Queensland

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Legislative Assembly

THURSDAY, 2 APRIL 1874

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LEGISLATIVE ASSEMBLY.

Thursday, 2 *April*, 1874.

Crown Bailiffs.—Question of Privilege. — Legal Practitioners Bill.—Education Bill.—Fraudulent acquisition of Crown Lands.

CROWN BAILIFFS.

Mr. W. SCOTT said he would like to know from the Secretary for Public Lands what he meant by his answer to Mr. Groom, yesterday, when he said the duties of Crown bailiffs were only to inspect and report to the Under Secretary for Lands on conditional purchase selections. He thought some explanation would be satisfactory to the public outside.

The SPEAKER: The honorable member is out of order. The question can only be put by the permission of the House.

Mr. W. SCOTT said he would move the adjournment of the House.

The SPEAKER said that course was not open to the honorable member now. He might have moved the adjournment of the House upon rising, in order to obtain the information, but he could not do so to correct a mistake.

QUESTION OF PRIVILEGE.

Mr. DE SATGE moved the adjournment of the House for the purpose of calling attention to a question of privilege arising out of the election for the Balonne. There had been in his mind great doubt, which he believed was shared by other honorable members, as to the propriety of the action the House had taken in this matter; and as it was a question of very grave importance, he begged leave to refer to the transactions that had taken place.

On Tuesday last, after some discussion, it was moved by the honorable the Premier—

"That Mr. Adam Walker, the sitting member for the Balonne, having acknowledged himself, in the presence of the House, to have been a Government contractor at the time of his election, his seat be now declared void."

The SPEAKER asked if the honorable member was speaking to a question of privilege?

Mr. DE SATGE said he was speaking to the motion for the adjournment of the House. The motion he had just read was put and passed, and Mr. Walker's seat was declared void; but, previously to that, the honorable member for Dalby moved the following amendment:—

"That the question be amended by the omission of all the words following the word 'That,' with a view to the insertion in their place of the words 'the question of the seat of the member for the Balonne be submitted to the Committee of Elections and Qualifications.'"

That was put and negatived, and they were now in the position of having had the reference to the Committee of Elections and Qualifications virtually negatived by the House on that particular occasion. Yesterday, that work of the previous day was undone by the following motion, by the honorable member for Oxley, being put and passed:—

"That no writ be issued for the Electoral District of Balonne until the Election Committee shall have reported upon the petition of Mr. Jacob Low, or until such petition be withdrawn."

Now there could be no doubt whatever as to the meaning of the motion of the honorable member for Oxley; it meant that the matter of the election question should be referred to the Committee of Elections and Qualifications. The House was, therefore, in the position of undoing one day that which was done the previous day: on Tuesday they negatived Mr. Bell's motion that the matter should be referred to the Committee of Elections and Qualifications, and yesterday they passed a similar motion. This appeared on the face of the votes and proceedings of the House.

The SPEAKER: The honorable member is out of order in bringing the question before the House in this manner. If the honorable member will give notice of motion for the rescision of the decision of the House, it will be perfectly competent for him to do so. The eighty-fifth and eighty-seventh Standing Orders provide:—

85. "No member shall allude to any debate of the same session upon a question or Bill not being then under discussion, except by the indulgence of the House for personal explanations."

87. "No member shall reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded."

The honorable member is not making a personal explanation.

Mr. DE SATGE: I asked the indulgence of the House in moving the adjournment.

The SPEAKER: Indulgence cannot be granted for personal explanations. The honorable member is making a general statement respecting a decision of the House on a previous occasion, and before he can do that, he must give formal notice for rescission of such decision.

Mr. DE SATGE: I shall give formal notice of motion on the question.

Mr. J. SCOTT rose to a question of order. By the fifty-sixth Standing Order it was laid down:—

"No question or amendment shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative."

He would, therefore, ask the Speaker for his ruling as to whether the question put yesterday, on the subject of the Balonne election, was not virtually the same in substance as that which was moved the day before by the honorable member for Dalby—namely, that the matter should be referred to the Committee of Elections and Qualifications—and negatived. He held that the two motions were substantially the same.

The SPEAKER: In reply to the honorable member, I think the question affirmed yesterday was not similar in substance to that passed on the previous day.

LEGAL PRACTITIONERS BILL.

Mr. THOMPSON, in moving the second reading of this Bill, said when he first entered the House he had this matter very much at heart, and he set about it in the best way he could, as a new member. From various accidents—altogether irrespective of the merits of the measure he wished to introduce, and the reform of the law he desired to effectuate—the Bill was prevented from passing. In the first session he tried to pass the measure, as a new member he was ignorant of certain forms of the House, and from that cause the Bill was lost. In subsequent sessions, he was necessarily, from his position, involved, prominently, in a strong party fight, and everything he introduced was viewed in the light of a party question. It was in vain for him to protest that his Bill had nothing to do with his party, and he was simply told he would not have it passed that session. The result was, that from time to time the measure had not received that attention which it deserved. This was not only the case with his Bill, but it was also the case with many other measures; in fact, at that time, no Bill of a business character could be passed, even though it were entirely disconnected with party politics. Even the District Courts Act Amendment Bill failed, because people would not look at itexcept with jaundiced eyes. This explained how long he had been in endeavoring to effectuate the purpose which he had so much at heart, and

which he thoroughly believed to be a good one. The reform he wished to carry out he was quite sure only required to be fairly ventilated and discussed to be carried by the common sense of the community at large. Put it outside the class to which it most particularly related, and there could not be a second opinion that it would be of great benefit to the public, and he should endeavor before he sat down to make this as plain as he possibly could. In the first place, they must remember this, although, in all discussions on the subject, they had lost sight of it—law was not, or ought not, to be a commodity to be bought and sold. The ideal perfection of justice was, that every man should get justice without paying for it, but the actual practice was that the long pocket won the day. There could be no greater reproach to their civilization than this state of facts; and his first business would be to show that this inequality arose in a great measure from the division of the profession of the law into several branches. On this question he could not take as a text a better authority than the eminent jurist and philanthrophist he before quoted—Jeremy Bentham. That writer asked this question:—

"Exclusion, why put upon the division of the profession, into the customary classes, two or more; namely, the attorney and advocate, with or without ulterior division made of each?"

Then he answered, for several reasons, and the first was this:—

"The greater the number of these divisions, the more completely is all responsibility, and feeling of responsibility, done away."

There was a complete answer at once. That was one of the first great reasons why there should be no division in the profession, as he would afterwards proceed to show in detail. Bentham's first reason might be called one of responsibility, and his second reason for this exclusion was this:—

"The more effectually is the system of falsehood—licensed falsehood, and by the license rendered effective, as well as unpunishable falsehood—in its several shapes of insincerity and rash assertion, established."

That was his second ground, still going on the question of responsibility. The third ground was that of economy, on which he said:—

"The greater the number of these mercenaries"—

and they were mercenaries, although barristers pretended they were not—

"the greater the number of assistants, who, in one and the same suit, must be paid."

Proceeding on the same ground, Jeremy Bentham gave this further reason:—

"Not only in proportion to their number must the pay be increased, but in a higher proportion. For among these mercenaries distinctions in respect of rank naturally and necessarily have place, and the higher the rank the more expensive the remuneration; remuneration of the highest rank for the same quantity of time and labor, or even for much less, being several times the amount of remuneration for the lowest, not to speak of the intermediate ones."

Now, they all knew that these reasons were perfectly correct, and nothing could be said against them. How people could go on under the abuses which existed in the present system he could not understand. In the first place, he was unable to see why the profession, in both branches, should be opposed to this change, unless it was on the ground that Jeremy Bentham put it; that litigation and the extension of litigation, the number of men to be paid, and the numerous delays thrown in the way of the settlement of suits, were profitable to both branches of the profession. He did not say that this was so. He wished to believe that the profession was something more than a mere money-grubbing confraternity—conspirators against the rest of the community. He knew that he approached the profession with a very different spirit himself, and no doubt many others did the same. Of course they would find money-grubbers in all professions—men who took their fees and thought of nothing else. Now, how was it that there was no responsibility? It arose in this way: the barrister was instructed by the attorney, who was instructed by the client. In the first place, the barrister did not see the client—he had no opportunity of testing his sincerity; and he had no means of ascertaining whether the attorney sincerely and truthfully reported to him the statements and instructions of his client. The bar had the audacity to say that this was an advantage in the administration of justice. Why, such a thing was perfectly abominable—that they should stand behind the attorney, listen to all he had to tell them, which might or might not be falsehood, without any responsibility, the sole responsibility being on the part of the attorney who was, as they all well knew, practically irresponsible. No one knew what his instructions were, or what passed between him and his client. He maintained that the more nearly they got the parties interested in a case to the judge, the more likely they were to get at the truth. The judge was the person to fix the responsibility, and any machinery which had the effect of placing the parties at a distance from the judge—such as the machinery at present in force, must necessarily enable falsehood to prevail where truth ought to prevail. They all knew that, practically, a barrister was irresponsible. It would not be denied. Even Dr. Keneally seemed to have escaped, or was likely to escape, notwithstanding the gross insults he had perpetrated upon the Bench, in his attack on truth and justice. He could not see how any barrister, unless he stepped out of his way to put his neck into a noose, could be called to account for his malpractices. Even if he conducted the most rascally case possible, he was supposed to know nothing about

