Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 4 JULY 1872

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LEGISLATIVE ASSEMBLY.

Thursday, 4 July, 1872.

Adjournment.—"Hansard."—Savings Bank Bill.—Gold Duty Act Amendment Bill.—Mr. John Douglas.—Telegraphic Messages Bill.—Gold Duty Bill.—Carriers Bill.—Legal Practitioners Bill.

ADJOURNMENT.

Mr. MILES rose for the purpose of moving that the House do now adjourn; and stated that his object in so doing was to enable him to address the honorable member for Warwick, in regard to a question which had appeared on the business paper of the preceding day. That honorable member had given notice, some days previously, of his intention of asking the honorable the Colonial Secretary a question in regard to the appointment of Mr. J. C. White, as one of the inspectors of brands; and he thought that the matter must have escaped the attention of the honorable member, as the question was not put, although it was on the paper for the previous day. He was under the impression that the appointment alluded to was not one which should have been made, because Mr. White had, some time ago, been discharged from the Government service—dismissed under certain circumstances which would render it a disgrace to any Government, no matter who they might be, to ever appoint that individual to any other office under the Crown. He had taken the present course, because, through the honorable member having given notice of a

question on the same subject, he (Mr. Miles) had been prevented from doing so, which he otherwise would have done. Mr. White had been dismissed from the Government service for conduct which would have been a disgrace to any individual who held the commission of the peace. As he (Mr. Miles) had taken the trouble to refer to the question on the subject, he might as well ventilate the whole affair thoroughly. It appeared that, in his capacity as a magistrate, Mr. White was applied to for a search warrant, which he duly granted, but that the moment he had granted it, he sent word to the party suspected of theft, by his little son he believed, to the effect that a warrant had been granted; and if he did not tell the party to put the stolen property out of the way, at any rate it was known what he intended to convey by his message. The honorable member for Drayton and Toowoomba had brought the matter before the House at the time, and it was denied that Mr. White had ever written such a notice; but the notice was produced, and it was in the hand-writing of that person, who was then a police magistrate. A board of inquiry into the whole circumstances was appointed, and it was decided by that board, that Mr. White had been guilty of one of the most unjustifiable acts that any man could be guilty of. Yet now what did they find? Why that the very individual who, whilst a magistrate, had warned a party suspected of stealing property, that a warrant had been granted against him; was appointed an inspector of brands—was appointed to assist in putting down cattle-stealing. As he had said before, he should not have troubled the House with the matter had the question of the honorable member for Warwick been put, as he imagined it would have been. He thought, however, that it was a most important matter; and, as the honorable member had oftentimes spoken of himself as being an independent member, he ought not to have cared if he had found that, by answering the question, the Government proved that they had committed an act of injustice, which he had thus been the means of exposing. If the matter had escaped the honorable member's memory on the previous day, how was it, he would ask, that the question did not appear again on the business paper of that day? In fact, it was a question that could not be answered; it was one which no honest Government could answer, and the honorable member knew that only the very worst reply could have been given.

Mr. Clark said, in reply to the remarks of the honorable member for Maranoa, that he had not put the question standing in his name because he had ascertained, since placing the notice on the paper, that Mr. J. C. White, who had been appointed an Inspector of Brands, had in the meantime resigned. He, consequently, thought that it was unnecessary for him to put the question.

Mr. Stephens thought that the reason just given by the honorable member for not having put the question according to notice was the very one why the honorable member should have asked the question, inasmuch as if it was unsatisfactory for such an appointment to be made, it would certainly increase the confidence of the public in the Administration, if the resignation of that appointment had been made known. It was always the case that a bad appointment had a very serious effect on the public mind as against the Government of the day; and until the resignation had been made known, the public would, of course, remain in ignorance of it, and the effect would remain. Perhaps, after all, it was the best thing that could have happened for the gentleman in question to have resigned.

Mr. Ramsay could not understand why the honorable member for Maranoa should have taken up the time of the House by moving the adjournment; as if he was so anxious to have some information on the subject, he should have asked the question himself. The honorable member for Warwick had ascertained that the appointment had been resigned, and therefore did not think it was necessary to put his question. As regarded going into the whole question, he thought there was no occasion for him to do so; but he might inform honorable members that the appointment of Mr. White was partly his fault, if fault it was, as he had recommended it. But it had not been accepted by Mr. White, as it was not convenient for that gentleman to remove, and therefore the colony had not suffered in any way; he believed, however, that it would not have suffered had the appointment not been resigned, as he considered that there was not another man in the colony who was more suited to it than Mr. White was, as during his tenure of the position of police magistrate, that gentleman had always proved himself a most active officer; and, as he (Mr. Ramsay) knew for a fact, used to stop up night after night on the watch for cattle-stealers. He therefore thought that there could not have been a more active inspector of brands, or a better appointment made. With regard to the circumstances referred to by the honorable member for Maranoa, he believed that if all the facts had been properly known, the case would have been different. He believed that there was some doubt as to whether the man did commit a theft, and that Mr. White did not intend to give him any warning, as was asserted. Still Mr. White had been found guilty of the offence by the board of inquiry, and had suffered for it by losing his office. His family had been in great trouble, and he (Mr. Ramsay) believed that the appointment that had been given to him, whilst being of some benefit to them, would not have brought any disrepute on the public service; on the contrary rather, the service would have gained by the appointment of such an active man.

Mr. MILES thought the honorable member who had just spoken had been the cause of all the dead-lock that had taken place. That was not his opinion alone, but that of the country——

The ATTORNEY-GENERAL rose to a point of order. The honorable member had already spoken twice.

Mr. MILES said he had a right to reply.

The SPEAKER said the honorable member had a right to reply, but he must confine himself to the question before the House.

Mr. MILES said he thought he was only following the practice, on a motion for adjournment.

The ATTORNEY-GENERAL said the honorable member had already replied—the present was the honorable member's third speech.

Mr. MILES knew it was unpleasant for honorable gentlemen opposite to hear the truth.

HONORABLE MEMBERS: Chair, chair.

Mr. FERRETT said he would not sit there and hear the ruling of the honorable the Speaker set at defiance by any honorable member; and he would ask the voice of the House whether such ruling should be observed or not. He would ask the honorable the Speaker to give his ruling again, and he would then put it to the vote.

The SPEAKER said the honorable the Attorney-General said it was the third time the honorable member for Maranoa had spoken, but he thought it was only the second time, and that the honorable member rose then in explanation. The honorable member, however, instead of making an explanation, was beginning to make a speech.

Mr. J. SCOTT rose to a point of order. It was one of the Standing Orders of that House that when the honorable the Speaker was addressing the House, every other honorable member should be seated; but the honorable member for Maranoa was still standing up, and had refused to sit down, when requested to do so.

[The honorable member for Maranoa here resumed his seat.]

Mr. HANDY said that the reason why the question was not put having been explained, he thought that there was no occasion for any further discussion. In regard, however, to the gentleman whose name had been mentioned in connection with the appointment, he might say that he had had the pleasure of knowing him for some years, and he really thought that his appointment would be a credit to any Government; as a more accomplished gentleman or efficient officer could not be found. As to the cause of Mr. White's dismissal, it was very likely that he suffered from a cause not rightly understood. He (Mr. Handy) had tried to understand it, but had never been able to succeed; but he knew Mr. White, and believed him to be thoroughly efficient in every respect, and he thought that had the appointment been made he would have proved himself thoroughly up to the mark.

Mr. MILES trusted the honorable the Speaker would allow him to apologise for having remained standing when the honorable gentleman was addressing the House. When he committed an offence he always liked to apologize.

HONORABLE MEMBERS: Hear, hear.

Mr. HEMMANT said he would like to take advantage of the present opportunity, and ask the Government if they could give honorable members any idea of the order in which business would be taken during the ensuing week, as there were some very important Bills on the paper, with which honorable members would like to have an opportunity of making themselves thoroughly acquainted.

Mr. MACDEVITT said that he, and he believed other honorable members, had expressed a similar opinion, that it would be a great convenience if they knew in what order the Government proposed to take the business, as all the matters now on the paper could not be dealt with in the next week.

Mr. FERRETT said that, as an independent member of that House, he thought that, knowing that the honorable the Premier was ill, it was very bad taste of honorable members opposite to put such a question at the present time.

The ATTORNEY-GENERAL said that of course the Government were anxious to give all the information in their power, but in the absence of the honorable the Premier it was impossible for him to say in what order his honorable colleague proposed to take the business. As far as he could understand, however, he believed that his honorable colleague intended to proceed with the Financial Separation Bill next, and most probably the other business would be taken in the order in which it now stood.

The motion for adjournment was put and negatived.

HANSARD.

Mr. FERRETT said he rose for the purpose of moving the adjournment of the House in connection again with the "Hansard" reports; but he would not have done so had he not been so absurdly reported in that publication. He found that there was no other way of having a mistake corrected, except by the reporters putting a note to "Hansard" at the end of the session, whether that was correct or not. It appeared that there was no other means of correcting a report of a speech, although an honorable member might be made to say in it the very reverse of what he did say. Now, in the debate which took place on the 27th June last, on the imprisonment of certain Polynesians, he was reported to have said :—

"Now, he must freely confess that he had paid the sum of £18 for the introduction of Polynesians, and when he found that on their arrival he had no need for them, he had transferred them to another employer, and he did not see that there could be any harm in that; and that there was no law whatever to prevent it."

Now, he never had done any such thing, nor had he ever said that he had done any such thing; and he was not going to allow such a statement to go forth to the world uncontradicted. What he did say was, that he could not see what objection there could be to transferring the Polynesians, as he had paid £18 for the passage-money of people from Great Britain, and, on their arrival, at their own request, he had transferred them to another employer, they or their employer repaying him the passage-money. There were a great many persons in West Moreton and elsewhere who could bear him out in saying that he had paid the passage-money of emigrants from Great Britain, and when they arrived he had often allowed them to be transferred to other employers, at their own request, by their paying the passage-money, or their employers doing so. He stated, at the time of making those remarks, that he was not aware that there was any law against that, nor did he now think there was any. By the report, however, it would appear that he had been trafficking in Polynesians, and such a statement he could not allow to go forth to the world uncontradicted. Further he would say, that if such absurdities as that were to go forth to the world in the pages of "Hansard," on the next occasion on which he had occasion to call attention to such a thing, he should couple with it a motion that "Hansard" be discontinued.

Mr. MILES said he would second the motion of the honorable member for West Moreton, as he looked upon it as a great misfortune to the country that the honorable members' speeches should be misreported, inasmuch as, whatever might be uttered by the honorable member was most important and should be properly reported. He repeated that it was a misfortune, and it was quite clear to him, that it would be better that "Hansard" should be discontinued than that the honorable member should have words put into his mouth which he never uttered. Of course he could not expect that the honorable member for East Moreton, Mr. Hemmant, would be of that opinion—be in favor of the abolition of "Hansard," as he saw there was a motion in the name of that honorable member that 500 extra copies of "Hansard" should be published for sale to the public, so that they might be enlightened as to what took place in that House. He would say that he did not believe there was one single speech ever read by the public, after it was printed in "Hansard"—if there was, he believed there were greater lunatics outside than the gentlemen who uttered them; so that the honorable member for East Moreton need not calculate upon his support when he brought forward his motion. There was no mistake that if the honorable member for West Moreton brought forward a motion for abolishing "Hansard," the honorable member would have his support, because it would be far better to have no reports at all than incorrect reports. He had paid attention to the honorable member when he was speaking, and he was inclined to think that "Hansard" was pretty correct in regard to the honorable member's speech on the subject of darkies——

Mr. FERRETT: No.

Mr. MILES was inclined to think, upon the whole, that it was a very fair report of the honorable member's speech. There was a general election looming in the distance—he believed it would come off in about eighteen months—and the honorable member was, no doubt, very anxious to repudiate the charge of being in any way connected with Polynesians; but he was inclined to think that, on the whole, the honorable member's speech was properly reported. There were always abuses springing up, one of which was the gross abuse of the honorable member for Warwick putting a question on the paper in respect to the appointment of Mr. White, and then shelving it. He trusted the Government would now allow him to say what he wanted to say, when that matter was before the House; and if they did not, all he could say was, that he would say it some time or other. The honorable member, Mr. Ramsay, admitted that it was upon his recommendation that Mr. White was appointed. Now, he considered that that honorable member was at the root of all the evil on the Government side of the House. It was the advice of that honorable member which had brought honorable members on both sides into collision. The honorable gentleman was, in fact, the dead-lock. But not satisfied with that, the honorable gentleman must needs go and recommend an individual for an appointment, who had been examined by a board under the Civil Service Act, and who had been condemned of conveying certain information, in his official capacity, by means of which stolen property might be put out of the way, and the guilty party escape punishment. The board decided that that individual had committed an act——

Mr. FERRETT: Question.

The SPEAKER thought the honorable member for Maranoa was wandering from the question before the House. The honorable member had already moved an adjournment of the House for the discussion of the question to which he was now referring, and it had been negatived. The honorable member was not in order.

Mr. MACDEVITT thought there had been two motions for adjournment.

Mr. MILES said he was extremely sorry if he was transgressing the rules of the House.

The SPEAKER stated that the motion for adjournment now before the House, was on the subject of the reports in "Hansard."

Mr. MILES rose, when——

The SPEAKER said that he had already told the honorable member that he was out of order. The honorable member was not at liberty to any longer waste the time of the House.

