notice had been given, and the mover had offered no explanation of his motion, which was one of unusual importance. He must therefore form his own conclusions, and he surmised that the motion was made to pave the way for an Electoral Act. ("No," from Mr. Lilley.) He was sorry if he had misconstrued the hon. member's motives, but he believed the act the hon. member asked for leave to introduce was one at present in force in New South Wales, and one of the worst on the statute book. It was one quite inapplicable to the circumstances of this colony. He believed that as soon as a good act, dealing with reforms in the constitution, were framed, there would be no difficulty in finding two thirds of the members of the legislature to support it.

Mr. LILLEY was astonished at the course pursued by the Colonial Secretary, as it was quite unprecedented to oppose a motion for leave to introduce a bill. ("No, no," from the ministerial benches.) He thought he had given sufficient notice. The measure alluded to in such deprecatory terms by the Colonial Secretary, was a well-known one passed by the New South Wales legislature, and reserved for her Majesty's assent. That assent had been obtained, and under these circumstances it fell with a bad grace from the Colonial Secretary to designate it the worst act in the statute book. He felt sure the house, in spite of the remarks of the Colonial Secretary, would not be so discourteous as to refuse him leave to introduce this bill. It was quite an unusual thing to offer an explanation on a motion for leave to introduce.

The COLONIAL SECRETARY explained that he opposed the bill at this stage, because the hon. member had not shown that its provisions were different from those of the bill of New South Wales to which he referred, and which he thought a bad bill. All acts of parliament have of course been assented to by her Majesty, and felt quite justified in saying that one was better or worse than another.

The motion of Mr. Lilley was then put and lost on the following division:—

| Ayes, 11. | Noes, 13. |
|---|---|
| Mr. Macalister | Colonial Secretary |
| Ruff | Colonial Treasurer |
| Challinor | Mr. Haly |
| B. Cribb | Moffatt |
| Forbes | Boyds |
| Edmondstone | Richards |
| Warry | Fitzsimmons |
| O'Sullivan | Ferrett |

| | | | | |
|---|---|---|---|---|
| Fleming | | | Blakeney | |
| Lilley | } Tellers | | Watts | |
| R. Cribb | } | | Coxen | |
| | | Att.- | General | } Tellers. |
| | | Mr. | Gore | } |

## MAGISTERIAL APPOINTMENTS.

Mr. WATTS moved—"(1.) That a select committee he appointed, with power to send for papers and persons, and to sit during any adjournment of this house, to enquire whether it is not possible to improve on the present mode for appointing Justices of the Peace for the colony of Queensland. (2) That such committee consist of Mr. Pring, Mr. Blakeney, Mr. Moffatt, Mr. Lilley, Mr. Raff, Mr. Gore, and the mover." Had he not felt the great importance of the question, he should not have asked for the appointment of this select committee, so many being already in existence. The matter was one which had attracted some attention in the other colonies, and was also worthy of the enquiries of that house. Comments had appeared from time to time in the press, in many cases just comments, about some of the appointments to the magistracy made by the present ministry. Men of the age of 40, or of maturer years, did not like to see a young man of 20 sitting on their cases and sometimes giving judgment against them. He thought that no man under thirty years of age should be appointed to the magisterial bench. There was virtually no redress for the erroneous decisions of these young magistrates, because generally those who suffered did not possess means to justify them in going into a superior court of law, where the bad decision might be revoked, and the person who had pronounced it punished. He regretted to see upon the late commission many names of gentlemen of no standing in the community. All appointments to the bench should be above suspicion. He did not think it right for superintendents of stations to hold commissions of the peace, unless they were something more than superintendents. He knew that most of them were honest men, but he objected to them because they did not possess means to withstand those influences which might be brought to bear upon them. They were liable to be biassed, and to act at the beck and call of their employers. He could mention one instance of a gentleman recently appointed, palpably unfit to be upon the commission of the peace, when a certain transaction which took place about eighteen months ago, in which the name of the party referred to was mixed up, is taken into consideration. Any man who could act as he did was totally unfit to sit on a bench. (Name, name.) He would not name the party, but state the case. (The hon. member here at some length explained that the party referred to in a very unjust manner forced on a bullock driver a violation of his agreement, and then when the man was ill in bed endeavored to expel him from the premises, first by unroofing his hut, and secondly by bringing a carcase of a dead bullock close to the hut in order to "stink" the sick man out.) He also wished, if possible, to take the onus attending these appointments from the ministry, who would be debarred from the temptation or necessity of in this way obliging friends and political supporters. He had selected the committee from either side of the house, in order to prevent the repetition of a charge recently brought against another committee chosen by ballot.