it. And yet, barristers said that was the beauty of the system—that they could not do justice to their client if they knew all about his case. A more absurd argument could not be used. Now, on the ground of economy, they all knew this: that the poor, in this century, notwithstanding the advanced stage of civilization, were practically denied the same justice that could be obtained by the rich. It was well known, that on many occasions the whole of the practical leading members of the bar had been retained by the rich side against the poor. He had been instructed himself to retain all the leading members of the bar, when the bar consisted practically of only two men—the present Mr. Justice Lilley and the Honorable R. Pring. No doubt his client felt justified, in the sense of right or justice that was in his breast, in securing the best talent he could get; but what about the other man who was left to the juniors—to men who had nothing to say, and into whose ear the attorney had frequently to whisper every word before it was repeated to the court? This actually occurred to him in one case. The leader quarelled with the client, took huff, and went away, leaving the matter in the hands of the junior, and every word had to be whispered into his ear before he could repeat it to the court. The gentleman was deaf, and honorable members could imagine what sort of a case it was to manage. But they won the case, not through the talent of the advocate, but because they had a good cause, although not an overwhelming one. There could be no greater iniquity than the oppression of the poor by the rich, which was encouraged by the present system. Take, for instance, a case between the Government and a subject. A man might practically be ruined—crushed by the weight of metal brought to bear upon him, and rendered unable to bring his case forward in order to obtain justice. It was money power that weighed down the scales of justice, and not justice itself. That was exactly what they had to face. He did not pretend to say that the steps he now asked the House to take would entirely do away with this anomaly—this disgrace to civilization; but it would be one step in that direction, inasmuch as it would take off one of the obstructions in the administration of justice. Now, with regard to the question, so far as economy was concerned: Mr. Justice Lilley, when he was a member of the House, instanced one case in which, under the present system, in an estate of £30,000, the amount absorbed in costs—which was divided amongst these mercenaries, as they were called by Bentham—was £3,000; whereas he had been informed that, in England, an administration suit, dealing with questions affecting real and personal property, adverse interests of mortgagees, and involving £12,000, had been administered in the Court of Equity for £70, under modern arrangements.

Mr. GRIFFITH: It can be done cheaper here.

Mr. THOMPSON: The next question that arose was why had they not had these reforms? Bentham, who seemed to have gone fully into the whole question, dealt with this matter also. He said this, and his words were very concise and evidently well considered:—

"The more numerous, the higher paid, and thence the more opulent the body of these mercenaries taken in the aggregate, the stronger is the resistance which, while they cannot but be disposed and prepared, they cannot but be able to oppose to every alleviation of the evil by which they profit, and out of which that which to them is good is extracted."

The thing was patent to everybody. The progress of law reform had been extremely slow, and the clog was the profession. He did not speak of the profession in the colonies, for they were a comparatively small section of the profession. He referred to the profession in England, and it was only by degrees, by actually dragging it out of them, that these reforms could be effected. Now, he maintained, as he had said before, that the present system was in the highest degree unjust. It was an encouragement to the relatively and comparatively rich to oppress and distress the relatively and comparatively poor. It was, in fact, to a certain extent, a license in the rich to wrong. It enabled the rich man, by means of the law, and with nothing whatever but money power at his back, to set at defiance his poorer neighbor, who had right on his side, but had not money to back him up. It might be said that a man might proceed *in formâ pauperis*, and that people would be benevolent enough to take up his case because he was right; but he could assure honorable members that such cases were extremely rare—that such a thing as an attorney taking up a case because it was right, and for no other reason, very seldom occurred. And even if he did so, he would leave himself liable to the imputation that he was a speculative attorney, taking speculative actions. In fact, there was no doubt at all that the whole system was rotten from the very foundation; and the first step to remedy the evil was to decrease the expense. By decreasing the expense they must decrease the numbers, and to decrease the numbers they must abolish the division of the profession. He should perhaps be somewhat bold—somewhat stepping beyond what he should consider a prudent course of action—if he were taking the course he now proposed without having the experience of others to guide him. It was well known that in other countries where the system he proposed was in force, it was a perfect success. It was so in New Zealand and South Australia. With regard to New Zealand, they had the testimony of Mr. Justice Lilley to that effect; and he had other testimony which also showed that, there, it was a perfect success. They therefore had the experience of others

on the point, and they had their own experience. The District Courts dealt with cases without the intervention of barristers, unless the parties chose to employ them, up to £300, with the utmost success and satisfaction to the public; and he contended that what was true and good up to £300 was equally true and good up to £3,000, or any other amount. £300 might be of as much importance to a suitor in the District Court as £3,000, or any larger sum, to a suitor in the Supreme Court. He therefore maintained that the District Court system was an eminent success, not only in England but in this colony. He thought with these remarks he had pretty well exhausted the real argument on the question, which was, that it would be for the benefit of the public that this reform should take place. He was well aware that his brethren of both branches of the profession were as it were sitting upon him—that he was considered as not carrying out the views of the profession in the course he was pursuing; but he cared nothing for that. He took an independent stand in order to effect what he considered to be right and just. He had never wavered, as some had done, as to what he ought to do; but, on the contrary, he had always stood out steadily for the one thing. He could not see why the bar should be in any better position than attorneys, or that they should assume to themselves a superior position; but there was nothing in that, because they were content to allow things to remain as they were. But he was not content, because he did not think it would be right. This brought him back again to Jeremy Bentham, and it might not be inappropriate to read another short extract from one of his works with reference to the opinion of lawyers on the amalgamation of the profession or other legal reform. He said:—

"The opinions of lawyers in a question of legislation, particularly of such lawyers as are or have been practising advocates, are peculiarly liable to be tinged with falsity by the operation of sinister intent. To the interest of the community at large that of every advocate is in a state of such direct and constant opposition (especially in civil matters) that the above assertion requires an apology to redeem it from the appearance of trifling. The apology consists in the extensively prevailing propensity to overlook and turn aside from a fact so entitled to notice. It is the people's interest that delay, vexation, and expense of procedure should be as small as possible; it is the advocates' that they should be as great as possible, viz., expense in so far as his profit is proportioned to it: partition, vexation, and delay are so far inseparable from the profit-yielding part of the law."

He submitted that that argument was perfectly incontrovertible; and what had they on the other side? They had, as he had pointed out before, the extraordinary assertion, that it was necessary for the proper administration of justice, that the advocate should not be aware of the rascality of his client, if he should happen to be a rascal. That, he considered, was the strongest argument that could be adduced in support of his position. Then it was said, that special training was necessary in each branch of the profession, and that they could not make one man do two men's work; but he contended that the training had no right to be different; and, practically, in this colony it was not different. There were attorneys, in this colony, quite as competent to deal with matters which were now dealt with by barristers as barristers themselves; and there were also barristers who were fully competent to transact the business of attorneys. The mere practice of the law which attorneys were supposed to study varied from year to year, and from day to day, at the will of the judges. Any man of ordinary intelligence could, in a comparatively short time, pick up the Acts of Parliament and rules of court. The rules were, at present, unnecessarily intricate and complicated, and could be very much simplified. If taken in hand, in the proper way, they might be made so simple, that proceedings in an action, or any other matter, might he conducted by entirely non-professional men. It was the simplicity of the rules in the District Court that made the proceedings in that court so simple and effective. He contended, and would contend, until he saw some very strong argument against it, that the reform which had taken place in allowing District Courts to adjudicate in suits up to £300 would be just as good if extended to cases of £3000, or any other amount. They would then require no special training for one branch of the profession, but one man could sit down for half-an-hour, prepare the case, argue it afterwards in Court, and there would be an end to the matter so far as he was concerned until the judge gave his decision; and he would there remark that the decisions of the District Courts Judges were not appealed from in one case out of a hundred. He had not made a long speech on the present occasion, nor had he intended to do so; his object had been merely to condense his remarks as much as possible, confident that the arguments only required to be well thought over by thinking minds, to be brought out and bear their full effect. He must ask honorable members to guard themselves against the idea that by what he proposed he asserted that the whole of the anomalies connected with the present administration of the law would be abolished. He said no such thing, but all that he claimed for the Bill was that it was a step in the right direction—a step that would lead to extensive law reform, and one of those steps which must be taken as enlightenment proceeded, and people perceived that it was unnecessary to employ one man to introduce him to another. He begged to move the second reading of the Bill.