Mr. MILES would bow to the decision of the Speaker. Now, it was said that the "Hansard" reports were not correct, and, perhaps, they were not; but he did not believe that the reporters were so much to blame, as there was very great difficulty in catching what was said by honorable members, or the sound of the voice of the honorable member for West Moreton. He had always sympathised with the gentlemen who had the duties to discharge, as he had been several times in the gallery and had tried to hear what honorable members were saying, but it was impossible to hear much of what was said; and, therefore, he thought it was hardly fair to censure those gentlemen, who, he knew, took very great care in preparing the speeches of honorable members——

Mr. FYFE rose to a point of order. After the ruling of the honorable the Speaker, the honorable member for Maranoa still continued to speak.

Mr. MILES thought the honorable member for Rockhampton was more frequently out of order than any honorable member of that House. That honorable member was always telling the House what was done in Victoria; but all he could say was, that if the honorable member was in Victoria now, his loss in that House would not be much felt.

Mr. FYFE said he would not allow the honorable member for Maranoa, nor any honorable member, to make use of his name in such a way so long as he was the representative of Rockhampton. The honorable member had for the last half-hour been insulting the Chair, and, therefore, the whole House; and that was not the sort of thing that was wanted in that House, and he could inform the honorable member that whenever he referred to him (Mr. Fyfe) he would get a "Roland for his Oliver." He was sorry the honorable member for Fortitude Valley was not in the House at the present time, so that they could go on with the next business, instead of wasting time by personal explanations. He could tell the honorable member again that during the last half-hour he had been doing nothing but insulting the House.

Mr. KING rose to order: The honorable member was not speaking to the question.

The SPEAKER said the honorable member for Rockhampton had been attacked personally by the honorable member for Maranoa, and was now replying to that honorable member.

Mr. FYFE said he would not bow to any honorable member, but to the Chair, and was unlike the honorable member for Maranoa, who had continued to stand whilst the honorable the Speaker was addressing the House. He would only tell the honorable member that he would always find a "Roland" for an "Oliver," if he attacked him; aye, and Roland "shall cum culliver"!

The SECRETARY FOR PUBLIC LANDS said they had wandered somewhat away from the question raised by the honorable member for West Moreton, which was the misreporting in "Hansard." It appeared to him that the honorable member had been most grossly misreported, as what he was reported to have said was not at all what he (Mr. Thompson) had heard the honorable member say. What the honorable member said was—that he had paid £18 for bringing out emigrants from Great Britain, and that, on their arrival, he had allowed them to be transferred to some one else at their own request, on their repaying the passage money to him; but instead of that, he had been made to say in "Hansard" that he had been trafficking in Polynesians, and had made a profit out of them —which was what the honorable member had never said, and never intended to say. It was a matter of great importance that such misstatements, on that question of all others, should go forth outside of that House, and he protested against the matter being allowed to pass, or being laden with personalities by the honorable member opposite. As to whether an honorable member's speech was worthy to be reported or not, he considered that all honorable members should be treated equally fairly, and he trusted that the honorable the Speaker would not allow the matter to drop, but would make inquiries into it. For himself, he never, now, read his speeches as reported in "Hansard," as he could never recognise them when he did read them—he did not mean to say that that was the case always.

The SPEAKER said that he might inform honorable members that his attention had been directed to the case of the honorable member for West Moreton, and that he had called upon the gentleman who reported the speech to give an explanation, and he stated that he had not heard clearly what the honorable member had stated, but that he thought that what he wrote was correct. If the House would think it desirable that there should be proof copies of "Hansard" issued to honorable members for revision as formerly, the occurrence of such mistakes, in future, would be obviated.

Mr. HANDY quite agreed that the reports in "Hansard" were sometimes very unsatisfactory, and he had had more occasion than one to complain of those reports. He thought it was unfair, however, for honorable members to refer generally to "Hansard," as there were three officers employed upon it, and thus all three were blamed for the mistakes of one.——

Mr. FERRETT: No.

Mr. HANDY thought that one of those gentlemen should be made responsible for the reports. He had had frequent reasons for finding fault with the reports, but he had never done so, simply because, in attaching blame to one gentleman, the other two were blamed with him. He thought, therefore, that, until a chief officer was appointed, it

was not fair to complain of "Hansard" in such a general way.

Dr. O'DOHERTY said he had often addressed the House upon the subject which had now been brought under its notice, and he was very glad to see that it had been again raised; for it appeared to him that, if they allowed the "Hansard" reports to be issued as they were at present, it would be better to have none at all. There was scarcely one honorable member who had not reason to complain of the mistakes made in those reports. He, for one, did not wonder that, situated as the reporters were, many of the remarks of honorable members should not be reported with accuracy, as there was no doubt that many honorable members could not be heard in the gallery; whilst others spoke so very indistinctly, that it was difficult to hear them in the body of the House. He believed that there was one simple remedy for all that—the remedy that was adopted for a time, but which was, for some reason which he had not been able to ascertain, put a stop to. That remedy was, simply, to allow proof sheets to be issued to honorable members, for correction before "Hansard" was issued as a publication. The objection that had been taken to that arrangement was, that some honorable members took advantage of it and re-wrote their speeches; but he did not think that there could have been any ground for such a statement, for, so long as he had been a member of that House, he had never heard of a single instance where such a charge could be made against any honorable member. But even if such a charge could have been made, the injury would be less than was now done by having utterly wrong reports published of what honorable members stated in the House. To his mind, there could not be anything more disagreeable to any honorable gentleman than to find statements put into "Hansard" utterly contrary to what he had stated. On recent occasions he had had to complain of the same thing, and he believed that was the case with other honorable members. Then, why should a state of things as the present continue when it was so very easy to have it remedied? If there was any strong reason for not allowing honorable members to correct proofs of their speeches, he insisted that some remedy of that nature should be adopted, in order to put a stop to misreporting. He trusted that, before the present discussion terminated, the matter would be taken in hand by the honorable the Speaker, and some steps would be taken to see that the "Hansard" reports were brought out with accuracy. It would be very simple to correct the mistakes which were made, and he insisted that it ought to be done if they were to continue the present expense of "Hansard."

Mr. CLARK must confess that the honorable member for Brisbane had somewhat stated the reasons why the reports in "Hansard" were so incorrect; but he could not help sympathising with the gentlemen who prepared those reports, as he had ascertained that some honorable members could not be heard when speaking from the cross benches, and it was very difficult indeed where he sat, to hear honorable members in the body of the House when they turned to address the Chair. He thought that the fault rested more with the bad acoustic properties of the House than with the reporters or with the honorable members who spoke; and he would suggest that the Building Committee, if the matter came within their province, should endeavor to improve the acoustic properties of the building. He did not agree with the honorable member that "Hansard" proof sheets should be handed round to honorable members for correction; for he thought that, if some honorable members were reported as they spoke, it would not be much credit to them, and that the present system was a great check upon them. He should certainly oppose the proposition of proofs being handed round to honorable members every morning, as had been the custom formerly, but would certainly recommend that the Building Committee, if they had the power, should see if something could not be done to render speaking more audible. He must say that he thought that the reporters of "Hansard" took a great deal of care with their reports, and did their work very fairly; and he believed that they ought to get credit for doing so.

Mr. HEMMANT thought that a great deal of the misreporting that was complained of arose from honorable members speaking to the table, as many were in the habit of doing. He believed that, in Victoria, there was a standing order by which no honorable member was allowed to speak from the table, but only from his place in the House. It would be well to get the opinion of the reporters on that matter—as to whether they could hear honorable members when speaking at the table. He thought that when his resolutions on the subject of publishing extra copies of "Hansard" were under consideration, the whole question could be discussed.

The motion for adjournment was put and negatived.

SAVINGS BANK BILL.

The COLONIAL TREASURER moved—

That this Bill be now read a third time.

The motion was carried. The Bill was passed, and it was ordered that it be forwarded to the Legislative Council, with the usual message.

GOLD DUTY ACT AMENDMENT BILL.

The COLONIAL TREASURER moved—

That this Bill be now read a third time.

The motion was carried. The Bill was passed, and ordered to be forwarded to the Legislative Council, with the usual message.

MR. JOHN DOUGLAS.

Mr. GRIFFITH moved the following resolutions :—

That this House is willing to join the Legislative Council in the constitution of a Select Committee, to inquire into, and report upon, all matters connected with the allegations contained in the petition of Mr. John Douglas, with power to send for persons and papers, and leave to sit during any adjournment.

That the following members of the House be appointed members of such committee, viz. :—Mr. Ramsay, Mr. Hemmant, Mr. Graham, and the mover.

That such committee shall hold its first meeting at 11 o'clock, on the 11th instant, in Legislative Council Committee Room, No. 2.

That the substance of the above resolutions be communicated to the Legislative Council, by message in the usual form, as the reply of this House to their message of date the 27th ultimo.

In making that motion he had no desire to occupy the time of the House at any great length, because, if a committee was appointed to inquire into the charges which had been made against Mr. Douglas—whether those charges were true or not—the proper time for making such an inquiry would be when the matter was before such committee. He thought, however, that he might shortly state to the House some reasons why such a committee should be appointed. In the first place, he thought that as a matter of courtesy to the other branch of the Legislature the committee should be appointed ; and in the next, he did not think that any serious opposition would be given by the Government; but that if they did offer any, the House would not refuse the motion. It must be very well known to honorable members that Mr. John Douglas was, in 1869, appointed Agent-General for Emigration in England, and at the same time also Agent-General for this colony. At the close of 1870 Mr. Douglas resigned that position, and then, in accepting his resignation, the honorable the Colonial Secretary had appended to it a minute which had been laid on the table of that House, which contained several very grave charges against Mr. Douglas. The charges made in that minute were of such a character that, of course, it was only fair and right to any man—especially when he had occupied such a high and influential position as Mr. Douglas had done; that they should be inquired into, and that a reply should be made to them. One of the charges complained of was, that Mr. Douglas was not justified in supposing that he had been appointed Agent-General for the colony; and another was, that he had accepted the position of Agent-General with his mind fully made up to disobey his instructions :—

"that your petitioner seemed to think that he had a right to do exactly as he pleased, and that, in the execution of such pleasure, your petitioner did not hesitate to override the Act he was appointed to administer."

Now, he considered that those were very grave and serious charges to make against any man, and if they were proved, would shew that he was utterly unworthy to occupy any position of trust or confidence. In addition to that, however, Mr. Douglas had been surcharged to the extent of £1,400. Now, if Mr. Douglas had been in the charge of money, he should think that that was the most serious accusation, and the greatest insult that could be offered against him ; but added to that, there was another, and still greater grievance, of which Mr. Douglas had to complain, and one which he (Mr. Griffith) contended, was utterly unworthy of the person, whoever he might be, that committed it. It was that in the books of the Auditor-General, there was the following record made—whether rightly or not, would be a matter for the committee to decide—after the surcharge was recorded, and added, in the form of a minute, "Lapsed in consequence of insolvency." Now, if that was to remain on the public records of the colony against a gentleman who had held the position of Agent-General, that he had misused the public money to that extent and was liable to the colony to the extent of £1,400, why had not some charge been brought against Mr. Douglas, instead of such a minute as that, "Lapsed in consequence of insolvency"? He did not profess to be able to form any opinion as to what the result of the committee would be, but he believed he had shewn *primâ facie* that certain charges had been made, a reply to which, according to English law and justice, the person charged should be allowed an opportunity to make, as no man should be condemned unheard, but should be allowed to defend himself. Before sitting down he must express his regret that the honorable the Colonial Secretary was not present on the occasion of the resolutions being brought forward; but, as a fortnight would elapse before he would have another opportunity of bringing them under the notice of the House, he thought it was better not to wait until the honorable member was again in his place. He would now move the resolutions he had already read.

Mr. MILES thought the honorable member for East Moreton had made a very great mistake, not in bringing the matter forward, but in the manner in which he had brought it forward. He thought it would have been much better if the honorable member had simply moved his resolutions without making any comment upon the matter referred to in them; but the honorable gentleman, although, perhaps, unintentionally, had come forward as the advocate of Mr. Douglas.

Mr. GRIFFITH : No.

Mr. MILES : Well, the honorable member might not have meant to address the House as if he were the advocate of Mr. Douglas, but still his speech seemed to bear that appearance ; and he must say that the honorable member had, in his opinion, committed a

great mistake in commenting on the question in the way he did, for in moving for the committee he expressed very strong opinions. There was no doubt that a gross act of injustice had been done to Mr. Douglas; and it appeared to him, from the speech of the honorable member, that he had endeavored to bias the minds of other honorable members in respect to the case. But while he said so, he felt fully persuaded that Mr. Douglas was entitled, as a matter of common justice, to have a committee appointed to inquire into the way he had performed his duties as Agent-General for the colony in the matter of sending out immigrants to the colony. Mr. Douglas had been a member of this House; he had been a member of the other House; and he had also been a member of the Government. It was, therefore, not going out of the way to suppose that he was fully aware of the nature of the duties he was required to perform as Agent-General for the colony. Under a due consideration of all the circumstances of the case, he was of opinion that the House should agree to the appointment of the committee; but he thought that the members of it should be appointed by ballot.

Mr. FYFE said he believed that the Government would find it to be their duty to oppose the motion for the appointment of a committee of inquiry into this case; but, on the other hand, it must be understood that if the Government appointed an Agent-General, they were to a certain extent, if not to the full extent, responsible for all that he did on their behalf, under the instructions he had received. He had some hesitation as to the appointment of the committee, but, as a matter of equity, he thought that it should be agreed to; and it was only on that ground that he would vote for the motion; but he also thought that the committee ought to be appointed by ballot.