The motion having been seconded,

Mr MOFFATT, recognising all the difficulties of the case, thought that the solitary instance adduced by the mover scarcely justified the resolution before the house. There was no doubt some dissatisfaction amongst the public with regard to the late appointments, but this dissatisfaction was principally confined to those who had anticipated appointments and been disappointed in procuring them. He did not desire to see responsible ministers relieved of any of the duties which justly devolved upon them. (Hear, hear.) No doubt it was desirable to have a pure nomination, but he did not see how this committee would be in a better position to obtain information than the government would. He could not vote with the hon. member for Drayton and Toowoomba in this case. He was sorry that a gentleman had been alluded to in severe terms who was every way fitted to be on the Commission of the Peace. That individual was both by birth and

standing in society a gentleman, and it was wrong to allude to him in such terms as had been made use of. As to the alleged cruelty, the house was unroofed under the authority of the Commissioner of Crown Lands, and in his presence. He believed the appointment condemned by the mover of this resolution was a most fit one. Perhaps the hon. gentleman had spoken so strongly, because the person who suffered the alleged persecution was one of his constituents. Seeing the number of select committees already in existence at this early perion of the session, it would in his opinion be undesirable to grant the one now asked for.

The ATTORNEY-GENERAL had from his position a great deal to do with appointments to the magistracy, and with the holders of such appointments after they had been made. He regretted to find so little confidence reposed in the government by the mover of this resolution that he wished for a select committee to ascertain the best mode of making these appointments. The present system was a fair system. It was his (the Attorney-General's) duty to write to magistrates if they should pronounce wrong decisions; and upon matters of law, when in doubt the magistrates would consult him for information. If this motion were carried, he conceived that his jurisdiction over magistrates would be gone. His present powers of supervision over them would be taken away, and they would be under no control whatever. He did not think the present system was so bad as it had been attempted to represent it. In all the appointments made hitherto by the government certain rules had been observed. The magistrates of the different benches throughout the various districts were consulted as to the most proper persons in the district to be placed on the commission of the peace. If this committee were appointed they could not attempt to remove an unfit magistrate as they would not have power to have a writ of supersedeas. (The learned gentleman proceeded to argue that, the power of appointment should be vested in the government as at present. They could then possess the whole control over the magistracy, cause the removal of any that proved themselves palpably unfit, and back up in their actings such as performed their duties in a proper manner. He believed the power vested in the government tended materially to the pure administration of justice, and to the protection of the subject. It would be unwise he thought to take these appointment out of the hands of the government. It was at least necessary that the magistracy should be placed under the control of a proper authority.

Mr. GORE coincided with the remarks of the Attorney-General, and objected to the motion because there were already quite a sufficient number of select committees at present appointed for them to be able to give due attention to their labours.

Dr. CHALLINOR believed that the effect of the motion would not be as represented by the Attorney-General, to take the magisterial appointments out of the hands of the Crown. It was simply a motion to ascertain upon what grounds appointments were at present made, and whether a better system of appointment could not be devised. He believe that such a proposition as that of taking the appointments out of the hands of the Crown could never have entered the head of the mover of the resolution.