The ATTORNEY-GENERAL said he should like to have been able to treat the matter in

such a manner as its importance required; but, on account of the short notice they had had of its second reading, and the press of other business which had lately fallen to his lot, he did not feel so able to speak upon the matter as he would have desired. Even if he had had more time, he should have felt considerable diffidence in following the honorable member for the Bremer, who had the advantage of, as the honorable member had himself stated, strong feelings in the cause which he now espoused, as well as the benefit to be derived from a long study of the subject. Indeed, in the honorable member's opening remarks, he gave the House a cue, as he said, that he had first moved in the matter from the strong feelings with which he was imbued on the subject. Indeed, without imputing any unworthy motives to the honorable member, he must confess that he thought the honorable member's strong feelings had imbued his opinions; because, if that were not so, the honorable member's advocacy could not savour so much of remarks and arguments which were beside the subject. He had no doubt that the honorable gentleman undertook the duty of what he termed law reform from very strong feelings, and that those had had an effect upon his judgment. For instance, the honorable member had argued that both branches of the profession should be amalgamated, and what reason had he given? Why, because in this colony, where the branches were separated, the administration of a suit cost £3,000, whilst in England—where the same distinction existed—the same proceedings would only cost £70. So that he must think that the honorable member had been guided by something more than judgment in the matter. However, he did not wish to put the matter on any such narrow grounds as a mere mistaken judgment, as he believed the honorable member's motive was to do that which he conceived would benefit the country; he thought, at the same time, that it would have been better if the honorable member, instead of making a kind of free-lance speech as he had done, had entered into the essential conditions of the advocate and the attorney, had given the reason of their separation, and also the reasons why that separation should now cease. Now, readers of the history of the legal profession were aware that in England, in early times, when the law courts began to settle down at Westminster, certain of our philanthropic ancestors studied the law, and gave their time—some for hire, and others merely for good-will—for the benefit of individuals who had matters to bring before the courts. After a little while, the duty was extended to advocating in court the claims of suitors who had business there, and hence arose the distinction—first, there were those who gave advice and prepared a case; and, secondly, those who advocated that case in court. Now those two things were as essentially distinct as the positions of the doctor who prescribed and gave advice as to what should be done, and the chemist or apothecary, who carried out the advice thus given. The attorney brought together all the circumstances, and had to prescribe what should be done in court; and then came the barrister, who took up those facts, and brought to bear upon them the powers of advocacy, which were altogether different, in training and exercise, from the functions of an attorney, who was simply an individual who, from having direct conference and contact with a client, was enabled to bring all the facts of that client's case together. That, possibly, might not be considered sufficient reason to many honorable members why the two branches of the profession should be kept separate. It was, at all events, a sufficient reason to his mind; and if the honorable member could bring forward no more arguments to the contrary than he had already adduced, he (the Attorney-General) should certainly prefer adhering to the present state of things until a good case had been made out—which, certainly, had not yet been done—for the alteration proposed. He would put it to honorable members who might not take part in the discussion, that it was unwise to change the law of any existing institution until sound and sufficient reason was shown for the change; but, if honorable members did think that the honorable member for the Bremer had shown sufficient reason for the change, then they could vote for the second reading of the Bill. He thought that, considering it was an institution which had been established in Great Britain as long as English law had force there, and that it had worked there with singular satisfaction in promoting the ends of justice, some very strong reason should certainly be given before they agreed to abolish such an institution. But another argument had been used by the honorable member for the Bremer, namely, the increased responsibility which the alteration would entail; but it appeared to him that it would be the reverse. At present, a client went to an attorney, and the attorney to a barrister, and so their divided responsibility injured the client—so, at least, it was argued; but it seemed to him to be the reverse, and that the responsibility under the present system was contracted rather than extended, because the attorney was in reality the person responsible for bringing all matters of fact relating to the conduct of a case before the barrister. He for one would be the last, whether the Bill passed or not, to remove one iota from the privilege of a barrister. He remembered reading with considerable satisfaction an account of a banquet given at the Inns of Court to that distinguished French advocate, M. Berriere, on which occasion Mr. Gladstone, in the course of a very interesting speech, alluded to the bar in continental countries as the only sanctum in which the only real and true advocacy of the freedom and rights of the subject were maintained,

notwithstanding the despotism of the civil authorities. Such had been the case in those countries, and he believed that honorable members who were acquainted with the history of his own country would look with pride and satisfaction to that institution of the bar which had always, when other means failed, been eminently successful in standing up for the rights of the people. Hence his objection to the Bill of the honorable member, and hence his opinion that any trespass on the privileges and powers of the bar would be a dangerous innovation which might be attended with very serious results. One of the greatest objections to the proposition of the honorable member for the Bremer was, that it was a degrading process; it was not raising the generality of the profession to the qualification necessary for the bar, but it was depressing and degrading the general condition of the profession, in order to make it open to the attorney as well as the advocate—to the barrister as well as the notary. In that respect the measure was, in his opinion, to be deprecated; and, indeed, there was no reason for the honorable member to resort to such a process, for, by the law at present, if any gentleman was practising as an attorney in this colony, it was perfectly competent for him to be admitted to the bar by passing the necessary examination;—by the rules of court an attorney of three years' standing could be admitted under such circumstances. It appeared to him, therefore, that the measure in that respect was grasping at a shadow, as there was no difficulty in realising the so-called reform without the proposed Bill. Any gentleman could also be admitted to the bar to-morrow, provided he had passed his examination, and given the necessary guarantees that, if admitted, he would practise his profession in an honorable manner, and do nothing to bring discredit upon it. It was necessary for him to pass an examination to show that he had received the education which would fit him to become a member of that branch of the profession. Now, reference had been made to the state of things in New Zealand and elsewhere. He was not aware of the recent results obtained from the amalgamation of the profession in New Zealand, but he had been informed that they were rapidly approaching those of America, where the amalgamation had been in force for a considerable time, but where as yet the law had not succeeded in confounding the two branches, but had only had the effect of introducing into the profession a great number of persons who were most undesirable citizens of the great commonwealth. A measure of the kind proposed could not, in fact, in the nature of things, prevent the distinction which existed at present between the qualifications necessary for a barrister and those requisite for an attorney; but, if by law they lowered the standard of the profession by allowing attorneys to practise as barristers, and barristers as attorneys, the door would be opened wide for the admission of persons of a very undesirable character. He did not intend to go into the whole question at the present time, but would rest his opposition to the measure on the fact that the honorable member had not made out his case against the present distinction existing between the two branches of the profession, and which had existed for so long. That distinction, which had been attended with so many beneficial results, must have something to commend it; it was a distinction which had withstood adverse criticisms like those of Bentham for so many years, that some very strong arguments and reasons must be adduced to the House before they agreed to so radical a change as that proposed by the Bill of the honorable member for the Bremer. Upon that subject he would quote an extract from the speech of the late Lord Chancellor of Ireland, afterwards Lord Hagan, delivered by him at the inaugural dinner of the Solicitors' Benevolent Association, at the Dining Hall, King's Inn, Dublin, in February 1870. His Lordship remarked:—

"The two branches of the profession were not amalgamated, and he believed they ought not to be, for it was to the interest of each branch and of the community at large that each branch should do its appointed work, and in its appointed way. The bar has its special duty, from which it should not be obstructed for any other. The barrister should have his mind imbued with certain legal principles such as were not consistent with the hard, onerous, and responsible duties of solicitors. He believed that a barrister could not be made an effective lawyer if he spent his time in the office of a solicitor. The experiment had been tried in America and had failed, and he hoped the attempt would never be made in England or Ireland."

Most honorable members who were acquainted with the character of the late Lord Hagan, would attach great weight to his opinion, knowing that he would not give utterance to any thing in which he did not strongly believe. They had also, in the opinions of that learned man, the opinions not of an old and censorious philosopher like Bentham, but of one who lived in the society of the present day. Of course, the opinions he had read might be said to be only those of one individual; at the same time they were opinions that would be accepted as valuable by any one who knew the character of the man who gave them. He thought honorable members should not allow themselves to be guided by the example of a country like America, where the amalgamation of the profession had been tried, and where it had resulted in making admission easier for candidates who now created great difficulties in that country; for he maintained that the scandals they had seen in America were not so much the fault of the law and the spirit of the people as the result from the fact that there had been such a large number of dishonest men practising the profession of the law in that country. He was therefore of opinion, that whilst it might

be possible to make out a case for the Bill of the honorable member for the Bremer, still, judging of its consequences by the present lights they had, and the arguments that honorable member had adduced, not yet sufficient had been made out to warrant honorable members in assenting to a change that might be attended with so many important and serious results.

Mr. De Satge said he should vote for the motion of the honorable member for the Bremer, if only on the ground that it offered a prospect of affording what had so long been wanted—namely, cheap law;—if it did that, he thought the country would be obliged to them for passing such a measure. He had followed the honorable the Attorney-General very carefully through his speech, and he failed to see that that honorable gentleman had made one single point against the honest, strong, and pungent arguments of the honorable member for the Bremer. Having suffered himself—and he supposed many honorable members had suffered also at some time or other—from going to law, they must recollect the enormous expenses which were thus incurred in Queensland. In England, where things were properly watched, and where men could afford to retain the services of a barrister as well as an attorney, the case was different; but they could not afford to do so in this colony. In regard to what had fallen from the honorable the Attorney-General about the degrading effect upon the profession that the amalgamation would have, he would ask, what was the difference in this colony between the two professions? Why, they had in that very House a gentleman at the head of the Government who had been an attorney for many years; and they had on his side of the House an honorable member who was an attorney, and who could express his views as well as the honorable the Attorney-General. He had waited most patiently to hear one argument against the amalgamation, and as yet he had failed to hear it; whilst they had, on the other hand, the very strong and convincing arguments of the honorable member the mover of the Bill. He thought that the first consideration with all should be cheap law, and he for one should vote for the second reading of the Bill, with the distinct idea that he could see before him a way of getting cheap law in the country districts. At present, in his own district, there was no barrister; but they had attorneys whose practice in the police courts seemed to be very great, and he was certain that any attorney of respectable standing, if allowed to practise as a barrister there, would be of great advantage to the residents. They had seen members of both branches in the highest positions in the colony, and at the same time they had seen members of both branches in very degraded positions; therefore he failed to see that any distinction could be made on that ground. Again, the training of an attorney was very similar to that of a barrister, and they were now offered by the Bill a chance of having to consult only one instead of both. They were now offered an opportunity of avoiding the expense attendant upon employing two instead of one; and they were now offered a plan by which a client could go direct to his advocate instead of through the medium of another person. All those advantages were offered by the Bill of the honorable member for the Bremer, and he was sure that if honorable members would look back at their own experience of the legal profession, they would vote for cheap law and for the Bill before the House.