Mr. MOREHEAD supported the motion for the appointment of the committee. He said that he thought the honorable member for East Moreton had exhibited somewhat of a partisan spirit in the way he had brought forward the motion; but he did not see that he could help that, if he felt very strongly upon the subject. Anyone who felt strongly upon any matter could scarcely help appearing to be a partisan. He was, however, quite satisfied that the honorable and learned member was not actuated by anything like a partisan feeling in the matter, and he only meant to say, that, by the way in which he spoke, he appeared to be so. Believing that it was right and proper, both to the Government and to Mr. Douglas, that an inquiry should take place, he would support the motion; but he approved of the suggestion, that the appointment of the committee should be by ballot.

Mr. LILLEY said he had no doubt that the motion for the appointment of the committee would be agreed to, though there were no other reason than that of showing a proper deference to the other House. Now, while he did not wish to prejudge the case, he felt he must say that he did not consider the honorable member for East Moreton, Mr. Griffith, had, in any way, shewn himself to be a partisan in the case. He had, no doubt, very strongly referred to a certain entry in the books of the Auditor-General; but the reason for that entry was one of the matters which it would be the duty of the committee to inquire into. In the appointment of the committee, he thought it would be better not to go to a ballot; because he thought that a ballot was only asked for in order to exclude from the committee the honorable member who had moved for its appointment. Now, he did not think that it would be advisable to do so. In the course of his last few remarks, his attention had been called by the honorable the Speaker to the fact that under one of the Standing Orders, the member who moved for the appointment of a committee must be a member of it; and consequently, therefore, whether the committee was appointed by nomination or by ballot, the honorable member for East Moreton must be a member of it.

The ATTORNEY-GENERAL said he was sorry that the honorable member for East Moreton had considered it necessary to bring forward this motion in the absence of the honorable the Colonial Secretary, against whom any charges that might be contained in the petition of Mr. Douglas, must necessarily be directed. He thought it would have been well that, for the present, the honorable member had postponed the motion. It must be seen that it was quite impossible for him, or any other of his colleagues who were present, to speak on the question involved in the petition, in respect to its details; and he thought it would be admitted that it would be inadvisable to do so, as by the terms of the motion, the committee would be empowered to make full inquires into all the particulars of the case. If he were to enter into the particulars of it, he would appear to be in a sense prejudging it, and he would, therefore, refrain from doing so. He fully admitted that a gentleman in Mr. Douglas' position, and who had held the positions he had held, both in this House and in the other, and in the Ministry, was fully entitled to a committee of inquiry, if he felt he had a grievance; but he must say that he thought it was a great pity the matter had been brought forward when the honorable the Colonial Secretary was not present.

Mr. HANDY said he did not think it would have mattered much if the honorable the Colonial Secretary had been present; for the question was solely one as to the appointment of a number of members of the House, to be members of a joint committee for a certain purpose, in compliance with a request contained in a message from the Upper House. At the present time the House was not called upon to deal with the details of the complaint. The proper time for them to do so, would be

when the committee brought up their report. The purpose of the committee, as he understood it, was, simply, to inquire as to whether there were any just and reasonable grounds in support of the complaint. He fully concurred in the opinions which had been put forth as to the necessity of the appointment of the committee at once; and he must say that why such a charge as that which had been brought against Mr. Douglas could have been made, he could not understand. That gentleman had held a high position in both Houses, and, on several occasions, had been a member of the Government of the day; and he (Mr. Handy) could therefore well appreciate the acute painfulness of feeling he must labor under, because of the stigma that he felt rested upon him on account of the charge that had been made against him.

Mr. STEPHENS said he did not understand the honorable member who introduced the motion for the appointment of the committee to express, in what he said, any opinions of his own whatever, upon the merits of the question. The gravity of the case appeared to him to rest in an entry in the books of the Auditor-General, which set forth an overcharge by the Agent-General, for the purposes of immigration, of £1,320. The report of the Auditor-General, also, stated that the amount had lapsed through insolvency, and that it had in consequence been written off. This latter statement in the Auditor-General's books, furnished, he thought, an additional reason why an inquiry should be made; for the entry did not say anything as to the nature of the overcharge, or whether it was correct or not. Now, a charge of that kind, against a gentleman who had held the position in both Houses of Parliament and in the Government that Mr. Douglas had held, demanded that an inquiry into the particulars of it should be made.

Mr. FERRETT said he thought that the House should not come to any decision upon this motion at present; and he would recommend that it should be postponed for a week, because he considered it was unfair to deal with the question involved in this motion in the absence of the honorable the Colonial Secretary. Before the question as to whether a committee to inquire into the merits of the case, as put forward in the petition of Mr. Douglas, was decided, the honorable the Premier ought to be heard. If the motion was not postponed—if it was passed without the Colonial Secretary being heard on the other side of the question—the passing of it would, he maintained, virtually amount to a vote of censure upon that honorable gentleman. He, therefore, hoped that the debate would be adjourned for a week.

Mr. EDMONDSTONE said he had never heard a more extraordinary statement than that which had been made by the honorable member for West Moreton, Mr. Ferrett, when he said that if they were to pass this motion now, in the absence of the Colonial Secretary, it would amount to a vote of censure upon that honorable gentleman. Now, it would be nothing of the kind; for the motion had been on the notice paper for a considerable time, and the honorable the Colonial Secretary had had ample notice of its coming on to-day; and if that honorable gentleman had considered it was necessary for him to be present when it came on, no doubt he would have been present. It could not, therefore, upon any reasonable ground, be considered that to pass it in his absence would amount to a vote of censure upon him, and he was sure that it was not at all intended that it should be so regarded.

Mr. RAMSAY pointed out that, under the provisions of the 146th Standing Order, the member moving for the appointment of a committee must be a member of the committee. Notwithstanding what had been said by some honorable members as to the undesirableness of the honorable member for East Moreton being upon the committee, he must say, for his own part, he considered that, on account of the intimacy he had shewn with the facts of the case, he ought to be on the committee. He did not see that there was anything whatever in what had been said by the honorable member, that should be taken as a reason why he should not be a member of the committee.

Mr. GRIFFITH said he was quite surprised at being charged with being the advocate of Mr. Douglas in this matter. There were three courses open to him in moving for the appointment of the committee. One was that he might have moved for its appointment without saying a word; the next was that he should give his reasons for thinking that it ought to be appointed; and the third was that he should give his reasons why the motion should be refused. Now, not being a lunatic, he could not give reasons why it should be refused. He had simply sought to give his reasons why he thought the committee should be granted. He had no idea whatever as to what were the facts of the case, and he had confined his remarks strictly to what was stated in the petition of Mr. Douglas. He had not expressed any opinion upon the facts of the case, nor did he pretend to have any to offer. But, as to the granting of the committee, he was certainly very strongly of opinion that it should be granted.

Mr. BUCHANAN having demanded that the committee should be appointed by ballot, the second of the series of resolutions was omitted, and the first, third, and fourth were put and passed.

The members of the committee were then balloted for, and Mr. Griffith, Mr. Graham, Mr. Ramsay, and Mr. Wienholt were elected.

TELEGRAPHIC MESSAGES BILL.

Mr. GRIFFITH, in moving that this Bill be read a second time, said he would follow the usual practice in such cases, and explain the nature and object of the Bill. Everyone who

had had any experience in the sending and receiving of telegrams in connection with matters before courts of justice, must be aware of the difficulty there was under the rules of court of proving telegrams in evidence. The existing rules of court were brought into existence before telegraphic communication was thought of; and the judges of the Supreme Court had not extended to the Telegraph Office the same rules as applied to the Post Office. He remembered a case which occurred very recently, in which it was absolutely necessary to prove the sending of a telegram, and every possible means was tried to do so, but without success, as the court would not consent to receive the telegram unless the original document was produced. At the present time, it was necessary to produce the original document that was taken to the Telegraph Office, then to call the clerk who received it, and the clerk to whom he gave it, and, in the next place, the clerk who sent it on, to prove that he had sent it correctly. All that being done, it was necessary, then, to call the man at the other end to prove that he had received the telegram, and that he had copied it correctly. The piece of paper on which he wrote the telegram had then to be produced, and, after that, it was necessary to prove that the telegram was duly delivered to the party to whom it was addressed. All that, which, as he thought, was quite absurd and unnecessary, had to be gone through before it could be satisfactorily proved that a telegram had been sent, and that it had been received by the party to whom it was addressed. Now, he thought the telegraph had been long enough in existence to enable a great deal of that to be done away with. The telegraph was a Government institution, and was, like the Post Office, subject to Government control, and he did not see why the same rules as to the transmission and receipt of communications by the one means should not be applied to the other. He did not see why the rules of evidence that applied to the sending and receiving of a letter should not equally apply to the sending and receiving of a telegram—every precaution, of course, being taken to prevent abuses. Now, for instance, let honorable members imagine what would be the cost of proving, in the Supreme Court in Brisbane, the sending of a telegram from Clermont; and what, also, would be one of the consequences? Why, it might be necessary to clear out the office. Unless the sending of a telegram and its receipt by the party to whom it was addressed, was admitted, it would be very difficult to prove that it had either been sent or received. Now, what he proposed by the Bill, for the purpose of proving the telegrams, was, that the party who intended to prove it should send notice to the other party, and that such notice should specify the name of the sender of the telegram, the name of the receiver, and the date; as well as the subject to which the telegram referred. The Bill also provided that notice should be given for such evidence for as long a period as the required notice of taking proceedings. As honorable members knew, there was a difference between the periods in the Supreme Court, the District Court, and the Equity Court; but the period of notice would have to correspond to the period of notice of trial required to be given in any of the courts before which the case was to be brought. One of the clauses of the Bill required that—

> "In any case in which such notice shall have been given the production of any telegraphic message described in such notice or of a machine copy or press copy thereof or a copy thereof verified on oath together with evidence that such message was duly taken to a telegraph station and that the fees (if any) for the transmission thereof were duly paid shall be *primâ facie* evidence that such message was duly delivered to the person named therein as the person to whom the same was to be transmitted And the burden of proving that such message was not in fact received shall be upon the person against whom such message shall be given in evidence."

Now, that would be *primâ facie* evidence that the telegram had been sent and that it had been received; but the party against whom the telegram was to be produced in evidence would be at liberty to prove that it had not been sent or received, as the case might be; and for the purpose of enabling him to do that, he would have as long a notice as was given of the case going to trial. There was another matter he would like to call the attention of honorable members to, and it was this: he was somewhat at a loss to know why it was that, while the telegraph could be taken advantage of for commercial purposes, it should not be allowed to be taken advantage of for legal purposes, and especially such as were connected with commerce—such as the transmission of writs for the seizure of goods. There was a case in which a warrant was issued in insolvency for the seizure of goods in an inland town at some considerable distance from Brisbane. Well, the warrant was forwarded with all due speed in the ordinary course of postal communication; but, in the meantime, advantage had been taken, on the other hand, to communicate by telegram from Brisbane; and the consequence was, that when the warrant of seizure was received at its destination, there were no goods remaining to be seized. Now, if the telegraph was allowed to be available for the purpose of defeating the ends of justice, he did not see why it ought not to be available, also, for the purpose of securing the ends of justice. He did not see why the same means of forwarding information of a warrant having been sent on should not be sufficient for the transmission of the warrant itself. The Bill also provided for the verification of telegrams that might be transmitted from one place to another, for the purpose of being

received in evidence. Now, with such a safeguards as were provided in the Bill, he thought the telegraph might be advantageously used in the matter of the forwarding of writs of election, and the summoning of a new Parliament. Of course, all these things were liable to abuse, more or less; but then they were all done subject to the scrutiny of the public. The Bill, as far as it dealt with the transmission of writs, applied only to civil cases. He did not think it would be well that it should be made to deal with the issue of writs in cases where the liberty of the subject was concerned. Then there was the case of the Admiralty Court; practically it always sat in Brisbane, and every warrant that was issued out of that court, had to be issued from Brisbane. Well, in the event of a warrant being issued for the arrest of a ship in a distant port of the colony, before the warrant arrived in the ordinary course of post, the ship might be gone—information of the issue of the warrant having been forwarded by telegraph to the parties concerned. In order to provide against forgery, or the transmission of false messages, the Bill provided that in such cases as it referred to, messages should be verified by a magistrate of the place whence it was sent; and that from the place where it was received, it should be re-transmitted under the care of a magistrate for further verification. Now, he did not see why the copy of a telegram sent under such safeguards, should not be accepted as being as good as the original. He should be sorry if the Bill was rejected, even if all the parts of it should not be approved of. Some of its provisions, if the Bill should be adopted, would effect a great saving of time in the furtherance of the ends of justice.

Mr. FYFE said he would oppose the second reading of the Bill, as he thought that it would have a very dangerous effect if it were passed into law. As regarded the provision for the transmission of warrants from the Admiralty Court, for the arrest of vessels at a port distant from Brisbane, the seat of the Admiralty Court, he did not believe that the judges would consent to a warrant being sent along the wires. In fact, he felt confident that no judge would allow that to be done. The Bill also proposed that messages, in certain cases, should be verified by magistrates; but who, he would like to ask, would guarantee as to the honesty of the verifying magistrate? That was a question which might cause considerable difficulty in some cases. He must say that he did not believe the Judges of the Supreme Court would approve of the passing of such a measure as this, if it should be passed.