Mr. LILLEY thought that the Attorney-General had gone a step too far, when he asserted that the effect of this motion would be to take away the jurisdiction of the Crown over the magistracy. To assume that the effect of the appointment of this committee would be to deprive the Crown of the power it at present exercised over the magistracy, was a mere pre-judgment of the question. No harm could possibly accrue from the enquiries and deliberation of the committee, and much good would in all probability result. He had had some experience of courts of justice in the colony, and had come in contact with gentlemen upon the bench who were evidently much out of place in their position as magistrates. There were some also, who, he was well aware were not only looked upon as servants of the government, but who where also made to feel that they were servants of the government. Gentlemen who were ear-wigged and called to account if they did not implicitly obey the behests of the government. It had been stated that it was desirable that the magistracy should be under the supervision of the government, but there was a sort of supervision which no man of any feeling could possibly submit to. He had understood the Attorney-General to assert that it was the duty of the government to always support the magistrates even when they were wrong. Such a monstrous assertion must have

been a mere slip of the tongue. He was sorry to discover that one of the most recent appointments to the magistracy, who had passed the much vaunted government examination, had twice since his appointment been made the instrument of oppression. To say that the power of supervision and appointment had been hitherto exercised for the protection of the subject was a very questionable assertion. A magistrate might be ignorant, but also a tool of the government, and he might owe his appointment to his subserviency to that government. In such a case his absolute ignorance was his most perfect protection. For his ignorance he could not be punished. Unless corruption could be proved the shield of the law was thrown around him, and how difficult it was to bring home a charge of corruption it was not necessary to point out. The magistrates were generally selected from the class of masters, and he (Mr. L.) believed this to be a very wise arrangement; at the same time such a practice should render them more jealous and guarded in seeing that men were chosen, who would not make use of their position for the perversion of justice for private ends, and that selections were not made from motives of mere partizanship. In ancient times the magistrates were elective, and he (Mr. L.) was not prepared to say that such a course would prove undesirable at the present time. The case of the appointment of the man Baker at the Downs, must be fresh in the recollection of every hon. member. (The ATTORNEY-GENERAL: “That was under the New South Wales Government.”) He (Mr. Lilley), of course, had every confidence in the ministry. (Laughter.) They were all honourable men. But a ministry might succeed them which required to be vigilantly watched. He felt assured the Colonial Secretary was sufficiently patriotic to desire not to retain that seat for ever. (Laughter.) The time would, perhaps, eventually come when there would be no Joseph in Egypt. (Renewed laughter.) He felt sure he should have the Colonial Secretary voting with himself for the appointment of this committee.

Mr WARRY moved, as an amendment, “That this house by majority have power to appoint magistrates in the colony of Queensland.” He cited instances of the defects of the present mode of appointment which had come under his own observation.

The amendment having been seconded,

The COLONIAL SECRETARY thought the committee asked for would have great difficulty in furnishing the government with a modus operandi. He did not see how the committee, moreover, could relieve the government of the day of its responsibility in the matter, and transfer it to its own shoulders. Unless it could do this, he must object to its appointment. The government, in their appointments at present, were guided, both in the expurgation of names from the commission, and the insertion of new names, by the advice of magistrates of the various benches, and by the suggestion of men of influence and honor in the district, whom they consulted. He admitted that, by recommendation of men whom they had consulted they were liable to make mistakes, and the present government had on more than one occasion, depending upon defective information, made appointments which they had subsequently wished were revoked. Perhaps if some officer of high responsibility, corresponding with a Lord Lieutenant at home, were in existence here, whose duty it would be to revise the lists, some of the defects complained of in the present system might be obviated. He had recently read the result of a select committee upon this subject held in New South Wales, but, with exception of a suggestion for creating itinerant magistrates, he could not perceive that any practical good had resulted from their deliberations and enquiries.

Mr. RAFF opposed the motion. If any member had any practical suggestion to offer, he could bring it before the house, and they would deliberate upon it.

Mr O’SULLIVAN spoke in support of the motion, and deprecated the spirit of exclusiveness which appears to actuate the ministry in their recent appointments.