Mr. Stewart said he quite agreed with many of the remarks which had been made by the honorable member who had just sat down, but there was one on which the honorable member laid particular stress, namely, that the House should do all they could to get cheap law; at the same time, the honorable member said he had suffered from law. Well, most honorable members had done the same, but he thought that it was not so much cheap law that was wanted as good law. If they got law of the class proposed by the Bill, he took it, that however cheap it might be, it might not be advisable to have it; for instance, he could call to mind many attorneys of three years' standing, who would be allowed to practise under the proposed Bill in the Supreme Court, yet they were men who were not fit to appear in any court. He could state that without fear of contradiction, and although it was scarcely proper to mention names, yet, if the House wished it, he could certainly name one such attorney. He thought that if, in the present Bill, a clause for examination—even though modified below that at present existing—were introduced, it would certainly have the effect of excluding a great many individuals whom it would not be desirable to allow to appear in the Supreme Court; whilst the Bill, as it at present stood, promised to admit of necessity a large number of persons as barristers, who were quite incapable of fulfilling the duties of the bar. He wished also to call attention to clause 6 of the Bill, which allowed practitioners to make contracts with their clients, which should be as binding as any other contracts in law. Now he considered that clause very objectionable, and for this reason, that an attorney or barrister, as the case might be, could make a contract with his client that he should get half the proceeds of any case in the event of its success. If that was so, it would certainly open the door to a great deal of iniquity, as he knew many attorneys who had not very much to do, and who would under such a law advocate speculative cases. He thought such a clause as that would be objectionable in any Bill. On the whole, he thought the alteration proposed was not a desirable one, and he should therefore oppose the second reading.

Mr. DICKSON said it was quite certain that a layman, when addressing the House upon a question like the present, had to derive his information from members of the class particularly affected by the proposed Bill. But, as he found there was such a diversity of opinion among the legal members on the subject, he should content himself by referring only to those people for whose benefit the Bill was said to have been originated, namely, the public. He quite agreed with what had been said, that by the Bill they might have cheaper law; and in addition to that measure of economy, which was brought so prominently forward by the honorable member for the Bremer, there was added another feature which he (Mr. Dickson) must say had its claims to public consideration; and that was, that the same person could conduct a case *ab initio* to its termination, and consequently would have a more intimate knowledge of the whole circumstances connected with it, and be in a better position to carry it through to a successful issue, than if the case were divided into stages, one man conducting it to a certain point, and another carrying it to its termination. That was certainly in favor of the Bill; at the same time he believed that the general impression was, that under the present practice more careful attention was received by litigants than if there was only one class of individuals to have the sole conduct of a case. For although the education of a barrister and an attorney might be equally good and careful, yet the particular bent of mind of each, arising from his training, would render him more successful in his particular branch. It had been argued that by having one man to conduct a case throughout, there was a greater probability of its being brought to a successful issue; still, he could not forget the old proverb, "In the multitude of councillors there is wisdom." He did not think the community would profit by abolishing the present system and having only one person to conduct a case. Again, he did not think it would work satisfactorily even for members of the profession themselves, as there was no doubt that the same class of practitioners would be consulted in their particular capacities; for instance, there were some men who were distinguished for their forensic skill as pleaders. A man might consult an attorney first of all, whose ability in his branch of the profession he placed great confidence in, but he might prefer to employ as an advocate one who possessed greater forensic powers, and thus some confusion might be caused. He felt considerable diffidence in speaking upon the question, as it was one about which laymen were not supposed to be well informed, and consequently well qualified to express an opinion; but, unless some stronger arguments could be adduced than those he had heard, not only for securing economical law, but a better administration of the law generally, he should be acting in his proper position if he voted against the second reading.

Mr. PALMER said he was going to support the second reading of the Bill, and he hoped it would become law, as he had not heard one single argument against it. He had given attention to the question for several years, and he must say, that he had never yet heard an argument of any weight whatever against the proposed amalgamation of the professions. So far as his experience went, he could safely say, that he had never got better advice from a barrister than he had got from an attorney. The honorable the Attorney-General had spoken—if he understood him rightly—of the degradation which would ensue to the legal profession by the proposed amalgamation, but he could not understand where the degradation would be. He would ask honorable members to look around and say, whether, in Queensland, or in the neighboring colonies, the whole body of the attorneys of the Supreme Court were not quite as respectable as what was popularly called the higher branch of the profession. What degradation, then, could take place? He thought, with the honorable member for Normanby, that the word "degradation" was utterly out of place, as the first man in the colony, after the Governor and the Chief Justice, namely, the honorable member at the head of the Government, was an attorney. The illustration of the honorable Attorney-General regarding the apothecary and the doctor was an absurdity, for, he would like to know, what man would go and consult an apothecary—would he not first go to a doctor? He had never been much engaged in law himself, and he thought he might thank the attorneys, who gave him advice, for keeping out of it, as their advice had invariably been—even if he had a clear case—"Don't go in for an action." But, if he had gone to a barrister, he might have been differently advised. They had had that question so often before the House, and he had spoken so often upon it, that there was no need for him again debating on the matter; at the same time young members might think it their duty, as it certainly was, to speak upon the subject, and afford any enlightenment they could. He might mention that they had at the present time an Acting Judge who, when member for Fortitude Valley in that House, had, on the first introduction of the Bill, warmly opposed it, but who had gradually come round, until, when the measure was again before them, last session, he had given it a strong support. Now, he did not believe in cheap law—in that he differed from the honorable member for Normanby—but he believed in good law, and he thought they were far more likely to obtain that by leaving their whole case in the hands of one gentleman, and dealing with him personally, than by dribbling it through a medium. He believed it was perfectly impossible that a barrister, who could not come in personal

contact with his client, could thoroughly understand a case; and, as regarded the argument of forensic eloquence referred to by the honorable member for Enoggera, why, he thought they were better without it. He thoroughly believed in the measure, and should most decidedly support the second reading.

The ATTORNEY-GENERAL wished to say one word in explanation. The honorable member who had just sat down, and the honorable member for Normanby, had alluded to his having said that the Bill would tend to the degradation of the profession. He had not intended to use that word in the sense attached to it, but what he meant was, that by confounding the two branches of the legal profession—by raising the standard of one and lowering the standard of the other—there would be taken away the security for the proper discharge of an advocate's duties.

Mr. GRIFFITH said that from what he had heard of the speeches of the honorable member for the Bremer, he thought that that honorable member, when complaining of the monstrous evils arising from the present system of separation between the two branches of the profession, would have brought forward some logical arguments to show how the changes he proposed would remedy those evils. But he must say, that he had never heard that honorable member make a speech in that House in which there was so little connection between the evils he stated and the remedy he proposed. He thought he might say that there was no error more common than to suppose, because two evils were found co-existing, one must be the cause of the other, and that, naturally, the system was the cause of the evil; but a little consideration would show the fallacy of such an argument. The honorable member had stated that it was from various accidents that he had never succeeded in passing the Bill through that House; but he (Mr. Griffith) might say that, on the contrary, it was owing to various accidents that the Bill got so far as it had during the previous session. Then, again, there were now four honorable members absent who were opposed to the Bill, whilst he believed there was not one of its supporters away. In 1872, also, the second reading of the Bill was carried, although the House contained an absolute majority opposed to it, so that he thought the accidents had been rather in favor of, than against the measure. So far from the political position of the honorable member having anything to do with the opposition to the Bill, he believed that the honorable member had been principally supported by the Opposition, whilst he had found strong opponents in the honorable gentleman at the head of the bar, and other Ministerial supporters. Then the honorable member also said that the same opposition was shown to the District Courts Act, but the only opposition to that proceeded from the then Government, notwithstanding which it was passed. With regard to the Bill itself, he thought that if the House was legislating for a Utopia, or a Commune, and wished to reduce all to a dead level of mediocrity, it might be found a useful measure, but not otherwise; for instance, the honorable member said that amongst the numerous mercenaries of the colony, the advocates who disgraced civilization the worst of all, were the highest in talent, as they were the most hungry for riches, and required the highest remuneration; but did the honorable gentleman wish the House to suppose that by legislation the worst man could succeed in getting the best pay? for, if so, then the only result of his success would be that the best men would soon leave Queensland. For his part, he considered such a thing impossible; he believed that so long as one man was better than another, and it answered the purposes of a client to secure the best man, so long would that man be employed. So far, therefore, from the proposed Bill reducing the expenses of litigants by affording room for the employment of inferior persons, he believed it would have little effect in that direction. By way of illustration, he might mention the case of Sir Roundell Palmer;—well, that eminent lawyer, who had been for some years, without a doubt, the recognised leader of the English bar, would never leave his chambers for less than one hundred guineas, and yet he was constantly in request, though there were an infinite variety of cases coming on, and he (Mr. Griffith) supposed there were one hundred barristers from whom suitors could choose. What was the reason then that Sir Roundell Palmer got one hundred guineas, except that it paid suitors better to have the best talent than to go on a dead level, and pay so much an hour? Whether that was proposed or not by the Bill, he could not say; but how was the expense to be lessened? Why, either by reducing the expenses of the advocate or the cost of the proceedings. They had been told that, in consequence of the employment of mercenary hirelings, the man with the longest purse always succeeded; for instance, if the Government chose, they could at any time retain the whole bar. All he could say was, that if any Government ever resorted to such a disreputable course as that, they would deserve to be immediately expelled from office. It was perfectly true that when there were only two members of the bar in Queensland, they both might have been monopolised; but, supposing the whole bar was monopolised at the present time, what would be the cost? Why, a guinea all round would be sufficient. But the argument now was, that every attorney was better than one or two barristers; so, supposing there were five attorneys as good as five barristers, then a man would have to retain the whole ten. He believed that only once in England had such a thing occurred as retaining the whole bar, and that was at the Lancaster assizes, when the judge very properly refused to try the case, and it was