The ATTORNEY-GENERAL said that whatever might be the ultimate fate of this measure, he considered that it fairly deserved to be read a second time; for there were principles involved in it, which, if carried out, would decidedly effect an amendment on the present state of the law, so far as the rules of evidence, as relating to civil cases, were concerned; and, generally, the furtherance of the ends of justice. He thought that honorable members might well congratulate the honorable member for East Moreton, who had brought in this Bill, on the great care he had evidently bestowed in the working out of the details, in order to make the Bill as practicable as possible for the purposes for which it was intended. There was one point, however, which he thought would require the careful consideration of honorable members when the Bill got into committee. He referred to the wording of the second and the third clauses. It appeared to him that in those clauses the words "telegraphic message," were not defined with sufficient clearness. As to the use of the telegraph in the case of elections, he might state to the House that this was a question which had not escaped the attention of the Government; and at one time he had some idea of introducing a clause bearing upon that portion of the subject, into the Redistribution Bill; but on further consideration he had come to the conclusion that such a provision should not appear in a measure of that character. So far therefore as that part of the measure was concerned, the honorable member would have his hearty support in the second reading of the Bill. That this measure, if carried into law, would greatly facilitate the administration of justice and the general conduct of legal business, he had not the slightest doubt; but he thought that the clause under which attorneys would be empowered to use the telegraph for the purpose of sending writs and other legal communications, was somewhat dangerous; and he hoped the honorable member would give to this provision further consideration.

Mr. LILLEY said he thought the Bill should be allowed to pass the second reading. Any modifications which it might be considered advisable to make could be effected in committee. He thought, also, that some provision should be made in the Bill for the verification of telegrams in criminal cases as well as in civil cases; and he must say that there should also be some means provided for the proving of telegrams in criminal cases. It was sometimes of the very highest importance to the encompassment of the ends of justice that telegrams should be received in evidence—of course under proper reglations—and therefore he thought the second reading of the Bill should be agreed to; and that the details of the measure should be allowed to stand over until the House went into committee upon it.

The SECRETARY FOR PUBLIC LANDS said he would support the Bill before the House unconditionally. The honorable member who had introduced the Bill must, as it appeared to him, have taken great pains in the preparation of it; and he regretted that the author of it had not, so far as he could see by the Bill, made provision in it for the

issuing of writs of summons and of *capias* by telegram. It seemed to him to be a manifest absurdity that the telegraph wire should be used by private individuals for commercial purposes, and that it should not be available for legal purposes. He could not for a moment doubt that on account of such being the case, the ends of justice had been in some instances defeated. So much as regarded telegraphic communication in respect to civil cases. Now, they had the use of the telegraph wire in matters relating to criminal cases, and he could not see why they should not avail themselves of it in civil cases. He had said they had the use of the wire for the detection of criminal cases; and it was quite well known that that was the case, and that if the authorities wanted to arrest a man, they simply chanced it. The first time the telegraph was employed for the apprehension of a suspected criminal, was in the case of Tawell; and the message that was sent along the wire was—"Arrest the Quaker"; and Tawell was arrested through that telegram, and was brought to justice and executed; and the telegraph had ever since been used for the purpose of apprehending criminals attempting to escape, and he did not see why it should not be made equally available in civil cases. In the matter of the transmission of a writ, he thought that the officer issuing it should be present when it was forwarded. That would take the matter out of the hands of the attorney, which would be so far satisfactory; but, of course, an attorney might be deputed by a judge to see to the transmission of any writ; and, in that case, he would, as an officer of the court, be responsible for the proper performance of the duty, while he would also have to produce at the telegraph office his authority to transmit the message. He thought there ought to be a criminal clause in the Bill as applying to magistrates who might make a wrong use of its provisions.

HONORABLE MEMBERS: Hear, hear.

The SECRETARY FOR PUBLIC LANDS: He had been told that this Bill was an advance upon the English law, and, therefore, it was so far an experimental measure; and how far it might be supported by the Judges of the Supreme Court, no one, of course, could say; but as to the necessity for such a measure he had not the slightest doubt.

Mr. MACDEVITT said it was not his intention to detain the House for any length of time in discussing the very useful measure which was now before them, as honorable members had the satisfaction of knowing that it was a subject upon which the legal members of that House mostly agreed, and he thought that that exception to the proverb, that lawyers generally differed, would be taken as a reason why the House should pass the measure without further discussion.

Dr. O'DOHERTY: That is rather suspicious.

Mr. MACDEVITT: Although the honorable member for North Brisbane seemed to look upon that unity of opinion with suspicion, and appeared to think that it was rather ominous, considering the great rarity of such unity; and although honorable members might consider it as somewhat singular that the lawyers in the House should be as one on the present occasion, still he could assure the House that such was the case; and that he and the other honorable members who were members of the legal profession were as one on the point, as they all considered that it would be a most salutary reform in the law of evidence. It did not require any great knowledge of that law to understand the reform that would be effected by the Bill. It simply was an extension of the practice of the common law in regard to the receipt of letters, to the receipt of telegraphic messages. At present the law looked upon it as *primâ facie* evidence that a letter having been posted and the postal authorities having received it, that letter would be delivered; but still the person to whom it was addressed was at liberty to prove that he had not received it. That would be exactly the case in regard to telegraphic messages if the Bill was passed, as the proof of sending would be *primâ facie* proof of its having been received; still, however, the person to whom the message was sent would be able to prove that it had not been sent, either by his own evidence or by other evidence that could be produced by him. Believing, as he did, in the Bill as a salutary reform, and hoping that when it was in committee that portion of it which restricted the general principles of it would be eliminated, he should support it. The portion to which he referred was contained in the sixth clause, which said it should not be deemed to apply to writs of summons or *capias*. Now, he thought, if the Bill was a salutary measure as regarded other matters, it should be equally salutary as regarded those documents; and, as the honorable the Minister for Lands had remarked, it would be derogatory to our law if other matters were allowed more speedy transmission than those which represented the arm of the law; and he (Mr. MacDevitt) thought it would be a stain on a measure—otherwise good—that there should be such a notable exception in deference to what might be termed old prejudices. Now, the recklessness with which messages were written was the same as in regard to letters, and he had been glad to hear the honorable member who introduced the Bill say, that although he had inserted a clause excepting writs of summons and *capias*, still he did not believe in that exclusion. Consequently, he believed it would be a good thing if the honorable the Minister for Lands and other honorable members would support an amendment which would have the effect of taking away that exception altogether. He believed that the measure was a good measure, and one that would greatly facilitate the administration of justice; for, as the honorable member for East Moreton had observed, if a person

wanted to prove the sending of a telegram, he would first have to produce the original document taken to the Telegraph Office, then call the clerk who received it and gave it to the clerk who sent it, then call that clerk to prove that he sent it correctly, then call the man at the other end to swear that he received and copied it truly, then produce the piece of paper on which he wrote it, and then prove the delivery to the party to whom it was addressed; and, therefore, inasmuch as all those things presented so many opportunities for the delay of justice, the removal of such opportunities would be productive of great good to the public. He would on those and other grounds support the Bill.

Mr. MILES said he did not intend to oppose the second reading of the Bill, but he had risen merely to refer to some matters in connection with the way in which telegraphic messages were sometimes transmitted. The honorable member who had just spoken, in his opening remarks, had stated that the Bill was one on which there was a unity of opinion between all the honorable the legal members of that House. Now, for his part, he did not think that that was much of a recommendation; although he believed that lawyers, like other people, had good and bad amongst them.

Mr. LILLEY: No.

Mr. MILES: The honorable member said "No," but he would say "Yes;" like other people, lawyers had some good men amongst them.

Mr. LILLEY: They are all good.

Mr. MILES: The honorable member was quite at liberty to enjoy his opinion, and he should enjoy his. He contended that the mere fact of all the legal members of that House approving of the Bill was not justification that it should become law, unless indeed other honorable members, who were not lawyers, but who were quite as capable of forming an opinion, approved of it. He thought, however, the matters referred to in the Bill were subjects deserving of very great consideration. He had, himself, had some experience in sending telegrams, and of the mistakes that might arise in the course of their transmission — serious mistakes too, which involved great loss of time and expense. On one occasion there had been a mistake in only one word of a message, and yet through that he had been put to the trouble of travelling 900 miles. The occasion to which he referred arose in the following way. He had had some dispute about cattle, and he had instructed his agent at the Warrego by letter as to what course he should pursue, and to reply to him by telegram. The reply his agent sent was, "I can not prove all you want." He believed that he then consulted the honorable member for Fortitude Valley, told him the circumstances which rendered it necessary for him to be absent from the House, and then he went to the Warrego—he having paid a large sum of money for the property in question, and the matter therefore being of considerable importance to him. Well, he went to the Warrego, saw there his agent, and asked him about the telegram, when he was informed by his agent that the reply he sent was, "I can now prove all you want." Consequently his journey of nine hundred miles was all for nothing. When he returned to Roma, he went to the telegraph office and asked the officer in charge if he would shew him a copy of the telegram. That gentleman did so, and the words were exactly as his agent had stated—"I can now prove all you want." It had been a very serious matter to him, as he had had to travel nine hundred miles, and to neglect his duties in that House, for which he had been called to account by the honorable member for West Moreton, Mr. Ferrett. He thought therefore that it was just possible that if the Bill became law, very serious errors might arise. When he applied to the telegraph master at Roma, that gentleman pulled over the whole tape. Whether he was right or wrong, he (Mr. Miles) had his opinions; but he believed that the officer was in error—at any rate, he (Mr. Miles) had no satisfaction. Now, if the Bill became law, telegraphic messages might be accepted as evidence in courts of law, and therefore it was extremely necessary that no errors should be made in the despatch of messages. For his part, he believed that the fault lay in appointing as operators men who were not thoroughly up to their business. He would like to see the Bill carried; but, at the same time, he thought that matters should not be left too much to chance—and he had, he believed, shown the serious effect of the misreading of one word.

Mr. W. SCOTT said that the same idea had arisen in his mind which had just been expressed by the honorable member for Maranoa —that very great care should be taken to prevent any mistake in sending telegraphic messages. He thought that in the case of very important messages, such as those that would be sent under the Bill, a system of repeating messages should be adopted, so as to remove any possibility of mistake.

Mr. FERRETT said he certainly did not agree with allowing a measure of the importance of that before the House to pass without giving it a great deal of careful consideration; and he quite agreed with the honorable member who had just sat down, that there should be a double groove as to what a telegram represented, or, in other words, that in cases of importance a certificate should be given that a message had been properly sent. He believed that there was some such provision in the Bill; but he thought that in the case of evidence, or warrant, or writ of summons, being sent through the telegraph, there should be the very clearest evidence in all cases that the message sent was the correct one. It should be a certainty, and the only way to ensure that, in his

opinion, would be, that not only the message should be repeated, but also the reply to it. He thought that if that was provided for, the Bill would so far be of great service; but yet it was rather a dangerous thing to go into. Of course, however, he knew that whatever was now allowed as evidence of sending a letter by post should be admitted in regard to sending telegraphic messages; but he could scarcely conceive that a telegram could convey what an affidavit was—he would say scarcely.

Mr. GRIFFITH: There is nothing about affidavits in the Bill.

Mr. FERRETT: If, however, what was sought by the Bill could be achieved, he should be glad.

The motion was put and carried.

GOLD DUTY BILL.

The COLONIAL TREASURER moved—

That the Order of the Day for the second reading of this Bill be discharged from the paper.

He did so, because a Bill on the same subject had been passed by the House only that day.

Mr. MILES thought it was rather a strange proceeding on the part of an honorable member of the Government to move that a private Bill be discharged from the paper. It would have been better to have allowed the Order of the Day to lapse.

Mr. LILLEY said that, on behalf the honorable member for Wide Bay, who had charge of the Bill, he had no objection to its discharge from the paper.

Motion carried.

CARRIERS BILL.

Mr. FYFE said that, in rising to move the second reading of the above Bill, he might point out to honorable members that it was merely an amendment on the existing Act, and that the principal object of it was to give to carriers the same right that was possessed by other classes of the community—namely, a right to appeal from the decisions of a bench of magistrates to the District Court. He believed that some amendments would be brought forward when the Bill was in committee, and as the principle of the Bill had already been conceded on a former occasion, he would not detain the House any longer, but would simply move—

That the Bill be now read a second time.

The SECRETARY FOR PUBLIC LANDS said that if the Bill was merely to give to carriers the right of appeal against the summary decision of a bench of magistrates, he could not see any objection to it; but the honorable member's one clause did not point out what the nature of the appeal would be. He hoped that the honorable member would not press the Bill going into committee at the present time, as it certainly required great amendment. There had been another measure similar to that now proposed, and he might mention that it had been the cause of difference between the various District Court Judges, as to whether in the case of an appeal they were to hear the evidence over again or accept the depositions taken before the bench of magistrates. He thought that there were other amendments to be made also to the Carriers Act as it now stood, and he would, therefore, suggest to the honorable member that he should be contented to have the Bill read a second time, and postpone its consideration in committee until a future day.

Mr. THORN said he quite agreed with the necessity of introducing a Bill for the relief of carriers, for if there was one class of men which suffered more than another, it was that of the carriers. He might mention one instance of the defect of the present law which had come under his own notice. Towards the end of last year he was in the court at Ipswich when two carriers applied for licenses, and they were told that those licenses would only hold good to the end of the year; so that the men, in order to be safe under the Carriers Act, had to take out licenses for just a month or two, and also fresh licenses for 1872, for each of which they had to pay one pound. He hoped, therefore, that when the Bill was in committee, a clause would be inserted to make licenses available for twelve months from the date of issue.