Mr. MACALISTER should support the motion upon the very grounds which the Attorney-General based his opposition to it—vis., that the question was one of great difficulty. To appoint this committee would be the best way to get rid of the difficulty. He condemned in strong terms the parties who had misled the government by recommending unfit persons for the commission of the peace. He would ask the hon,. member for Western Downs how many gentlemen had been placed upon the commission by his recommendation. (Mr. Moffatt—“One”)—And how many

excluded by his influence? (Mr. Moffatt— “None.”) He was glad that the hon. member had been candid, as his assertion would remove unjust impressions from the minds of several persons who entertained them. The evils of the present system of appointment, as illustrated in New South Wales since the establishment of responsible government were that the appointments to the magistracy were made use of by successive ministries for the sake of political influence, without regard to the character or fitness of the parties appointed. In the old times when the Attorney-General was alone responsible, such appointments as now sometimes disgrace the bench were never made.

Mr. HALY spoke against the motion.

The ATTORNEY-GENERAL and Messrs CHALLINOR and GORE again briefly addressed the house on the amendment which was then put and negatived without a division.

The original motion was lost on the following division :—

| Ayes, 10. | | Noes, 14. | |
|---|---|---|---|
| Mr. Watts | | Col. Secretary | |
| B. Cribb | | Col. Treasurer | |
| R. Cribb | | Att.-General | |
| Challinor | | Mr. Moffatt | |
| Blakeney | | Fitzsimmons | |
| Coxen | | Richards | |
| O’Sullivan | | Forbes | |
| Macalister | } Tellers | Fleming | |
| Lilley | } | Haly | |
| | | Edmondstone | |
| | | Raff | |
| | | Warry | |
| | | Gore | } Tellers. |
| | | Boyds | } |

## REPLIES TO QUESTIONS.

Mr. FERRETT, after some slight discussion, withdrew his motion for printing all ministerial replies to questions, upon the understanding that, for the future, all such replies be committed to writing and kept for reference in a book upon the table of the house.

## CONSTITUTION OF THE UPPER HOUSE.

Mr. MACALISTER moved—“That an address be presented to the Governor, praying that his Excellency will be pleased to cause to be laid on the table of this house, a copy of the commission usually issued to gentlemen when nominated by his Excellency to seats in the Legislative Council.” Eighteen months had elapsed since separation, and the ministry had as yet introduced no measure to define the Constitution of the Legislative Council. A report had been published in a semi-official organ, that the Governor had recently nominated certain gentlemen to that chamber for life, without the advice of the Executive. This report remained uncontradicted, and he thought it high time to take some steps in the matter. He admitted the ambiguity of the Order in Council, but this question was one not only affecting the status of the Legislative Council, but also the legislative acts of that house. The Order in Council quoted the Constitution Act as its authority for the separation which it effected. The hon. member here quoted from the document named in proof of his assertion, and proceeded at some length to argue first—that, wherever the Orders in Council and the Constitution Act were inconsistent, the latter must override the former; and secondly— that although the Order in Council plainly gave the Governor authority for nominating life members to the Upper House without the advice of the Executive Council, the clause in the Constitution Act providing separation just as clearly sets forth that provision should

be made for the government of the new colony, “and for the establishment of a legislature therein, in manner as nearly resembling the form of government and legislature which shall be at such time established in New South Wales as the circumstances of such colony will allow.” At present the Upper House was constituted of members created by the Governor-General for five years, of members created by the Governor of Queensland for five years, and if report were true, of members created by the same functionary for life, thus collecting, in one chamber, men who had to serve five years and “lifers.” (Laughter.) The hon. member then went on to argue that the men nominated by the present Governor for five years had but to resign their commissions, and they then could be nominated for life under fresh commissions, and thus a second chamber might be constituted in this most extraordinary manner. The validity of the clause in the Order in Council, giving power to the Governor to create members for life, would of course, if once recognised, be a death-blow while it existed to the freedom of our constitution. Whether nominations had been made or not under that clause he believed it to be clearly illegal. He felt convinced that it was never the intention of the home government to place this enormous power in the hands of the Governor, and this clause—like many others in the Order in Council—had clearly been bungled in drawing up. He considered the government had been very remiss in having permitted so long a time to escape without attempting to introduce a bill to define the constitution of the Upper House.