held over until the next sitting of the court. What, after all, was the remedy for having all the bar retained? Why, it was proposed to increase the number, but he very much doubted whether that would be effectual, for the reasons he had stated. He thought he could safely say that no member of the profession had a less personal interest in the matter than he had in opposing the Bill; on the contrary, so far as he had been informed by his friends, he had a personal interest in supporting it; but he opposed it, not from any sinister object, but solely in the interests of the public. Another great objection made by the honorable member for the Bremer to the present system was the want of responsibility; but he would ask the honorable member, where his responsibility was any more than his (Mr. Griffith's) would be after he had instructed him—in the District Court or elsewhere? The honorable member knew very well that there was no responsibility on either the barrister or the attorney except for gross incompetence, and he was quite certain that the honorable member had never committed any act which would throw that responsibility upon him. Unless there was gross incompetence, the question of responsibility never arose. As far as malice went, if a barrister was guilty of that, he was liable as well as an attorney; but he did not think such a thing was often heard of—nor incompetence either—if so, in either case, the course would be clear. Honorable members would perceive that he was following Bentham's objections. Next they were told of the inducement to tell lies which was caused by two persons being employed instead of one; that meant, he thought, that because the advocate, before he went into court, did not see his client face to face, and therefore could not repeat the statement made by him, he was induced to invent a lot of lies or to repeat statements made by his attorney, who did not care whether they were true or not. Now, if an attorney was in the habit of making statements to advocates that were not true, so would he be enabled by the Bill to make those misstatements to the court. Again, it had been said that the fact of the client and the advocate not coming into contact was a protection to the client, and he believed that it was so, and that from the nature of the advocate's duties, and from his position as an officer of the court, it assisted the administration of justice. Every member of the bar considered that he had a proper duty to perform to the court, and that was to assist in the administration of justice; and how would that be done always in the case of a person who had to address the court after being in contact with his client? Why he considered there would be a much greater probability of false statement being made to the court under such circumstances. For instance, there were many attorneys who, acting under the influences of human feelings, after listening to the statements of a man who believed himself injured, and had poured all his troubles into the attorney's ear, would be unfit to go into court, inasmuch as they would carry with them there the effects the client's statements had on their feelings, and thus allow their judgment to suffer. Those things were stopped when the statements were repeated by the attorney to the advocate, who had no more interest in the case than that interest which every honest man must have—namely, to do his best. He thought it would be most necessary, if the Bill was to pass, and he should propose it, that no person practising as an advocate should receive any fees except fees as an advocate; and that would be very necessary, as it would put a stop to any contracts between the advocate and the client. For instance, if an advocate knew that his client would give him £500 if he won a case, and nothing if he lost it, it was contrary to human nature to suppose that there were many persons who would not be unconsciously biassed by the prospect of getting that money. He was aware that it would be asked, how it was that all that did not happen in the District Court, where attorneys were allowed to appear? and he trusted that he would not forget, before sitting down, to answer all that. Next to the question of responsibility arose that of economy. He had already pointed out that economy could only be secured in two ways, either by reducing the remuneration to competent persons, or by reducing the length of the proceedings. Now about the reduction in the cost of proceedings. If they were increased by the division of the profession, he could then understand the force of the argument; but, as a fact, they were not. The honorable member thought, no doubt, that he had made out a splendid case, but there was one link wanted to complete it. He would just call the attention of honorable members to the way in which the expense of a suit was increased. In the first place, it was said that a man would conduct a case without assistance, but that was utterly impossible, as there must be one or two. The honorable member said that there was an immense increase in the writing and copying through having to employ an advocate; well, if each person interested had a copy, then he could understand that the expense would be increased greatly, but if only one copy was made, how did that increase the expense—if it was only read by one, what necessity was there for two? Instructions must first of all be taken down and then copied, unless indeed the attorney was to carry a whole case in his brain—they were taken down in the rough, and a copy furnished to the advocate; but that must all be done under either system: then the only other expense was the fee to the advocate, but surely the attorney would have one also under the proposed change, for he did not suppose that any man would do anything

for nothing—and so the expenses would be precisely the same. Then came the question that instead of having two persons, called a barrister and an attorney, to do two men's work, there would be two persons, namely, the attorney and his clerk, or the attorney and his partner, to do that work; and upon such a subject he could speak with some degree of authority, having qualified himself to be admitted as an attorney before he was called to the bar. The honorable member for the Bremer knew very well that there was not one single sixpence that was spent—say, in the case of Williams against the Government—that would have been saved by the amalgamation proposed by the Bill. The question, then, was, whether it took as many men to do the work? And, he would ask, how it would be that one man could be got to do two men's work? If an attorney was idle half his time, the case would be different; but honorable members knew well that respectable attorneys in this colony had as much to do as they could. How, then, could they be got to do double work? There would be only one result—that it would be dirty law. He feared that New Zealand was a proof of that; and the honorable member had been rather unfortunate in referring to that colony as an instance where the amalgamation of the profession had been a success. The honorable member, on a former occasion, said that his authority was Mr. Garrick, who was at one time practising as an attorney in Brisbane; but since then, he (Mr. Griffith) had met that gentleman's partner, whom he asked how the amalgamation worked. "Worked?" said the gentleman, "oh, splendidly." He asked him in what way he meant, and he said, "Oh, we do not employ a barrister, but we get his fees ourselves." And there was no doubt that the amalgamation had worked well for two or three of the largest firms in that colony, whilst the weakest went to the wall. There was also another beautiful system there, namely, that there was an annual court to which all practitioners went for two months and enjoyed themselves at the expense of their clients. He was satisfied that every statement he had yet made was a fact, and was the result of his own personal experience. The honorable member had also said that the poor were denied justice by the present system; but could the honorable member give one instance of such being the case?

Mr. THOMPSON: Yes; the case of Jacobs, at Rockhampton.

Mr. GRIFFITH: That was the only case in the colony, and that man was denied justice by the fact of his (Mr. Griffith) refusing to appear for him. Jacobs had, he thought, a good case, and he consented to act for him *in formâ pauperis;* but, before he could do so, it was necessary for him—as was required in all such cases, to certify to the court that his client had a good case. In the present instance the difficulty arose, that all Jacobs' witnesses resided in Rockhampton, and were in the pay of the defendant; it would have been impossible for Jacobs to have had his case heard in Brisbane or Maryborough, without subpœning witnesses to go there, and that would have required money. Not having those means he withdrew his case, and he would ask whether, under such circumstances, he (Mr. Griffith) was not justified in refusing to go on? Had he gone on with it, he would have been assisting in a speculative case; besides that, it was a case in which there was no chance of success. The honorable member could not have mentioned a worse case, for all parties were willing to act gratuitously—the attorneys being, he believed, Messrs. Macalister and Mein.

Mr. THOMPSON: What had taken place before then?

Mr. GRIFFITH believed that Jacobs had given money to an attorney who had spent it all. He would ask, whether that was a case of denial of justice, or whether an amalgamation of the professions would have enabled a man without means to take witnesses away some hundreds of miles from their homes, or to make witnesses hostile to him give evidence in his favor? That was the only illustration the honorable member could bring forward to bear upon his argument respecting a denial of justice, and he (Mr. Griffith) had satisfactorily explained the case referred to.

Mr. THOMPSON said that was not the only case he could mention. He mentioned that on the spur of the moment, but he knew of several others.