Mr. MILES said he wished to bring under the notice of the House, as one of the hardships to which carriers were subjected under the existing law, that no matter at what period of the year—even if it was the 25th of December—they had to pay a pound for a year's license which expired on the 31st of December. Now, he thought that one pound was too much to charge, and that the license should be reduced to ten shillings; also, that a carrier should be allowed to take out a license quarterly. He knew, as a fact, that carriers were hard working men as a rule, and that since they had had to compete with the railways they could ill afford to pay such a heavy license as that now charged. He was sure that the honorable the Treasurer would agree with him on that point, and he thought that honorable gentlemen would be prepared to support him when he moved an amendment in committee, that the annual license fee should be reduced to ten shillings, or two and sixpence per quarter. He was not quite sure about the clause in the Bill of the honorable member for Rockhampton, but he was quite prepared in all cases which were dealt with by country benches of magistrates to give the right of appeal, and he would endeavor to make that a provision in any Bill that came before that House.

The COLONIAL TREASURER said he was very glad indeed that the Bill now before them had been introduced, as it would give him an opportunity of doing what he considered justice to a large and hard-working class of the community, in respect to what had been referred to by the honorable member for Maranoa, namely, the present license

paid by carriers; and he should certainly introduce an amendment for the reduction of the present license, if that honorable member, or some other honorable member, did not do so. There was also another grievance of which carriers very much complained, and that was being compelled to have brakes on their drays—that might receive some consideration when the Bill was in committee.

Mr. FERRETT said that he promised some of his constituents that he would bring the matters which had been referred to under the notice of the House, and he had therefore been pleased to hear the honorable the Colonial Treasurer say that he considered the license now paid by the carriers was too high. There was a time when carriers, as was well known, were making a great deal of money, and the amount paid by them for a license was not consequently of so much importance; but that was not the case now, and he thought that if a man paid ten shillings it was quite sufficient. Then, in regard to the carriers being compelled to have brakes on their drays, that was another very great hardship, as he had known cases in which a man had to pay £3 10s. for having a brake put on his dray before he could start on a journey, when perhaps the whole trip would not bring him in more than ten pounds. He would not say for one moment that it was not advisable that men should have brakes on their drays on some roads, but it was well known that when a carrier applied for a license it was for a certain locality, and if it was not one where brakes were necessary, it should be left to the discretion of the magistrates to say whether he should have one or not. He knew of cases where men had to take off the brakes on coming to the black soil, and thus were compelled to take off what they had been put to great expense in having put on, when there was no real necessity for it.

The motion was carried.

LEGAL PRACTITIONERS BILL.

The Order of the Day having been read for the resumption of the debate—that this Bill be read a second time,

Mr. THORN said that when the Bill was before the House, in another Parliament, he had voted against it, but that since then he had seen some reason for changing his mind—the same as the honorable member for East Moreton, Mr. Hemmant; and he now intended to support it, as he believed it could be made into a measure, for not only effecting a considerable law reform, but also for cheapening law. He had noticed that when the honorable member for East Moreton, Mr. Griffith, was before his constituents on the occasion of his election, he had pledged himself to them, and more particularly to his late opponent, Mr. Cribb, that when he entered that House, he would try and effect a simplification of the law, and also see that law was made cheaper; and as the present measure was supposed to tend in that direction, he intended to put that honorable member's sincerity, as also that of other honorable gentlemen, to the test; and he considered that the honorable member, at any rate, was bound to give the Bill his support. Now, he had certain amendments to propose to the Bill when it was in committee, which he was sure the country would agree with him were necessary at the present time. One amendment was very important. At the present time, as many honorable members were aware, no doubt, when they framed Acts of Parliament in that House, the Judges of the Supreme Court set those Acts at defiance. According to a clause in the Supreme Court Act, judges were empowered to make rules and regulations, and those rules and regulations were published for a certain time in the *Government Gazette*, before they had the force of law. He was not sure that any newspaper ever published the regulations thus made by the Judges; and, therefore, he was prepared to propose, as an amendment, that all rules and regulations of the Judges must receive the sanction of Parliament before they could come into force; and he thought that that would be a very great improvement upon the present system. He believed that at present the rules and regulations were laid on the table of that House; but he would ask, whether any honorable members ever took any notice of them? Whereas, if they were brought prominently before the House, they would be severely criticised, and if not acceptable to the people, would not be approved of by the House. He should also propose an amendment by which power would be given to agents to appear in court in minor cases; and he had no doubt that the honorable member for East Moreton, Mr. Griffith, who had pledged himself to cheapen law, would support him in that respect. He did not propose to interfere with the lawyers to any great extent, as he did not advocate what was termed cheap law in cases of importance; but there were many cases in which clients were the best judges as to whom they should have to conduct their business. Unless that clause was carried, there would be no cheap law in the colony, and he believed that it would do more to cheapen law than anything else. He would ask the honorable member for East Moreton, Mr. Griffith, to recollect the last speech made on law reform, by Lord Brougham, who, he was sorry to say, did not live to see his efforts to bring about law reform brought to a result. In the confusion at the close of the last Parliament, the Bill now before the House was thrown out; but he anticipated a better fate for it on the present occasion, and he hoped to see it, and the amendments he intended to propose, receive the support of the legal members of the House. At any rate, he was quite sure of that of the honorable member for East Moreton, after the promise he had made to his constituents. He did hope that they would arrive at

some settlement of the question, as law was dearer in Queensland than anywhere else. So far as he was concerned, he always put as much as he could out of the lawyers' hands, and whenever men went to him he acted as arbitrator, and thus saved them thousands of pounds; for it was well known that whenever people got into the clutches of the lawyers, their whole property was swallowed up. In the mining districts there was no doubt that it was far better to refer all disputes to arbitration, as, even supposing a party won a a lawsuit, he always lost something. He had particularly noticed that whenever two great suitors were in court, the business was most unnecessarily delayed, and frequently judges allowed cases to be postponed in the district courts as much as possible: he had no doubt honorable members would bear him out in that statement. He knew of cases in the district courts, where the costs incurred had amounted to infinitely more than the sum at issue, and he might inform the legal members of that House, that there would be a great many more cases taken into court if law was cheaper; instead of that, however, by the rules and regulations of the Judges, the fees and costs were made so high that they were almost double what they were under the old Act, and people would not go to law. He believed that if they allowed the Judges to go on as they pleased, there would soon be no law whatever. There was not much at present, it was true—but not because it was not required, but because people were afraid of having to pay the exorbitant fees and rates imposed by the Judges in their regulations. At one time he had very strange notions on that subject, which, however, he had since qualified. He could not see why barristers should be placed in a different position from other professional men; and a few nights ago, when the question of taxing the gold digger was discussed at such length by honorable members, he was going to propose that a heavy duty should be imposed on the legal profession—about £200 a-year on barristers, and £100 a-year on attorneys. He thought that if the Bill passed with the amendments he intended to propose, they could do much towards effecting, what the late Lord Brougham tried to do all the time he was a member of the House of Commons and of the House of Lords—namely, cheapen and reform the law.

Mr. Griffith said he considered that it would be his duty to oppose the Bill. He would preface any remarks he might have to make, by saying, that he considered the question altogether apart from personal interests; because all who knew him must be aware that the passing of such a measure would be a positive advantage to him. If there was no other motive, that he thought would be sufficient for him to oppose it; but he trusted that he and all other honorable members would consider the measure only as on behalf of the public. Notwithstanding what had been said by the honorable member for Fortitude Valley, in his able and eloquent speech on introducing the Bill, he would venture to say, that he could count on his fingers, and that without exhausting the number, every professional man in the colony who was in favor of the Bill. Indeed, he might say, that the only professional men of any eminence who were in favor of it, were the honorable the mover of the Bill, and the honorable member for Fortitude Valley.

The Secretary for Public Lands: No.

Mr. Griffith: He would repeat that they were the only gentlemen of any eminence in the profession, who were in favor of the Bill. They had not yet heard from the honorable the mover of the Bill, any arguments in favor of it. They had only heard a speech of considerable length and force from the honorable member for Fortitude Valley, who had apparently taken up the advocacy of the measure in place of the honorable the mover of it, and whose speech was cited by his honorable colleague, the honorable member, Mr. Hemmant; and he (Mr. Griffith) very much regretted to hear his honorable friend do so—as being one of those rare speeches which had the effect of changing votes. But the arguments which the honorable member had so carefully considered had no application whatever to the measure now before the House, and out of the mouth of the honorable member himself, he would refute them. Now, he claimed the right of being able to speak with some measure of authority on this subject, inasmuch as he was familiar with the nature of both branches of the profession. He had been for some time a barrister, but he had previously qualified himself to be a solicitor, and had had entrusted to him the management of one of the most important business offices in the city. Now, on this occasion, they had not heard anything in support of the Bill from the honorable member who introduced it. He had contented himself with simply moving that the Bill be read a second time. However, when the question was before the House in April last, they had a speech of some length and considerable eloquence and apparent force in favor of it from the honorable member for Fortitude Valley; but, singularly enough, just twelve months previously the same honorable member spoke strongly against the Bill. Now he maintained that the speech which the honorable member delivered in favor of the Bill in April last, would be found, if carefully considered, to contain no force of argument at all. The honorable member then, at considerable length, with passing comments, quoted occasional sentences from the speech of the honorable member for Fortitude Valley, in favor of the Bill, and subsequently contrasted it with the speech delivered by the same honorable member in April, 1871, against the Bill; and contended that the arguments it contained applied with equal force against the Bill now before the House,

which differed very little, if any, from the Bill of the previous session. The honorable member for Fortitude Valley said in his last speech on the subject, that the two Bills were totally different; but he did not furnish the House with a statement of the particulars in which they did differ. He had not, himself, been able to see any difference between them; and, in fact, they appeared to him to be almost exactly the same. He could not discover any difference between them; but, perhaps, the honorable mover of the Bill would point out the alterations he had made on the Bill of last session, in the course of his speech in reply. The honorable member for Fortitude Valley had said that by the passing of this Bill the public would be immensely benefited, but he had not shewn in what way that would be the case. He also said that it was not for what was in the Bill that he would support it. Well, if that was the case, it must be for what was outside of it that he would support it; but he had not stated any reasons, either one way or another, that in his (Mr. Griffith's) opinion, would justify the House in passing the Bill; otherwise, he might also have been induced to support it. The Bill did not propose to make barristers solicitors, but to make solicitors barristers.

Mr. LILLEY: Both.

Mr. GRIFFITH: Well, he could assure the House and the country, from what had come under his own observation, that it would not be to the benefit of the public to do so. He believed that the greatest evils would result to the public by the two branches of the profession being amalgamated. The honorable gentleman had addressed a very specious argument to the House in support of the Bill; but, when closely considered, it came to no more than this—that the river should be deepened, but there was the wind-mill and it prevented the deepening of the river, and, therefore, it should be removed. Now, there was no more force in the argument of the honorable member, than there would be in an argument of that kind. He could not see, throughout the whole of the speech of the honorable member, anything that had the remotest application, directly or indirectly, to the question of the amalgamation of the two branches of the profession; and he maintained that the evils which now existed in the practice of the law would not be lessened but rather increased by any such amalgamation. It solicitors were sufficiently educated to be admitted to the bar, by all means let them be so; and he saw no reason why they should not. But, on the other hand, if they were not sufficiently educated for the profession of the bar, why should they be admitted? He held it would be to the detriment of the public if they were so. The honorable member for Fortitude Valley, in the course of his speech in favor of the Bill, also referred to America, and told them that the law of the State of New York had been digested and put into six volumes, and that as the law of America was, at the time of the revolution, the law of England, the whole of the laws of England, in a codified form, could be obtained in that small compass. Now, he (Mr. Griffith) admitted that that was a very good thing, and he would like very much to see the laws of this colony as well and concisely codified;—but he would ask the honorable member and the House, what had all that to do with the amalgamation of the profession? If the codification of the law had anything to do with the amalgamation of the two branches of the profession, why, he would ask, had they not been amalgamated in India, where, he believed, they had the best codification of the law that there was in the world? Now, if there was any connection whatever between the two things, they would of course expect to see the two branches of the profession amalgamated in India. But, so far from that being the case, the bar in India was the closest corporation he had ever heard of, for no one was admitted to the bar there except those who had been admitted to the bar in England, and that was no doubt a very great hardship. It almost seemed to be thought by those who were in favor of this Bill, that the amalgamation of the two branches of the profession would possess some magical charm which would be to the benefit of the public. Now, he did not see that there would be anything of the kind. If it could be shewn that between their amalgamation and the benefit of the public there was any such relation as existed between cause and effect, he might understand it. But it had not been shewn that there was any such relation; and he must confess that he failed to see any. Another objection to the Bill was this, that if the solicitor was also the barrister he might come to know too much of his client's case to be able to perform efficiently his duty as an advocate. No one knew better than his honorable and learned friend did, that cases were decided, in some instances, not strictly according to law, because of the advocate being embarrassed by knowing too much of his client's case. He had, himself, known instances of a man coming into court entitled to win his case by having the law on his side, but the barrister was embarrassed by knowing that the party was actuated by improper motives. He, himself, had had cases of that kind, in which he felt embarrassed by knowing too much of his client's case, and knowing that his client was actuated by unworthy motives. It greatly embarrassed an advocate, for instance, in defending a prisoner who admitted to him that he was guilty. If they wanted to allow a client to go direct to a barrister, why not say so? If they wanted that to be the case, what necessity was there for them to make all attorneys barristers, and all barristers attorneys? Then there was the question of responsibility, but where a man tried his best, whether as a barrister or an attorney,

