

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 9 MAY 1865

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common report and of a great deal that had come under his own knowledge, of the manner in which the liberties of the subject had certainly been—in his opinion—grossly entrenched upon by the conduct of certain magistrates on the Ipswich bench. He had included the bench of the city of Brisbane in his motion, not with an idea, for a moment, of throwing any stigma upon the magistrates who occupied that bench; because, as he believed, if the returns should be produced, the result would be that there were but two or three per cent. of the committals of the Brisbane bench in which the Attorney-General had declined to prosecute, whereas—as he (Mr. Blakeney) had reason to believe—in the other case, such committals would amount to about forty per cent. If such were the fact, he trusted and hoped that the Government would take steps to rectify what would be considered a very crying grievance. He would not say any more until the returns were on the table. If abuses existed, of course the returns would speak for themselves; and unless the Government should take some steps to remedy them, he would consider it his duty as a member of this House to bring the matter before them in some other way. He presumed, from what fell from the Colonial Secretary on the last day the House met, that there would be no objection to the production of the papers.

Mr. EDMONDSTONE seconded the motion.

The ATTORNEY-GENERAL said there could be no objection to furnishing the honorable member with the number of cases that he wished to have. He supposed, of course, that the honorable member meant simply the cases disposed of ministerially—

Mr. BLAKENEY: Yes; exactly so.

The ATTORNEY-GENERAL: Not judicially; because he had nothing to do with these cases. At the same time, he felt bound to state that all cases in which the Ipswich magistrates had committed for trial, and in which he had declined to prosecute, were, in his opinion and so far as his knowledge went, proper cases for committal and to be left for him to determine.

Mr. JONES apprehended that the returns could not possibly be of the slightest use. It was impossible for the House, as it must be perfectly well known to every honorable member—and almost every member of the House was a magistrate—to try those cases: they could not say whether they were proper cases or not to send for trial. They had the statement of the Minister that they were such cases as ought to have been submitted for the judgment of the first law officer of the Crown. Whether they were numerous or whether they were few, he (Mr. Jones) apprehended would not advance the purpose that the honorable member might have in making this motion—would make not the slightest difference. The House had the declaration of the first law officer of the Crown—a declaration which

LEGISLATIVE ASSEMBLY.

Tuesday, 9 May, 1865.

Committals by the Brisbane and Ipswich Benches.

COMMITTALS BY THE BRISBANE AND IPSWICH BENCHES.

Mr. BLAKENEY 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 return specifying—(1.) The number of cases heard in the Courts of Petty Sessions in the city of Brisbane and the town of Ipswich, from the 1st day of May, 1864, to the 1st day of May, 1865, in which the parties accused have been committed for trial or held to bail. (2.) The names of the committing magistrates. (3.) The number of persons so committed or held to bail, whom the Attorney-General declined to prosecute. (4.) The period of imprisonment each person underwent, whom the Attorney-General so declined to prosecute." He was induced to move for the returns in consequence both of what he had heard from

they were prepared to respect and uphold as that of a gentleman who, perhaps, had had as much experience of criminal business as any lawyer in the colony, and whose opinion was as much to be relied on—that those cases were all cases which the magistrates were justified in sending for the opinion of the first law officer of the Crown. The returns asked for would give the House no information, and it was unnecessary trouble to provide them. Nothing could come of them, and, for his own part, he would vote against the motion.

MR. LILLEY quite agreed with the honorable member (Mr. Jones) that, if the House had the returns before them, they would be of no use. They had not the depositions, and, therefore, could not judge of the merits of the cases referred to. The returns moved for would be of no use whatever; and to move for them was a mere waste of time.

THE ATTORNEY-GENERAL: Better withdraw the motion.

MR. R. CRIBB said that after what had fallen from the honorable member for Fortitude Valley and the honorable member who had preceded him, on the other side of the House, if the question went to a division, he would vote against it.

The motion was then put and negatived.