Mr. GRIFFITH would like the honorable member to mention them, because he had no doubt they could be quite as easily explained as the one in question. The honorable member said the scales of justice were weighed down by money, and not by right. Upon whom was that a slur—upon the judges or the profession? If on the profession, which branch of it? And then how would the amalgamation of the two branches cause it to be altered? He defied any one to point out how it could be done. The only argument in favor of the Bill was that it would cheapen law. Cheapness of law was of advantage, not only to the public but also to the profession, and since he had had the honor of a seat in the House he had done all in his power to cheapen law. He was satisfied that so long as the present system of procedure was in force the way to cheapen law was not by an amalgamation of the profession, but by getting competent officers to administer it. The honorable member had referred to an equity suit in England which cost £70, and pointed out that a similar suit here cost £3,000. But there was no similarity between the two suits, and he could say that what cost £70 in England would cost here, if the administrator of the law were competent—he did not mean

the judges—not more than £40. In England the preliminary proceedings alone would cost £40; but here, under the Act passed last session, they would not cost £10. So far, therefore, the comparison was in favor of this colony. Cheapness of law could only be brought about in two ways—by reform of the procedure, or by reform in the principles. Reform in procedure would be the work of the Law Reform Commission, and he hoped, next session, to bring up a report from them on the subject. The other form of cheapening law—namely, by an alteration of principles—could only be effected by a codification of the laws; and he could not see how they could accomplish that by simply allowing a large number of persons to practise in both branches of the profession. The honorable member's argument with regard to sinister motives was a very fair one, for if barristers could be accused of opposing a measure from a sinister regard for their own interests, so, on the other hand, might it be said that attorneys were actuated by a sinister regard for their interests in seeking, by means of legislation, to open the way to honor and dignity which was not open to them under the present regulations. The argument was just as strong on one side as on the other. He would now say a few words apart from answering the honorable member's speech. The Bill seemed to him to be a retrograde measure. The advance of civilization had always been marked by a division of labor; but here they were seeking by legislation to reverse that natural principle. He would not amplify the argument, because, no doubt, it was clearly understood by honorable members. He thought an illustration might be derived from New South Wales, where the proposed system had been tried. It was suitable to the circumstances of that colony, no doubt, at one time; but eventually it became absolutely intolerable. Speculative actions—than which there could be no greater curse to a community—became so numerous there, that the Judges of the Supreme Court found it necessary to divide the profession, and from that time there had been nothing like a general desire manifested to revert to the old system. The advocacy of such a change had never been taken up by any respectable or reputable member of the profession, and he believed this colony was singular in that respect; it was the only colony in which a reputable member of the profession could be found to stand up for such a change in the system. He would venture to say that the public generally did not care one straw about the matter. All they desired was cheap law, and he had pointed out how this might be effected. He would also point out that by adopting this system they would make a retrograde step in another direction. In the three principal colonies—Victoria, New South Wales, and Queensland—they had the same system in force, a division of the profession, which existed almost everywhere, except in some of the rude colonies on the American Continent. Now, he had before him, the rules of the Supreme Court of Victoria, which gave a right to any Queensland barrister, or a barrister admitted in any British colony, to practise in that colony, but subject to the condition that he must have been admitted as a barrister solely. Personally he regarded that a valuable right—to be able to proceed to a neighboring colony and practise as a barrister—and was he to be deprived of this right by the passing of this Bill? If the object it was aimed at were accomplished, he would—if there were any force in the argument—be reduced to the position of not being able to make a good income, because law would be so cheap; or else he would have to leave the colony, and then a lucrative field would be closed against him by the operation of the measure. It would be very singular indeed that when they were recognised in the other colonies and had a right to go and practise there—and no doubt barristers from the other colonies would be able in a very short time to come and practise here—they should cut themselves off from that right. He understood that the honorable gentleman who introduced the Bill, from his action at the Intercolonial Conference in Sydney, was in favor of a federation of the colonies and the establishment of a federal court of appeal.

Mr. THOMPSON: No.

Mr. GRIFFITH was under that impression, and such a measure as this would throw great difficulties in the way of such an arrangement. He thought small colonies, such as South Australia, New Zealand, and Tasmania, should not be taken as an example by this colony. In New Zealand the system worked to the advantage of the profession, but not to the benefit of the public. There there were seven provinces, with a judge in each province, and of course, with a scattered population, it was impossible to have a bar in each court. To that extent New Zealand was an argument which might be used by the supporters of the Bill, but it was not an argument that the system was of advantage to the public. He would now call the attention of the House to the Bill. The honorable member introduced it as a measure that would cheapen law, and remedy all the evils which now existed—which, he said, were a disgrace to civilization and the curse of all English communities; but he made no reference to the means by which these great reforms were to be brought about. The first provision in the Bill was that barristers might become attorneys, and so far as that was concerned he could safely say that, with one or two exceptions, the barristers in this colony were utterly incompetent to practise as attorneys. There was no British community he was acquainted with in which a man was allowed to practise as an attorney—in the confidence of clients, knowing their private affairs, and

in a position to lead them into the greatest mischief, or to do them the greatest good, unless he had at least five years' training—training teaching the kind of work he would be called upon to do. But under this measure barristers were to be at liberty to act as attorneys. So far as history bore upon the subject, it was to the effect that no person should be allowed to practise as an attorney without at least that training; and if barristers were to be allowed to act as attorneys, they should have the same training. The consequence would be that the court would have to make rules by which the only way to get to the bar would be through five years' drudgery in an office. How, under these circumstances, were they to get accessions to the bar from all branches of the community—from the army, the navy, the church, and every other learned profession? Why should a gentleman, like their late lamented member, Mr. Atkin, who was desirous of going to the bar, drag through three years as an articled clerk for that purpose? The honorable member did not seem to understand what the effect of that portion of the Bill would be. The next clause was that attorneys of three years' standing, and, in future, attorneys of five years' standing, might practise as barristers. Now, under the present system, every attorney competent, in point of education, might become a barrister, on passing a certain examination. It appeared a singular thing to him that, while they believed in advanced education, and attached so much importance to it that it was contemplated by nearly all parties to give that education free, it was proposed to pass a measure which would enable a man who might not possess such education to be appointed to the highest position in the law, namely, that of judge of the Supreme Court. He certainly could not see the reason of this. Honorable members might not understand why a different education was required in one branch of the profession to what was necessary in the other. The answer was simply this: advocates occupied the time of the Supreme Court, and it was a public loss if that time were wasted; and he would venture to say that there were many attorneys in the colony who were utterly ignorant of the meaning of the terms in common use in argument before the Supreme Court. That might be a misfortune in our law, but it was a fact. Then again, every attorney of three years' standing, no matter how disreputable he might be, would be able to practise as a barrister, and there would be an inducement to speculative actions. He had known such cases stopped simply because a competent barrister could not be got to bring them before the court; but under this system the attorney could proceed with the matter himself, to the loss of the public and the great injury of the opposite party. The ninth section provided that any practitioner of seven years' standing might be appointed a judge of the Supreme Court. He had no objection to see anybody on the Supreme Court bench who was competent to do the work; he believed some attorneys were competent, but there were many of that branch of the profession, and many barristers also, who were not. He knew of no instance in which an incompetent barrister had any chance of getting to the bench; but if this change were effected such a thing might occur. Then with regard to attorneys: a man might be an excellent attorney—excellent in giving confidential advice, as a man of business (as they were called in England, and particularly in Scotland), and might be deservedly known and respected in his profession; but he might be altogether incompetant to decide in heavy judicial matters, involving large estates and interests, and even questions of life and death. This measure would remove a great safeguard in getting competent men on the bench. Through political exigencies an attorney in no way qualified for that position might be appointed to a seat on the bench, and no greater curse could be inflicted upon the colony than an incompetent judge, who would hold office for fifteen years unless removed by death. These considerations had induced him to look upon the Bill as a retrograde measure, which ought not to pass, and which he felt it his duty to oppose. He thought he had shown, with some force of argument, the disadvantages of the system. In fact, all the arguments were against it and there were none in favor of it. He would be sorry to see the Bill pass, but he would have equal pleasure in passing it if he thought it would bring about any beneficial results. In conclusion, he would say a few words respecting the remark of the honorable member for Normanby, that he had seen a barrister drunk. He (Mr. Griffith) would like to know if he ever saw an attorney drunk. He thought the remark was altogether outside the question, and ought never to have been made. If the honorable member for Normanby were present, he would say more upon the subject. He would oppose the Bill now, and on every occasion on which it was brought forward, by every means in his power.

Mr. J. Scott moved the adjournment of the debate. He thought the question was too important to be decided in a thin House. Several members were absent, and he was aware that others were anxious to leave; and it would be a pity if the question were decided without a full House. He, therefore, moved the adjournment of the debate until next Thursday.

The Speaker: I would point out to the House that, on Thursday next, notices take precedence in the order of business. I must also inform the honorable member that two motions will have to be made to arrive at what he desires. The honorable member can move that the debate be taken on Thursday next, but there must be a subsequent motion made.

Mr. SCOTT would amend the motion. He moved that the debate be adjourned until a subsequent day.

Mr. MILES said it was his intention to have left that morning for private business; but, on looking over the business paper, he saw this Bill set down for discussion, and he determined to stay. This was the third time it had been brought forward——

The ATTORNEY-GENERAL: The fourth.

Mr. MILES: It had been brought in session after session, and it did not seem to meet with much favor. He had previously expressed his objections to the Bill, and it was not his intention to make any comments upon it. He had stopped in the House for the purpose of voting against it, and he objected to the debate being adjourned. If members chose to go away, knowing the question would be brought forward, other members could not help it; and he hoped there would be no adjournment.