the responsibility would be the same as it was now. The responsibility would not be increased by the amalgamation of the two branches of the profession. How would the responsibility of an attorney be increased by his becoming a barrister, or the responsibility of a barrister be increased by his becoming an attorney? The leading principle of the Bill was that it aimed at uniting the two branches of the profession; but what had any of the arguments that had been advanced in support of the Bill to do with that? Would the taking of evidence in a case in equity, for instance, be in any way altered by the union of the two branches of the profession? Would any honorable member conversant with proceedings in law, say that having two professions instead of one, he could take evidence better than if he had only one profession; or that by his business being increased he would be able to give more time to that which specially belonged to one of the branches of the profession? Before proceeding further, he would allude to some of the arguments which had been advanced in favor of the Bill by his honorable friend, the member for North Brisbane, Mr. Handy. That honorable member stated that on a former occasion he opposed the Bill, but, from the careful consideration he had since then given to the subject, he had changed his views. Now, he thought he would not be betraying confidence in stating that, about five minutes before the honorable member rose to address the House, he informed him (Mr. Griffith) that he would vote against the Bill. The careful and serious consideration which the honorable member had given to the subject, and which had led him to change his views upon it, was, therefore, confined to five minutes. Last year, the honorable member for Fortitude Valley delivered a really eloquent and forcible speech against the Bill; and what surprised him (Mr. Griffith) was that, considering the reasons the honorable member gave on that occasion, and the conclusion he came to of opposing the Bill, he did not give any reasons for coming to a different conclusion now. The honorable member, in the course of his speech last year, asked the honorable the Minister for Lands, where was the cry outside the profession for a measure of this kind? Well, he would ask the honorable member himself, where was the cry now for it outside the profession? In perusing the speech of the honorable member when the Bill was before the House in April last, he could find no evidence whatever to justify the wonderful change which had come over his mind in respect to this measure. Those attorneys who were sufficiently educated to practise as barristers, by all means let them do so; but it must be borne in mind that an attorney, who, from his ability, had a large practice as an attorney, could not afford to attend the court, or in other respects attend to a case as a barrister. If he were to do so, he would have to neglect his business as an attorney to such an extent that his business would fall away. He thought that, by reading the speech of the honorable member for Fortitude Valley last year, honorable members would find that his speech this year was most aptly answered out of his own mouth. The question involved in this Bill was one of greater importance to the public than perhaps some honorable members might think; and he believed that some honorable members had not yet made up their minds as to whether they would vote for it or vote against it. He quite agreed with the honorable member for Fortitude Valley as to the desirableness for this question being settled, but they ought not to settle it in the wrong way; and the best way to settle it, and that for a long time to come, would be for the House to give a decisive vote against this Bill. He apprehended that what the House should keep in view in dealing with a question of this kind was, the protection of the public. Now, he would ask, why, if they were to have free trade in law, they should not also have free trade in medicine, or engineering, or any other occupation for which special education and training was required, and which had to do with the safety or welfare of the public? It must be obvious, he thought, to everyone, that if an unqualified person was to be allowed to appear in court, great injustice would be done to the public. Then they should remember also that the Judges who had to sit and decide on the cases that were brought before them, were gentlemen of high education and general attainments, as well as being deeply learned in the law; and, therefore, as he thought, anyone who appeared before them to argue a case, should be sufficiently educated and conversant with the modes of procedure as to be able to assist the court; and, at any rate, that they should not, from deficiency in those respects, delay the court. He had not had much experience in the District Courts in the interior, but he had seen some most extraordinary proceedings in them. He had seen the time of the courts wasted by attorneys, who, though no doubt they were well qualified to perform the work of an attorney, were not sufficiently acquainted with the rules of evidence to be able to appear as advocates; and instead of the Judge receiving any assistance from them, the time of the court was wasted; and he had known the time of juries to be wasted from the same cause. He had known an attorney, from his want of knowledge as to the rules of evidence, occupy the court for days with a case that might have been disposed of in one day or even less time. He did not mean to say that that would be the case with all attorneys, but it was the case with some of them; and he contended that a person should not be allowed to appear in the superior courts as an advocate, and from his deficiency in the necessary acquirements waste the time of the court, instead of assisting the Judges. To allow such persons to

appear in court as advocates, and to waste the time of the court in the administration of justice, was both unjust and injurious to the interests of the public. There was too much time wasted in the administration of justice as matters were at present. Now, they were not legislating for exceptional cases, but for a class; and he was prepared to admit that there were some men in the colony, practising as attorneys, who were eminently qualified to practise as barristers, and if a Bill was introduced to admit them, he would support it. For the profession of the bar, special education and training were necessary; and the Bill did not sufficiently provide for that. It might be contended, in support of this Bill, that the standard of education for a barrister was unnecessarily high; and as it was proposed by the Bill to throw into the profession those who had a lower education than it was at present demanded a barrister should possess, they could not support that proposition without admitting that the education and training of a barrister was too high. The honorable member for West Moreton, Mr. Thorn, seemed to believe that everybody should be allowed to practise at the bar—himself included. Now, that was the law in New York. The only qualification required there was, that a man had been born twenty-one years before he was admitted; and he must say that if there was any place in the world that was a disgrace to the profession of the bar, it was New York. The bar of England was open to everyone who possessed the education necessary to qualify him for admission; and included, amongst its most eminent members, gentlemen who had come from the army, from the navy, and from the church. Now, the effect of a crude measure like this, would be to exclude such gentlemen from the profession of the bar, for the only way which it provided for getting to the bar, was that a person should serve five years as an articled clerk to an attorney. He heard it said that a service of five years in an attorney's office was not the only way. Well, he supposed the other way would be to go about for three years doing nothing; and he supposed the latter course, being the easiest, would be the one that would generally be adopted; and the result would be that no one, or very few, would serve as articled clerks in an attorney's office to get to the bar. An advocate had principally three duties: the principal part of his duty in court was arguing, and out of court studying; and the greater part of a barrister's work, and the most important part of it, was done out of court. Now, anyone who had a case to bring before the court would not like to entrust it to a person who had to read up the law bearing upon it. Something had also been said about giving an opinion to clients off hand, as to whether their case was one which they should bring before the court or not. Now, he would ask, what was the value of an opinion given in that way? It was necessarily an opinion that was given without a due consideration of all the facts and circumstances of the case, and was therefore worth nothing. Now, did the judges, he would ask, decide a case without hearing arguments both for and against it, where the case was a defended one?—and even with that assistance it was necessary for the judge to think over the case for himself. It was quite true that there were some gentlemen at the bar in England—and here, too—whose knowledge of the law was so great that they did not require to give so much time to the study of a case as it was necessary for some others to give. Now the attorney gave his attention chiefly to the preparation of the details of the case, and not to the principles of the law bearing upon it. The latter was one of the duties of the barrister. Then, again, the details had to be reduced to writing, and that was another of the duties of the attorney; and a very great deal of time was required in the drawing up of a case properly. On the other hand, many weighty and difficult questions connected with the law of the case had to be considered by the barrister, besides making himself acquainted with the facts of the case, before he could appear in court to conduct it. Those two duties were quite distinct, the one from the other; and for their proper performance they each required a separate and distinct training. Now, until they could change human nature from what it was, it would not be possible to make a difficult thing easy, and they could not make a difficult statement of facts easy of illustration. Though the barrister took up the case, and performed, in addition to his own, the duties of the attorney; or the attorney took it up and performed, in addition to his duties as an attorney, the duties of the barrister, the same work and the same amount of work would have to be done by either, as had to be done by both. The duty of the attorney was to collect all the facts of the case, and advise with his client; and, by the amalgamation of the profession, they could not make the collection of the facts of a case either shorter or easier of accomplishment. It would take the same amount of time and care to prepare a case properly for the hearing of the court, and for the advocate to be himself prepared to bring the case properly before the court, whether the work was done by one person or by two. The barrister was occupied in one branch of the profession, and the attorney in another and distinct branch; and they could not, by an amalgamation of the two branches, enable one man to do the work of two. An attorney who had a large practice would not be able to afford to attend in court as an advocate; but, again, there were some attorneys of small practice who would have plenty of time to attend to all the work they might get from the public, and a great deal more. Now they could not, by any possibility, enable one person to perform the duty

of two, any more than they could enable a doctor to perform the duty of a lawyer, or a lawyer the duty of a doctor. It was utterly impossible, by any Act of Parliament they might pass, to alter the nature of things. Another point that had been raised was as to the expense of getting an opinion from a barrister upon a case. Now, what was the use of rushing in upon a barrister when he was studying a case, to get an opinion from him off hand; and what could be the worth of an opinion given in that way? It was absolutely necessary a barrister should fully study a case before he could give a fair and reasonable opinion upon it. Now, when a barrister was studying a case, it was for the purpose of being able to save the time of the court, as well as to enable him the better to perform his duty to his client. Every half-hour that a barrister gave to the study of a case outside the court, enabled him in a corresponding degree to bring it before the court in a more concise form than he would otherwise be able to do; and he thereby greatly saved the time of the court. If he was interrupted while studying a case, to give an opinion off hand, the effect might be to increase the expense. If there was any way by which the expense of the law could be reduced, by all means let them adopt it. It had also been said, that in some country towns there might be an experienced barrister, and another who was inexperienced; and why should not a client be able in such a case to avail himself of the services of an experienced attorney, rather than have to employ the inexperienced barrister? Well, he said it would be monstrous in such a case that a client should be required to employ an incompetent barrister, rather than a well skilled attorney. But why on that account, make every attorney a barrister? That was a reason certainly why some attorneys should be allowed to go to the bar; and if that was all that was wanted by the Bill, he would have no objection to support it. But even if they were to do that, he thought they should draw the line at *Nisi Prius*, where cases were tried before juries, because, when a case came to be argued before the term court, it was necessary that they should have those to address the court upon it, who were conversant with the principles of the law that applied to the case. Now, there might be eminent men in the House who might desire to go to the bar. His predecessor in the representation of East Moreton, the late Mr. Atkin, contemplated going to the bar, but this Bill would virtually have prevented him from doing so; because it would have required that he should first serve five years in an attorney's office, and he would not have submitted to the drudgery of serving five years as an articled clerk in an attorney's office. Then again, if this Bill were passed, how were barristers who might come from England to be admitted? Were they to be excluded, or were they to have some unfair advantages extended to them? The great argument which had been advanced in favor of the Bill, was that it would cheapen law. Now, no matter what name the practitioner went by, there was a certain amount of work to be done in connection with every case. They had to get the facts, and state them to the court, and then proceed with argument upon the facts of the case. All the work must be done, that was done at the present time by a division of labor. But this Bill wanted them to go back, or he might rather say, it wanted them to go a-head; for it wanted that one man should do all the work of two. But would he do it cheaper, or better, or as well? He maintained that by the amalgamation of the two branches of the profession the expense would not be cheapened. Not in the slightest. Now, under the provisions of the Bill, was he, as a barrister, to be placed in this position? Was he to do all the work himself, from the beginning of the action up to the end of it, while at the same time he was only to be paid for doing the half of it; or was he to be excluded from the profession altogether? There was the work of two men to be done, and one man was to be required to do it all, and he was only to receive the pay of one man. In other words, they were to abolish the advocate's fees. But even in that case, the competent man would be able to command a higher amount of remuneration for his services than the incompetent man, and the client might find that the cheap advocate cost more in the end than the other. From no point of view that he could look at the question could he see that this Bill would have the effect of cheapening the law. All that it attempted to secure in that way was to require that one man should do the work of two and receive the pay of one. Now he did not believe that anyone would be found to consent to that. But he saw no necessity for this Bill in order to the admission of attorneys to the bar; for any attorney of three years' standing, on shewing that he possessed the necessary educational qualification to practise as a barrister, could do so. That was the law at the present time. If he could do so, he would be allowed to pass; and if he could not do so, why should he be allowed to pass? There was one thing certain, that there were many persons admitted to practise as attorneys who were not competent to practise; and it would be a public misfortune if they were allowed, as this Bill would allow them, to practise as barristers. Anyone who had a moderate experience in connection with the law knew that there were persons admitted as attorneys who did not understand some of the commonest terms. Now they were not legislating for one person, but for a class; and in doing so they were indirectly legislating to allow people to practise as barristers, who were not competent to do so. Some slight acquaintance with general literature was required, so that a person should not be allowed to practise who was