The COLONIAL SECRETARY fully recognised the discrepancies of the Orders in Council and the Constitution Act, as referred to by the hon. member, but at the same time he thought those discrepancies could be easily explained. He adopted the view of the case which two very eminent lawyers had expressed, and the portion of the clause quoted he conceived merely meant that a Governor and two houses of legislature should conduct the affairs of the colony. The clause was not intended to bind this colony at the time of separation, to so close a copy of the constitution of New South Wales as the hon. member attempted to represent. For instance, in the matter of the franchise, vote by ballot and the constitution of the Upper House, it was never intended that we should be bound, at the outset of our independent career, to adopt the practice of the older colony. He had had reason to believe that the constitution of the Upper House, as set forth in the Order in Council, was deliberately framed by the home government. It was proposed that that chamber should be so constituted as to be independent of all party spirit and political partisanship. He had no objection for his own part to accede to the motion of the hon. member, and to lay the commission before the house, but at the same time he would wish to guard himself against anything which might be construed into a breach of the privileges of the other house. He should offer no opposition to the motion.

Mr. MACALISTER briefly replied, asserting that, when the Order in Council was submitted to some of the most eminent legal authorities in New South Wales, they had at once recognised those incogruities which he had pointed out in bring forward this motion. Notwithstanding the guarantee given us by the New South Wales Act, were the Colonial Secretary’s view of the case adopted, there was nothing to prevent us sinking at once into the position of a mere crown colony.

The motion was then put and passed.

## DISTRICT COURTS.

Mr. MACALISTER moved the resolution standing in his name, having reference to the necessity of establishing district courts within the colony of Queensland. The act 22 Vict. No. 18, giving the Governor power to proclaim District Courts had been in existence for two years, and he thought it was time the government should avail themselves of its provisions. By a return moved for last year of the cases tried in the Supreme Court, he found that, although that court was an enormous expense to the colony, only one case had been tried in it during the time over which the returns extended, which might not have been tried in a district court; and that case was a civil one. The hon. member then went into details showing, by several cases, the enormous costs entailed by the prosecution of actions for small sums in the Supreme Court, particularly pointing out one which, for a sum of £60 or £70, had entailed a bill for legal expenses amounting to £200 on each side. He contended, therefore, that so far as sums not exceeding £200 were concerned

the Supreme Court of Queensland was a sealed book. To him in this case, as in the case of the real property bill, the question at issue was of very little consequence, because should the system of district courts be carried out it would only result in injury to himself personally as a professional man, whilst on the other hand he believed it would lead to an improvement in the administration of justice and a general consolidation of the government of the country.

Mr BLACKENEY seconded the motion.