Mr. NIND said that having heard the Bill was likely to proceed to a division, he remained for the purpose of recording his vote on the question. He had not heard all the arguments adduced, but he had heard some of them, and especially those brought forward with so much earnestness and force by the honorable member for Oxley. One expression which had fallen from the lips of that honorable member he felt bound to take exception to, as he had seen some of the countries that honorable member spoke of in a disparaging manner. In speaking of the amalgamation of the legal profession, he said perhaps it might be useful in some of those rude countries on the North American continent. Now, he begged leave to inform that honorable member that he had lived in some of those rude countries; and he must say that he had never seen law administered more efficiently anywhere than it was in some of them, particularly on the Canadian side. He had seen there the amalgamation of the profession—which was in force for years before he went there—and he had never heard of those *laches* that seemed to occur to the honorable member as likely to happen here. It seemed to be considered there that it would promote efficiency and economy if amalgamation was adopted, and it was accordingly carried into effect. He was present in the colony of British Columbia when this same fight that was now going on here took place between those who wished to retain the old ways and those who wished to introduce new ones. It was a hard fight, but after a time, the colony became part of the dominion of Canada, and the rule of that dominion being accepted, the amalgamation took place; and, so far as he could remember, no harm resulted from it. He believed that, if the decisions of the Supreme Court of Canada were referred to, it would be found that they were as able, as learned, as straightforward, and as honest as could be found in any part of the world. Now, the argument he found used there, which he considered a valuable one in favor of this system, was this: Supposing two men to start in life, one as a barrister, and the other as an attorney; at the end of their career, what would be the position of each, supposing both had attained success? The success of the attorney would be that he would be able to command a certain amount of money bags; while, on the other side, the barrister had been able to secure for himself a high and honorable position. If he lived in England, where titular distinctions were given, he might have mounted to the woolsack; while in other countries he might have risen to the position of a judge of the Supreme Court—the highest position he could attain. He did not believe in two branches of the profession; that honor should be separated from one branch, and be accumulated on the other. He did not think that they should imitate in everything they did the customs of the old country. They had to change their ways in many respects, and do a great many things which were more suited to a new country than an old one. Nearly all the arguments he had heard on this question were more applicable to an old country than to a new one. When he considered what had been going on in the whole of the North American continent for years and years; when he found that some forty millions of English-speaking people were content to have their law courts ruled in this way—to allow an interchange between the two branches of the profession—he could not see why people here should attempt to be so very much wiser. In a colony like this they should start *de novo*, and not accept any platform others had built up. They should start new from the beginning. He would certainly vote for the second reading of the Bill.

Mr. MORGAN had listened with great attention to the arguments for and against the proposed measure, and he must confess he felt considerable difficulty in approaching it. It might be an act of presumption on a lay member of the House to enter upon the sacred precincts peculiar to lawyers, and he would therefore not do so. He had, however, gathered some information from the honorable members for Oxley and the Bremer, respecting the disreputable members of the profession; and, as far as he could see, there was about an equal number in each branch. But he was happy to say that the majority of the profession were able, respectable men, who were inclined to do their duty to their clients. As he believed the Bill was calculated to cheapen law for the poor man, and those who were not in circumstances to go into costly suits, he would support the second reading.

Mr. THOMPSON said the adjournment of the debate was not moved for the purpose of allowing him to speak again, and therefore he would not be justified in trespassing on the time of the House long. Whatever might

be the fate of the Bill, he felt that he had done what he conceived to be his duty. Nearly all the arguments he had heard had been brought forward on previous occasions, and there would be little to say in reply, unless he went into an analysis of every argument, which would not be justifiable. He thought he gathered from the tone of the House that it was considered advisable that the debate should not be adjourned, and he would ask honorable members to bear with him whilst he took advantage of the motion to answer one or two of the arguments which had been put forward against the Bill. The honorable the Attorney-General was very unfortunate in his reference to the medical profession, because practically there was no division in that profession here. Every surgeon here was a doctor, and soon became a general practitioner. Besides, there was no analogy between the position of the two professions. A man did not go to an apothecary to introduce him to a physician, or to a physician to introduce him to an apothecary; so that really that argument had nothing to do with the question. Practically there was an amalgamation of the medical profession in this colony. The honorable the Attorney-General also said that no sufficient reason had been shown for the proposed change. That was always the cry—you must never mend a bridge until a number of people fall through and are killed. It was the old standard argument that was always introduced when law reform of any kind was proposed. The honorable member said the present system worked with great satisfaction in England; and, if so, what did the satirists mean by writing in the way they had done and were still doing. Dickens, and other novelists and satirists of the day, had done more to promote law reform than lawyers ever did. Then, the honorable gentleman went into the old story that the bar were the conservators of freedom. It was all very well to glorify one's own profession; they would hear the soldier say the same thing; the sailor talk about the wooden walls of old England; and he would say that the attorneys were the conservators of freedom. He maintained that the attorneys were most prominent in all the colonies in maintaining the freedom of the subject and in advocating law reforms and other reforms for the social advancement of the people. So, the bar were not the conservators of freedom any more than the attorneys. Was there anything in the constitution of a barrister which made him more a conservator of freedom than an attorney? That argument failed entirely; but it was old, and the honorable member was not responsible for it: it was one of the boasts of the bar, but really there was nothing in it, and it had nothing to do with the question. The honorable member, in one little expression, touched the whole question on the bar side. He said it would be the destruction of the privileges of the bar—of that profession which had done so much good for the people in the past—and that it would be a dangerous innovation. He (Mr. Thompson) had not the same intense admiration as the honorable member had for the bar, who were to blame for many things, and who appeared entirely to forget that they were the servants of the public and the court as well as of their clients. There were numerous notorious instances to show that. Then the honorable member said it was a singular thing to do this as a matter of reform; but every one knew that the first thing to be done before they could get reform was to wipe away old forms and customs, whose vitality had passed away. It was all very well to say that this would be a tremendous wrench to the present system; but he maintained that a new country, where the tendency of the day was, not to keep up form and ceremony, but to be sharp, quick, and decisive, was the proper place for carrying out reforms for practical convenience and the good of the public. The reference made to America, was, he thought, well answered by the honorable member for the Logan; he had always understood the position of affairs there to be as explained by that honorable member. They could not take a particular state in America, and say, "See how injuriously the system acts here;" because in the next state it might be found to act beneficially. This was because every state had its own judicial system, irrespective of the United States Supreme Court, which was altogether distinct. Then the honorable member said it would open the door to individuals of an undesirable character to get into the profession; but he contended that it would do nothing of the sort. The question of character did not arise, or else how was it that there were disreputable members in the profession now? The fact was, that under the present system the profession was so weak that they had not the power in themselves to cut off rotten limbs. The bar would not act, and the attorneys would not act, and it was only by amalgamation that they could get into a proper and wholesome condition. The arguments of the honorable member for Oxley he was prepared for, because he heard them before. The first of them to which he would refer was with reference to Sir Roundell Palmer, in which he pointed out that a large body of clients were always anxious to secure his services at even a very high price. He thought a more damaging admission could not have been made, because, if it paid a litigant to give large sums of money to obtain the talents of a certain man, it showed that he knew that talent would be a weight in the scale in his favor, notwithstanding the justice of his cause. If he relied on the justice of his cause, he would not require to spend large sums of money to get the best talent. They knew that many litigants were unjust, and the majority of the briefs the gentleman referred to would get would be

from wealthy opulent men, a certain proportion of whom would not have any right at all on their side, but who would rely entirely on the talent brought to bear on the case. This was a matter of every-day notoriety. They all knew that the rich man relied on his riches in the present artificial state of society, and, as the honorable member said, they could not take away the influence of riches. Bribery would take place, and barristers would be bought. People would buy higher talent for a higher price. He did not say that there was an immediate remedy for this, but he hoped the day would come when justice would not be sold, when every man would have an equal chance of obtaining that which in justice he was entitled to. It had been said by some one in joke, that having a good cause was always a very great advantage, but it was well known that in law there was no case so bad that it could not be won, and no case so good that it could not be lost; and while that existed, by reason of suitors being able to buy the highest talent, it must be wrong. The question had been asked, how he traced the connection between the Bill and this state of circumstances? In reply, he would state that he would abolish the necessity for getting Sir Roundell Palmer, or for getting three or four members of the profession when one would do. They should not have machinery which would enable the rich man to secure all the talent by paying large sums of money, while the poor man went to the wall. With regard to responsibility, the honorable member actually tried to make out that the fact of a client not seeing a barrister enabled him to conduct his case better, because it took from him any feeling of responsibility. The feeling of a barrister was that he would win his case as put before him by the attorney, if possible, no matter who his client was, or what he was. This want of responsibility, and the way justice was perverted, was well exposed by Charles Dickens in "Bardell *v.* Pickwick." There could not be a better exemplification of the farce which was carried on in such matters than was given in that case. The honorable member for Oxley said this system would lower the standard of the profession, but so far from this resulting, he believed it would raise it, because they would be amalgamated and have strength, and would take care to eliminate all rotten branches. In fact, their vice hitherto had been weakness, and they would never have strength until they had a common interest. When they had that they would be able to proceed with various law reforms, and in other respects promote the interests of the public. As to the advocacy of the system the honorable member, in paying him a compliment, was unjust to New South Wales. He said that in that colony no respectable member of the profession advocated amalgamation, but he could call to mind one of the ablest lawyers there who was in favor of it. He referred to Mr. Robert Johnston; and, if he was not mistaken, Sir James Martin, before he reached his present eminent position, was also in favor of it.

Mr. GRIFFITH: No.

Mr. THOMPSON: He was when he was an attorney himself. The honorable member in referring to some of his (Mr. Thompson's) previous remarks, attributed to him language he quoted from Jeremy Bentham. In dealing with this matter Bentham was dealing with human nature, and he could only deal with it as he found it. It was not uncomplimentary to a man to say he had an unconscious bias, because every man had an unconscious bias in some respect. With respect to Jacobs' case, he understood it was this:—The man was robbed of his claim, and after spending about £600 he could not go on for want of fees; and he (Mr. Thompson) thought an attorney was unworthy of his position as an attorney, or anything else, if, having carried his client so far, he dropped him.