not possessed of a common amount of education. He on one occasion acted by request of the Board of Examiners to examine a candidate for articles to an attorney; and instead of finding that he possessed a reasonably liberal education, he found that he knew so little that it would have been a disgrace to a school boy on the fourth form to have known as little. He accordingly certified to the court, that he did not possess a competent knowledge of those subjects that were usually embraced in a liberal education, to entitle him to be passed, and consequently he had not passed him. But what was his astonishment, when within a fortnight afterwards he discovered him as an articled clerk to an attorney. In course of time he would become an attorney; and would be entitled under a bill of this kind to practise as a barrister. He had known men admitted who knew no more law than a blackfellow; and he had heard it stated in court respecting them, that they had passed an excellent examination. That might have nothing to do with the passing of the Bill, so much as it went to shew what might be the consequence of passing it, and the necessity there was for the security of the public, to prevent, as far as they could, unqualified and incompetent persons being allowed to practise as barristers. There were some solicitors who were highly qualified to practise at the bar, but there were some who were not. But, if there was to be any test of education, anything to shew or to give security to the public, that there would be some precautions on its behalf against unqualified persons gaining admission to the profession, he should have no objection. He regretted that he was taking up so much of the time of the House. It would, he admitted, be supposed that for the future such precautions would be necessary. He supposed the House did not think of passing a measure to enable incompetent persons, in future, to be passed as barristers; but they were to make a law to admit all the present incompetent persons to be barristers, at once! That, he thought, was an anomaly. It was singular, to say the least, that they should give men rights admittedly, which they would not have five years hence. The Bill had been hatching for four years past, and now it came up for the second reading. He thought that he had satisfied honorable members, and he was satisfied himself, that it required amendment. It had taken four years in production: who was going to amend it? The simplest way would be, he thought, to reject it; and, when a proper Bill was brought in, for providing necessary precautions, the House would take the trouble to pass that. There was another way in which the argument might be viewed:—Whatever law the Parliament might pass, the Judges had the power to make regulations; and, he ventured to say, that they would make such regulations as would render it an impossibility that persons could be admitted who had no higher qualifications than were now necessary for being an attorney. That was clear. Why then should privileges be given by Act of Parliament to men who, in future, would not be qualified? Why not draw the line thus?—All past incompetent men were to be amalgamated practitioners—that was the best name for them—but, in future, all were to be very respectable. The present incompetent men would get all the advantage; but, in future, let the admissions be restricted to persons who were prepared to go through ten years' drudgery, and let a higher standard of education be required from those who desired to enter the profession than was required now. He had occupied the time of the House very long, and he had, to-day, taken a greater share than he had a right to do, or than was fair, being so young a member; but he must record his emphatic protest against the Bill on behalf of the profession to which he had the honor to belong, and in which he was perfectly certain there were only two members in favor of the Bill. As to the attorneys in town, there was only one in favor of the Bill, except the honorable gentleman who had introduced it; and, in the country, he could count them on his fingers. If there was a public outcry for such a measure, let it be passed. But when the public did not cry out for it; when the profession did not care for it—only a few members, and, he might say, of great weight;—when the judges were entirely opposed to it; what was the reason, what was the necessity, for passing such a law? It was to cheapen law! He would not point out how that was to be done; but it would be cheap and nasty. If one man was made to do two men's work, that work would not be properly done. At the same time, personally, he should not have the slightest objection to see the Bill pass; but he should not vote for it, believing, for the reasons stated, and for the sake of the public, that it ought not to pass. Some modified measure might be brought in, giving attorneys the right to practise in country towns where there were no barristers, and giving clients the right of admission to consultation with counsel, which, too, he would gladly allow. Although his own interests were strongly in favor of the Bill, that was only a reason why he should vote against it.

Mr. MACDEVITT said he had no intention of delaying the House on this question, nor had he any wish to prolong the debate. He thought that whatever he could contribute to the debate, the able speech of the honorable and learned member who had preceded him relieved him of doing more than what he felt was his duty, from his connection with the bar, of entering his solemn protest against the amalgamation of the legal profession, as proposed by the Bill before the House. The arguments which had been adduced were both pertinent and conclusive. The honorable member for East Moreton had been particularly happy in pointing out that the change

of opinion by the honorable member for Fortitude Valley was not characterised by that clear perception and sound logic for which that honorable member, last named, was generally remarkable. The Bill had originated in the agitation, which it was stated existed, for the amalgamation proposed. The Minister for Lands had said that that agitation was great and public, and that therefore, he conceived it to be his duty to press the Bill upon the Parliament. This was the first occasion on which he (Mr. MacDevitt) had heard of any such agitation; and he was aware personally that, when the Bill was last before the Assembly, the honorable member for Fortitude Valley presented a petition to the House signed by the attorneys' branch of the profession against the Bill. He recollected that the articled clerks, too—the candidates for admission to the roll of attorneys—had presented a similar petition. He thought, therefore, that, if there was any agitation, it was against the Bill; which agitation had been provoked by such a measure. He might be permitted to advert to what the bar was. If he referred to the origin of the bar, it would be found that, about the thirteenth century, when the courts of law had permanently settled at Westminster, people attending upon them had got into the habit of consulting learned persons about difficulties they experienced in the conduct of their cases brought up for decision. Thus the profession of the bar sprang up;—that was to say, persons more learned than the general public were sought to give advice, which advice they gave, and, in that way, from giving advice, they became advocates; and so they established the profession of the bar, which had continued to exist up to the present time. In the course of time, cases became more complicated, and, in addition to the advocate in court, required an intelligent person to collect the facts and prepare the proofs for advocacy. Thus the profession of attorney arose. He (Mr. MacDevitt) thought that the origin of advocate and attorney shewed clearly that the division between the two branches of the legal profession was founded in the nature of things. The barrister was the man who had to study the case and to prepare the points for argument, to select the bases of his advocacy; and the attorney was the man to collect the facts and to procure the proofs, by examining witnesses and inspecting documents, and to embody all the evidence in a brief or document, to enable the advocate to study the whole case, and to bring to bear upon it his legal knowledge when he was before the judges. The remarkable change of opinion which the honorable member for Fortitude Valley had undergone induced him (Mr. MacDevitt) to turn to the speech which that honorable gentleman made, last session, when the Bill was before the House. But, first, what evil did the Bill propose to remedy? The evil of dear litigation—high prices paid for advocacy! So far from that being the case, it would not, as had been shewn by the honorable and learned member for East Moreton, have that effect substantially. And that was the opinion of the honorable member for Fortitude Valley, who was reported to have said, when speaking against the Bill, last year, that the Minister for Lands supplied the best answer to his own argument:—

"So far from the Bill being one to effect a saving of cost to the public, by the fourth section, he was to make cumulative charges. The public were to have, in one word, a lame attorney and a poor advocate for the same terms as they now paid for a good attorney and an efficient barrister."

That was not a consolatory change. He (Mr. MacDevitt) had looked into the speech made on the same occasion by the Minister for Lands, and he found that, according to that honorable gentleman, the object of the measure was, as stated here, in his own language:—

"——Barristers should be empowered to act as attorneys, and attorneys as barristers. The effect of such a provision would be, that only one man would be required to do the work of two, and consequently law expenses would be greatly reduced."

He (Mr. MacDevitt) should like to know what Act of Parliament would enable one man to do the work of two men! The Minister for Lands would have to extend his creative powers before he could bring about such an effect. If the honorable gentleman had said that it would be competent by his proposed change in the law to employ one man to do the work upon which two were at present employed, that would be more correct than the way he had put it. But, in any respect, he (Mr. MacDevitt) submitted that the proposition was equally unsound; and that the division of the profession was founded in the nature of things, and that, from the different spheres in which barrister and attorney moved, they could not be combined without injury to the public. As shewing that the movement at home in respect of legal reform was very different from what was introduced by the Minister for Lands, it was proposed, there, to provide for the improvement of professional education; and Sir Roundel Palmer, in a speech remarkable for its ability, had shewed very clearly to the House of Commons the propriety of adopting some means by which both barristers and attorneys should receive a better education than it was their lot to have at present. If Sir Roundel Palmer had found, from his experience in England, that the very distinguished body of attorneys there were not educated as they ought to be, honorable members might accept it as a fact that in this colony the attorneys stood in no better position. Notwithstanding that state of things at home, it was here proposed to introduce to the bar, in a wholesale manner, by the stroke and magic of an Act of Parliament, all attorneys who had been five

years in practice. No means whatever were to be taken to improve their knowledge or education for the higher and more difficult duties of advocacy. He submitted that the House would never countenance such a proposal. If it was a wise and salutary thing that attorneys ought to be members of the bar, why, then, let them conform to those requirements which obtained all over the world, and pass an examination which afforded some proof that they possessed the necessary qualifications. [Up to this stage of the honorable member's speech, attention had been called four times to the absence of a "quorum" in the House.] He could see that most honorable members had made up their minds upon the question; he regretted to observe it, from the fact that they would not listen to the discussion. He believed, however, that they would not legislate for confusing the landmarks of the legal profession, which had been established in the very essential difference of the two occupations of advocate and attorney. He asked them to consider the lessons which had been derived from the experience of other countries. In America, it was well known, the profession was amalgamated; yet in those States of the Union in which the law had been reduced to anything like settled or regular practice, the two branches of the profession, advocate and attorney, were practically distinct. He did not wish to weary the House with instances, but he could take from the speech of the honorable member for Fortitude Valley, last year, authorities adduced by him in support of the views for which he (Mr. MacDevitt) contended. It was futile, wrong, childish, to attempt to attain an object by the Bill which was impossible of attainment in the face of experience; and to confuse a division of the profession so clearly and fitly established. He suggested to honorable members to consider that the institution of the bar had lasted through centuries, a corporation, the history of which taught great lessons to any person who wished to benefit by the labors of his kind. He remembered that, some considerable time ago, that distinguished member of the French bar, M. Berryer—since dead—was, on visiting England, entertained by the Inns of Court; and, on that occasion, the present Premier of England made a speech in which he stated that the independence, security, and permanency of the bar in every country was the greatest safeguard of its liberties, and that he looked upon the bar of England as the greatest means by which the law had been vindicated between subject and subject, and the liberties of the people preserved against the aggression of the Crown. If so high an authority as the present Prime Minister of Great Britain held such views on the subject, what was there to justify the House in assenting to the Bill now under consideration?

Mr. CLARK moved the adjournment of the debate until Thursday next.

Mr. MILES objected that it was too early in the evening to adjourn, and that a very short time would finish the debate. He confessed that, the more he heard the Bill discussed, the more confused did he become; and he thought it would be well to leave things alone for the present; and, if the question came to a division, he should do exactly as the Speaker did when giving his casting vote—record his vote for leaving the law as it stood. The speech of the honorable and learned member for East Moreton, had, however, somewhat convinced him.

Mr. HANDY said, he thought the question had been sufficiently long before the country for honorable members to have made up their minds upon it, without any further postponement; as any delay, now, could be only for the purpose of log-rolling. He admitted that he had changed his views on the question. The Bill left it open to the legal practitioner to practise either as a barrister or as an attorney, but it gave him the right of making an election, which he could not so well do at present. He had been informed that the honorable and learned member for East Moreton had referred to him in his absence, stating that he (Mr. Griffith) knew of instances in which persons had been admitted to practise as attorneys who were as ignorant of law as a blackfellow. It might be, that that was a reference to a case which was contested in the Supreme Court, yesterday, and in which he (Mr. Handy) was an examiner. He could tell the honorable and learned member for East Moreton, that there were questions of law in the examination of the attorney in question which it would do that honorable and learned member great credit to answer, if, indeed, he could answer them, as well as that attorney. He challenged the honorable member to name any attorney in the colony, who had been sufficiently long in practice, who was not competent for admission to the bar, under the Bill. The honorable and learned member had taken his degrees in the University of Sydney, and, in three years from the time he had given notice of his intention to go up for examination, he was admitted to the bar of the Supreme Court of Queensland. Why should not an attorney who had served his five years, under articles in an office, and who had practised his profession for five years, be as competent for the duties of a barrister? As to knowledge of law, it was altogether a matter of private opinion. The honorable member had referred to the admission of barristers who had not as much business as himself. Probably that reference was to him.

Mr. GRIFFITH said he had done nothing of the kind. The honorable member was mistaken. He (Mr. Griffith) had said nothing about him.

Mr. HANDY: He did not say that the honorable member had done so—he had said, probably the reference was to him; so that the denial went for nothing. As far as he was personally concerned, he did not care

whether the Bill passed or not; but he should like to see it dealt with on its merits. If the debate was postponed, it should have precedence of other business this day week.

Mr. HEMMANT said that after hearing the able speech of the honorable and learned member for Fortitude Valley, he intended to vote for the second reading of the Bill; but, after hearing the arguments of his honorable and learned colleague, he must vote against the Bill.

Mr. GRIFFITH said he would take the opportunity afforded by the motion for adjournment to reply to the observations of the honorable member for Brisbane, Mr. Handy, who now sat in the place of the leader of the Opposition. He had not referred to what took place in the Supreme Court, yesterday; but if that honorable member had been in his place when he addressed the House, perhaps he might have done so. As the matter had not yet been reported in the public press, he thought it right shortly to state what it was—the honorable member having himself referred to it.

Mr. LILLEY rose to a point of order. As he knew something of the matter that the honorable member for East Moreton was about to mention, he put it to his good sense whether he ought to refer to anything with which a third party was connected who was not present to speak for himself.

The SPEAKER: To introduce a private matter that had occurred outside the House was not correct.

Mr. GRIFFITH: He appreciated the suggestion of the honorable and learned member for Fortitude Valley, and he had no intention of mentioning names. But the matter, as it concerned the Bill, was first referred to by the honorable member for Brisbane; and he considered it his duty to let the House know the particulars of it. There was a board of examiners for attorneys appointed to examine candidates for enrolment. That board met, and solemnly resolved not to pass a certain candidate. He (Mr. Griffith) believed that the gentleman was competent to pass as an attorney, and that gentleman lodged an appeal. The board met again, and solemnly confirmed their previous resolution, and that was the last meeting of the board. Yesterday it appeared that some members of the board signed a certificate that the gentleman ought to pass. It was an extraordinary irregularity that, after the board had solemnly resolved that a gentleman should not pass, members of the board had signed a certificate of his fitness to pass. He (Mr. Griffith) did not know what to say of such conduct, or how it could be justified.

Mr. HANDY: He had not mentioned any particular case. But, notwithstanding the extraordinary irregularity, the gentleman was admitted by the court.