The ATTORNEY-GENERAL hoped that better arguments would be offered than those of the hon. member for Ipswich before the house arrived at the conclusion to vote for the motion then before it. There was nothing nicer than for hon. members to tell their constituents that they would bring justice "home to every man's door," but it was quite another thing as to how this could be done. The motion before the house, implied in the very outset, that the administration of justice at present was so bad as to call for an immediate reform in the shape of a different form of judicature. The question therefore for them to determine in the first place was whether any change in the system of administering justice was really necessary; and secondly, whether the financial circumstances of the colony were equal to such a change. He was in a position to show that the division of the colony into two districts, as proposed, would involve an expenditure for each of £7900, which he had no hesitation in saying the finances of the colony were not large enough to meet; and, singular to say, this was a point which the hon. member had not touched upon. On the other hand, he could show that the present system had worked very well. It was true that the District Courts Act had been in force in the colony before Separation, but its working was such that the New South Wales Government did not think it desirable to continue its operation or to proclaim to force on the occasion of Separation. The chief reason assigned was that the amount of civil business did not require the continuance here of such courts, and if such reason applied then it applied with greater force now, inasmuch as the civil business has decreased rather than increased. It must be borne in mind, moreover, that the District Courts Act was passed in New South Wales in consequence of the judge there being overworked with civil business but certainly no such plea could be assigned here. In making these remarks he did not mean to say that at some future date District Courts of some kind might not be found necessary in Queensland, but under present circumstances, he contended that they were not necessary by the exigencies of the case, nor was the colony in a financial position to support them. The hon. and learned gentleman then went into some details to show that, according to the District Courts Act, a number of officers would have to be appointed at certain fixed salaries, and that the amount of expenditure entailed thereby would largely preponderate over that rendered necessary by the present system. There was good reason in fact to believe that the act was passed by the New South Wales Legislature in very great haste, and one evidence of this was to be found in the statements of the district judges themselves, as delivered from the bench. The operation of the act had shown the utter inadequacy of country lockups as places of confinement for prisoners awaiting trial, and he would ask whether there was any probability of better accommodation being provided in a young colony like this, and whether it would not be a positive cruelty to confine persons for a lengthened term in such lockups as the colony at present provided. The hon. gentleman then referred to the inefficiency of the lockups, mentioning Rockhampton more especially, and then went on to say that, in his opinion, the Supreme Court Amendment Bill passed by the last session and which he intended to re-introduce during the present session, in a slightly amended form, would meet all the circumstances of the case. He (the Attorney-General) then recited the provisions of that bill as to the trial of causes under £100 without jury, &c., and maintained that, if district courts were established, the present judgeship might be abolished. His Honor, he (Mr. P) might remark, had expressed the opinion that district courts were not necessary and he held this opinion to be valuable, as his Honor had introduced the District Courts bill into the New South Wales Parliament. The hon. and learned member then alluded to the evidence given before that committee, to show that the facts, as disclosed by the various witnesses, did not warrant the charge proposed; and in reference to the cost, he cited a portion of the evidence of Mr. Blakeney, who said that the cost of one district machinery would amount to £25,000. (Laughter. Mr Blakeney: "No, no.") It might be a mistake, but such was

the evidence, as given in connection with the printed report. In conclusion he stated that, although favorable to the present system, he was nevertheless prepared to consider any reasonable reform.

Mr. LILLEY spoke in favor of the motion. One reason why he was in favor of the establishment of district courts was, that the judges appointed to them would enable the colony to form something like a court of appeal, so as to prevent the unseemly form of appealing from the judge in one capacity to the same judge in another. As for the arguments about economy, he thought they were all beside the question. Courts of justice were never designed to pay; they were not to be considered as mere matters of speculation. (Hear, hear.) So far as the present system was concerned, he could bear testimony to the enormous expense attendant on it. Within his own experience a case for £12 had recently occurred, and although the suit proved abortive, and would have to be tried over again, yet the legal expenses amount to £180, and if the suit had been carried out, the total expenses would have reached £860. He was rather surprised at one argument advanced by the Attorney-General, that the present system answered all the purposes, and required no immediate reform. He was surprised at this when he reflected that the hon. and learned gentleman was a leading member of committee on the judicial establishments who brought up a report containing, as one of its recommendations, that the administration of justice in the colony was in a very inefficient state. Whether any good reasons had occurred since to induce the hon. gentleman to change his opinion, did not transpire, but certainly to his (Mr. L.'s) mind there had been no visible change for the better. The hon. gentleman then went on to say that the estimate of expense put forth by the Attorney-General was unnecessarily large, in so far that the number of officers had been unduly multiplied. With regard to the Judge, he believed there were some who would be glad to "send him home," but he (Mr. L.) hoped and believed that the learned gentleman would long retain his seat on the bench of which he was at present so great and useful an ornament. (Hear, hear.) Although he could gain nothing by the motion, yet believing that there was a necessity for the establishment of district courts in the manner proposed he should certainly vote for it.

Mr BLAKENEY said it was not his intention to have made any observations on this subject, nor would he do so were it not for certain observations made in the course of the debate having peculiar reference to himself. His object last session in connection with the Judicial Establishments Committee was to appoint a court of appeal. Adverting to the expense of working district courts, he maintained that the Attorney-General had quoted him most unfairly when he said that he (Mr. Blakeney) asserted that each court would cost, according to each district, £25,000 a year. The Attorney-General must have known that such was not the fact, and that the occurrence of the words in the evidence attached to the report was simply a misprint. Attorney-General: "I know nothing of the kind.") It should have been, in reality, £2500. The hon. member then went on to point out certain inconsistencies in the evidence of the Attorney-General, as given before the Judicial Establishment Committee, and the statements delivered by him on the present occasion. He also illustrated the expense of the present system by the citation of several cases within his own knowledge in which the legal fees were ludicrously disproportionate to the actual sum sued for, and among these he alluded particularly to the case of Mr. Jones who was imprisoned for libel at the suit of the Rev. Mr. Fiddler, solely because he could not pay the enormous fees claimed by the lawyers. Then again with regard to a wrong adjudication on the part of magistrates, he pointed out that if district courts were in existence there would be a cheap tribunal of appeal, which was not the case at present, and in proof of this he instanced the fact that a simple case of prohibition from a bench of magistrates now cost something like £80 or £90.

Mr. RAFF felt gratified to hear professional gentlemen deprecating the present system, the spoils of which they so largely participated in, and that some change was necessary there could be no doubt. It would, however, be the duty of the house, before they voted for a more expensive machinery, to ascertain whether the present could not be rendered more effectual, both as to facility and cheapness. The hon. member then gave his experience upon the present enormous law costs.

The ATTORNEY-GENERAL rose to explain. He had understood the hon. member for Ipswich to say that in a case he mentioned for the recovery of £8 an expense of £280 had been gone to. Now this was an arbitration case whereas he (the Attorney-General) was speaking of the legal taxed costs.

Mr. MOFFATT thought the hon. member for Ipswich had failed to establish his case, although it was difficult for non-professional members to decide in the face of so much information from the legal gentlemen in the House. The speaker then charged the mover and the seconder of the motion with inconsistency, quoting from the evidence given by them before the Judicial Committee to establish his charge. He regretted that a court of appeal was not provided for and affirmed that the House had done wrong in rejecting the report of the Judicial Committee.

Mr. O'SULLIVAN and Mr. WARRY spoke against the motion.

Mr. WATTS had come into the house with the intention of voting for the motion, but the debate so far as it had gone had satisfied him that his duty would be to vote against it.

Mr. FORBES spoke in favor of the motion.

Mr. R. CRIBB moved the following amendment—"That the present expensive mode of litigation in the Supreme Court of Queensland requires immediate alteration and in the opinion of the house it is the duty of the government to take measures to remedy the matter during the present session of parliament."

Mr. MACALISTER having replied, Mr. CRIBB'S amendment was put and lost ; after which the house divided as follows on the original motion:—

| Ayes, 8. | | Noes, 16. | |
|---|---|---|---|
| Mr. Macalister | | Mr. Fitzsimmons | |
| B. Cribb | | O'Sullivan | |
| Forbes | | Herbert | |
| Fleming | | Royds | |
| R. Cribb | | Mackenzie | |
| Blakeney | | Richards | |
| Lilley | } Tellers. | Haly | |
| Challinor | } | Raff | |
| | | Edmondstone | |
| | | Watts | |
| | | Ferrett | |
| | | Coxen | |
| | | Moffatt | |
| | | Warry | |
| | | Pring | } Tellers. |
| | | Gore | } |

## BILL TO REGULATE THE LEGAL PROFESSIONS.

Mr. CRIBB, pursuant to notice, moved the first reading of a bill to regulate the Legal Professions.

The bill was read a first time accordingly, ordered to be printed, and set down for second reading on Tuesday next.

The house adjourned at half-past 9 o'clock till three o'clock next day.