The SPEAKER: The honorable member is himself irregular.

Mr. STEPHENS said he trusted that the House would not become as solemn as the Board of Examiners, and that they would hear no more of such a solemn body.

Mr. FERRETT advised that the best thing the House could do was to adjourn.

Mr. LILLEY said he fully agreed that it would be well to adjourn, if only to allow honorable members an opportunity of reading over again the speech which he delivered to the House in connection with the Bill, on a previous occasion; as the honorable and learned member for East Moreton, knowing he had no reply, had taken the liberty, as once before, to misrepresent him totally.

Mr. GRIFFITH: No.

Mr. LILLEY: He did not say, wilfully. It might be, if the honorable member gave him an opportunity, that he would shew him that he was unable to follow his line of argument. He did not charge the honorable member with anything in the nature of wilful misrepresentation; but, certainly, there was a misunderstanding, if not a wilful misrepresentation, of what he had said. If the honorable member would take the trouble to read his former speech dispassionately, without the idea that he was preparing to answer him by misquoting it or misrepresenting it to the minds of his audience, he would see that the speech with regard to a mode of cheapening law had this view:—That we might have an old elaborate system of law which made it the interest of two learned men to divide themselves into two branches of a profession and to remain so; when, by uniting the profession, that union would lead to the ultimate cheapening and simplifying of that system of law. It was as plain an argument as possible, and as plain as it was cogent; and all the quibbling that the honorable member had indulged in, to-night, had not shaken that argument. The honorable member might laugh, of course; he had reason, as he had succeeded in re-converting his colleague for East Moreton. That was not surprising. On all occasions they were travelling about together: they were one night at Oxley, another at Logan; and they traversed the wilds and fastnesses of East Moreton in close union, like the Siamese twins. The process of conversion went on continuously. He (Mr. Lilley) ventured to stake his long experience, and information from a country not far away, where the amalgamation of the profession was in full exercise, against the mere quibbling of the honorable and learned member for East Moreton. He had letters from England, from men who were in the profession, he believed, before the honorable member was born—men who had long experience in the practice of their profession, not only in England but in Sydney—who all agreed with him (Mr. Lilley) in this one thing, at least, that, in respect of the real interest of the client and the public, the amalgamation of the profession was best. That was confirmed by the testimony of all writers he had read lately. And he had taken some trouble to look into the matter. He did not change his opinion without taking trouble to

inform himself that he was doing so for the best. But he had not taken the trouble, in the advancement of any of his opinions, ever to allege anything against his professional brethren. The honorable member would change his opinion: yet, he would find, then, that it would be to the advantage of the public and of the profession, that the profession should be amalgamated—that it would be to his own advantage that the client should be enabled to consult him, and, it might be, instruct him in his cause. The argument that his mind would be disturbed with the details of the case, was worth nothing. When he had lived longer and had more experience in his profession, he would know that the difficulty was to get the truth out of his client, which was the great need to the right conduct of his case. Unsophisticated innocence!—he could not have his mind disturbed. He (Mr. Lilley) would venture to say, that if the honorable member was an advocate really skilled in his profession, knowing exactly what he was advocating, it was better for him that he should know the rocks and the breakers that were a-head, rather than come suddenly upon them, and perhaps lose his presence of mind, and have no resource at hand, when he most needed it, to save his case and his client and himself. It was a perfectly simple proposition. We had a system of law—Equity, Admiralty, and Common law—which was a disgrace to a civilised people; and for its unadaptableness, its stupidity, and its largely-applied ingenuity to frustrate the ends of justice, instead of promoting them, it almost passed the bounds of comprehension. If it was given to one man to exercise himself professionally in every portion of the legal system, he had an inducement to make that system as simple as possible; whereas, under the present system, every temptation was offered to him to make it complicated, ingenious, and expensive. He (Mr. Lilley) defied any man who knew his profession—he defied any man who was not interested, or who was not dishonest—to give any other answer than that to the present question. Honorable members had quoted his speeches: they would have reason on one side, argument on the other. He was satisfied that he should have an opportunity, in committee—the second reading of the Bill would pass—of speaking further on the question; and, if the measure was not perfect, let the honorable member try to make it better, which would be more creditable than shewing his ingenuity in quibbling over it, and denying the public a measure of legal reform. That he (Mr. Lilley) was not seeking any personal end in the passing of the Bill, he would let who might take the attorney's portion of the business, and he would continue, as he had done for ten or twelve years, to be an advocate. He feared no man in the community. If he met any man who was better than himself, he was glad to see him; he was glad that the public should have the exercise of the highest ability in its advocates, and in the pursuit of the noble profession to which he belonged. He thought it was one of the best things in the world that the Government should not fetter the exercise of the profession of the law. He was conscious of the fact that in his own country, England, men of the highest ability had been kept out of the profession of the law because they had not the money to pay the stamp that the profession required from a student on his entrance to it. In England, the legal profession was a close corporation. Here, the attempt was to make it a close corporation. Why should the public blindly permit such obstacles to exist? A young man could not get into the profession of attorney unless he could find some man whose interest it was to keep him out of the profession to give him articles and allow him to serve five years in his office. The disingenuousness of the honorable member for East Moreton was apparent in what he had said about the way of going into the profession of the law. Under the rules of court, a candidate for the bar must study for three years before he could be called. Under the Bill, the attorney who went to the bar was required to have served ten years of legal training—five years under articles and five years in practice after he was placed on the roll.

Mr. GRIFFITH: He had said so.

Mr. LILLEY: It was by such traps that the honorable member had converted his colleague. If his honorable friend, Mr. Griffith, had dealt fairly with his speech; if he had shewn the slightest endeavor to understand it; he (Mr. Lilley) would not have offered any further observations. It might be that he had spoken with his usual warmth, and that he had wounded the feelings of his honorable friend. There was one thing more to be said. In speaking of professional matters, a man was always suspected of speaking with a bias, or from an improper motive, and there was always some amusement caused. He deprecated the suspicion of motives or bias. It was a misfortune that the law was the subject of special legislation. In no other profession was there any necessity for special legislation. In divinity, which was the highest and noblest of all professions, there was no gateway shut in the path of aspirants to join its ranks. The student might teach without the blame of any man or body of men; though in some churches and sects, he must get a diploma. If a man wished to practise medicine, in some countries he might do so without a diploma; though in our own country it was provided that there should be some test of a man's knowledge. But such tests ought to be the very lightest, so that neither poverty nor circumstances should be in the way of a man who had the genius and the ambition to serve his kind in one of those great professions.

Dr. O'DOHERTY said it was not often that they had the pleasure of listening to an

encounter of legal wits, similar to that they had heard that evening, unless they paid a heavy sum for doing so; but he thought that they should feel very much gratified indeed in listening to such eminent legal luminaries as the honorable member for Fortitude Valley and the honorable member for East Moreton, Mr. Griffith, who were both very acute advocates, and took exceedingly opposite views on the measure now before the House. On the one hand, the honorable member for Fortitude Valley had, in a very powerful manner, strongly recommended the Bill to the House, because he considered that it would tend to produce an effect that every honorable member of that House, and every member of society, would hail with gratitude—which was, that it would tend to effect the cheapening of law. He must say that that honorable member had certainly put forward very cogent reasons why the Bill would have that effect; whilst, on the other hand, the honorable member for East Moreton condemned the Bill, also in the most emphatic manner, for the very strongest reason—because the honorable member dreaded that the Bill would allow a number of utterly unqualified men to be admitted into the profession of the higher branch of the law. Now, he thought in those two statements he had made, he had gathered the cream of the arguments which had been brought forward for and against the Bill; and on looking over the Bill, he thought honorable members would find in the second clause the main ground of the argument of the honorable member for East Moreton, as that clause stated that any attorney of five years' standing might be admitted as a barrister. Now, that, the honorable member considered, would be in the highest degree derogatory to the profession of which he was so worthy a member. He believed that honorable members must all have admired the manly efforts which had been made by that honorable gentleman, to ensure to his profession the position it had always taken in the public estimation; but when they approached more closely to the reasons the honorable member adduced, he, for one, did not think that they sustained the argument of the honorable member. The honorable member, to his (Dr. O'Doherty's) mind, summed up the whole of his argument at the commencement of the speech he had made that evening, when he said that there was probably no man who was better qualified to discuss the Bill than he was, because he had qualified himself for both branches of the profession, as he had studied for so many years in an attorney's office, and, in addition to that, had studied so many years to qualify himself for the bar. In making that statement, the honorable member had made one that recommended itself to every honorable member, whether legal or otherwise; for from his knowledge of the profession, whether it was in England or elsewhere, it would always be found that the most distinguished members of the bar, were those gentlemen who had qualified themselves in a similar way to that by which the honorable member had qualified himself. The honorable member went on further to say, that any man who felt himself qualified to be a barrister, should be a barrister—that any person who felt himself qualified to be an attorney, should be an attorney—and that any man who felt himself qualified to be both, should be both; but that the House should take very good care that no man who was not properly qualified should be admitted to practise as either. Now it appeared to him, that all they had to do as legislators, was to take the honorable member for East Moreton at his word, that the Bill should not admit any man to the profession who was not duly qualified to practise both branches of that profession. If they took the Bill, they would find that there was no clause in it which would tend to degrade those who would seek to practise under it, in the combined capacity of advocate and attorney. If they were to allow any credit whatever, for the powerful statements which had been brought forward by the honorable and learned member for Fortitude Valley, in the two speeches he had made on the Bill, they were bound to pass the measure. He thought that all honorable members who were not lawyers, must regard the statements made by the honorable member for Fortitude Valley, considering the high position he occupied in that House and in the colony, as the oldest legal practitioner in the colony, and in every respect a gentleman of very eminent standing—that honorable members must regard that honorable member's statements, in reference to what the effect of the Bill would be in cheapening law, as of the most vital importance to the community, and of such importance as to demand at their hands the passing of the measure, if they could satisfy themselves that in passing it, they would not in any way degrade the profession. He, for one, felt very diffident in entering into the discussion on such a question, and giving his opinion upon it; and his chief reason for the conclusion he had arrived at, was rather from the light he had from his own profession. He questioned very much whether the circumstances of the two professions at the present time were not greatly alike. It was a fact that very strenuous efforts were being made to amalgamate the two branches of the profession to which he had the honor to belong, at the present time, and there was a medical council sitting in England, consisting of representatives of every medical profession in the three kingdoms. The main object which that Parliament had in view at that moment was to endeavor to accomplish for the medical profession, that which the Bill before that House intended to accomplish for the legal profession; that was, an amalgamation of all the different diplomas which existed in the three portions of the United Kingdom, so that all medical men should in future undergo a fitting exami-

nation and have the same standing in the eyes of the law. At present there were surgeons, medical and other doctors, who received diplomas from every kind of licensing body and university; and it was a very remarkable fact that the most recently established and the most distinguished at the present time of any of those universities or licensing bodies —the university of London—admitted freely any man who went to it, notwithstanding the course of instruction he might have had. The university of London did not require more than that any man should come and shew, by examination, that he was fitted to practise. The difference between the two, as complained of by the honorable member for East Moreton, was that, whereas at present attorneys are not allowed to enter certain courts as practising lawyers, the Bill proposed that after they had practised for five years, they might be permitted to do so. The honorable member for Fortitude Valley mentioned that, in order to practise as an attorney, a man must study in the office of an attorney for five years, and must then undergo an examination, with a view to ascertain whether he possessed a due knowledge of the law, and that after he was admitted as an attorney he must practise for another five years before he could go to the bar. Now, the honorable member for East Moreton had already stated that one of the best ways of acquiring a knowledge of the profession was by studying for five years in an attorney's office, and the only principle in the Bill was whether that additional five years' experience should be deemed sufficient to admit a gentleman to practise at the bar. Now he thought, for his part, that non-legal members could leave the question to be decided by the legal members; and if it was not sufficient to satisfy the lawyers, it would be very easy to add another clause, which would be a more stringent test. He considered that ten years' ordinary course of study in a solicitor's office ought to be considered a very good course of instruction. He quite agreed with the able arguments which had been brought forward by the honorable and learned member for Fortitude Valley, wherein that honorable gentleman shewed that the effect of the Bill would be to cheapen law. At present all must admit that it was a gross piece of injustice—the *modus operandi*———

Attention was called to the state of the House.

Quorum formed.

Dr. O'DOHERTY resumed: He had simply to say, in conclusion, that he regarded as a matter of great importance in the consideration of the Bill, the arguments which had been used by the honorable member for Fortitude Valley, which shewed that the effect of the Bill would be to cheapen law. He considered that that was the main point that the House had in view in considering a measure for the public good. If he had taken the proper view of the Bill, it would not have the effect stated by the honorable member for East Moreton, as it would not degrade the profession; and thus he considered, for the reasons he had given, honorable members were bound to give their adhesion to the Bill of the honorable member the Minister for Lands.

Mr. GRIFFITH said he merely rose to make a short explanation. The honorable member for Fortitude Valley—he trusted not intentionally—had accused him of disingenuously and wilfully misrepresenting the arguments which had been used by that honorable member. Now he had, he thought, most carefully guarded himself from doing anything of the kind, and he only rose then for the purpose of saying that he had not intended in any way to misrepresent the honorable member.

Mr. LILLEY said he was sorry if he had been understood to charge the honorable member with wilfully misrepresenting what he had said; but if he was understood to have done so, he was most happy to relieve the honorable member's mind of any such intention on his part.

The motion for adjournment was agreed to.