Mr. GRIFFITH said the sum was £100, not £600.

Mr. THOMPSON: The case still illustrated the argument. The man paid barristers, and the £100 soon went in fees, and then, of course, the attorney was not going to provide him with money to proceed, although he (Mr. Thompson) thought, if he had a spark of manliness about him, he would have gone on with the case himself to the end. He thought the honorable member made a great mistake in confounding justice with manufacture. He said that in all modern improvements division of labor was the order of the day. But there was no analogy whatever. Justice was not a thing that could be manufactured, nor was it a thing in which there ought to be any division of labor. He could not understand the argument, or see how it affected the question at all. No division of labor was required, because there was only one thing to be done, and that was to get justice. He now came to the arguments of lay members of the House, and they dealt with the matter, also, in the same extraordinary way; treating law as a commodity, and saying that if they got it cheap they expected to get it nasty. But they ought to remember that they had no right to pay anything for it at all —that justice should not be bought. Therefore, that argument must fall to the ground. There should be no such thing as nasty law or nasty justice. If they could succeed in doing away with some of the unnecessary expense surrounding law, they would get it in the position he desired, which was, that justice should be practically within the reach of the rich as well as the poor. Then, again, great stress was laid upon the possibility of an attorney becoming a judge; but he could not see any greater risk in taking a judge from the ranks of attorneys than from the ranks of barristers. The Chief Justice of New South Wales was himself an attorney. There was no chance of a member of either branch of the profession being elevated to such a position

unless he was competent and deserved it. With reference to training, it was said, Why should a barrister undergo five years' training? He contended that the examination which barristers had to pass was a mere farce, and that that which attorneys had to pass, comprising all branches of the law, was far more severe. He maintained that barristers should undergo certain training. How could they expect a man who came from the army to go and act as an advocate in a law court? It seemed to him most unjust. Then it was said, why did he not take advantage of Mr. Lilley's clause, and go to the bar after examination? but he was not acting for himself in this question. He did not want to go to the bar immediately, but what he wished to effect was to upset the present state of things, with a view to initiating a new system not liable to so many abuses. It was necessary to attack forms before they could get to realities; but when they effected this, they could take the others in the flank, and by the working of different minds succeed in carrying further reforms. He had now finished his remarks, and he was thankful to the House for the attention they had given him, and he sincerely hoped they would pass the second reading of the Bill.

Mr. GRIFFITH wished to correct a misapprehension of fact on the part of the honorable member. He said the fees in Jacobs' case amounted to £100; but he (Mr. Griffith) was aware from his own knowledge that the fees paid to counsel were less than £10. He also desired to correct a misapprehension on the part of the honorable member for the Logan with regard to the position of the profession in Canada. He (Mr. Griffith) had never been in that country, but he had read reports of cases tried there, and he was aware that besides those who practised as advocates, there was another branch of the profession called notaries, whose duties corresponded with those of attorneys in this colony.

Mr. NIND rose to explain. Perhaps, the honorable member for Oxley was right. There were so many distinct races in Canada——

The SPEAKER: The honorable member is out of order. He has spoken to the question before the House, but he can speak again on the main question.

Mr. FRASER said it was not his intention to express himself at any length on the question before the House. They must all admit that the great word "law," of all the words in the English language, carried most along with it to the mind; and he was quite satisfied that any honorable members who had had their attention directed to what went on in the Supreme Court, must admit that it was a word that involved very formidable consequences indeed. He was quite sure also that any honorable member who introduced into that House a measure having for its object that law reform which was universally demanded in the procedure of this colony, would be entitled to the thanks, not only of that House, but of the community at large. He must confess that his sympathies had been strongly biassed in favor of supporting the Bill of the honorable member for the Bremer, and he had paid very close attention indeed to the whole arguments which had been adduced in support of it. He might also confess, although that might be owing to his obtuseness, that he could see no connection whatever between the premises assumed by that honorable member and the conclusion at which that House should arrive. He had not had to do with any matters as between members of the two branches of the legal profession, but it was quite refreshing to see that they did not always agree. He trusted that that was only one of the benefits that the community might reap from the introduction of such a measure as that now before the House. The object of the honorable member for the Bremer had been stated to be to cheapen law, and he was sure that there was not one person who would not gladly see something done in that direction; but the honorable member had failed to show how that would be accomplished by the amalgamation of the profession: the honorable member had said it would be, but he had not shown how. If he might be allowed to make a comparison, he would say that what the honorable member had done was simply to lop off the branches instead of striking at the root. He was satisfied that if the amalgamation was to take place on the next day, and he had a case to take into the Supreme Court, he would be met by precisely the same technical difficulties as at present; where then would be the remedy? Until the law was reformed itself, all the changes which the honorable member might wish for, would leave the suitors or the public in precisely the same position as they were in at the present time. Again, the honorable member said that the amalgamation would have the effect of causing a despatch of business—that it would quicken the process of procedure; but at the same time the honorable gentleman had not pointed out how that would be the case. He believed that so long as the present forms of procedure existed, whether cases were conducted by barristers or attorneys, it would matter not; the same process, and the same tedious mode, would have to be gone through. He should be glad to be able to support the Bill, if it was likely to accomplish anything that the honorable member had professed it would; but there was really nothing in the Bill to show how it would bring law or justice within the scope of the poor man more than the present arrangement did. Wealth would command its influence under all circumstances, as the honorable member for Oxley had said. The honorable member for the Bremer had made a strange confusion between law and justice—he said that justice should be free, but if he took a case to the honorable mem-

ber would he give him law for nothing? The honorable member had also disputed the analogy between trade and justice, but he (Mr. Fraser) submitted that what held good in the one held good in the other, and it certainly would be a retrograde act now to throw into the hands of one man a work that would be more efficiently done by a division of labor. For example, he might quote the case of an engineer's shop, where each man had to perform his own work, which, when completed, helped to make up the whole; and so with law, the barrister performed his part, and the attorney his part, until the whole case was presented complete before the judge. He maintained that so far as the honorable member had gone that evening, he had left the work incomplete; and he certainly was sorry it should be so, inasmuch as he should hail with delight any measure that proposed to begin by striking at the roots of the evil, instead of, as he had before observed, lopping off an insignificant branch here and there—a course which would affect only the profession itself, and not the general public. For those reasons he did not see that the measure would be of any great public benefit, and he preferred to leave the profession as it was. It was not his province to touch upon that profession, but the honorable member had stated that the Bill would strengthen the profession, and enable it to get rid of unworthy members; he doubted, however, very much indeed whether that would be the case any more than at present, when power was given to the court to strike any unworthy member off the rolls. He was not interested in one branch of the profession or the other, and would gladly assist in passing any measure that would simplify the present cumbrous system, and that would remove, to use the honorable member's own words, an "accumulated rubbish of antiquity." But there was nothing in the Bill which went beyond the profession itself, and which could benefit the public one iota, and for that reason he felt constrained to vote against the second reading.

Mr. WIENHOLT said he had listened with some astonishment to the extraordinary speech of the honorable member who had just sat down. That honorable member had commenced by saying that his sympathies were strongly biased in favor of the Bill, and if he had heard anything in the arguments of those opposed to it to induce him to alter his opinion, the honorable member's mind must be very easily influenced indeed. He (Mr. Wienholt) had heard nothing of the kind. He considered that the measure was one which was calculated to be of vast benefit, not only to the profession but to the community, as he thought that anything that would do away with the close corporation of the barristers would have a beneficial effect. He believed that it would be a great boon for a client to be at liberty to go to the person who had to represent his cause in court. It had been argued by honorable members opposed to the measure, that if it was passed the public would be the sufferers, as they would have to deal with persons of inferior standing; but he thought that the public as a rule were good discriminators, and would take care whom they selected. There was no occasion for honorable members to express such an anxiety to protect the public in that respect, and see that they were not imposed upon, as they would take good care of themselves.

Mr. GRAHAM said, he was not at all surprised to hear from the opponents of the Bill that the two professions were opposing it, for they found that lawyers as a body enjoyed great privileges, and therefore it was only right to suppose that they were anxious to retain them as long as they could against the interests of the public. As to the arguments which had been brought forward against the Bill, he thought that they had been nearly all answered, and he should, therefore, confine himself to making only a very few remarks. The honorable member for Oxley said that the whole tenor of the Bill was not in favor of high talents and great attainments in the profession, but was generally to reduce all to the dead level of mediocrity. Now, he (Mr. Graham) did not think that would be the case, as he believed that in all large lawsuits, such as that of Williams *v.* the Commissioner of Railways, the same number of men would be required, and duly employed; but if the Bill passed, it would not follow that all would be barristers, as the client might employ as many attorneys as barristers, or, at any rate, the best men he might think able to do his work. There was at present an immense deal of work done in the Supreme Court which did not require three or four men to do it, and a great deal that did not require more than one man; who was the man to whom the client went in the first place? Again, there was an immense amount of work away from the capital, where the amalgamation of the profession would be an enormous benefit; and he believed that those honorable members who represented the country districts would agree with him in that respect, and that it would be a great advantage to their constituents if they could place their causes in the hands of one man instead of having to pay two or three. It was on those grounds principally that he should support the second reading. In regard to the remarks made by the honorable member for Bandamba, he contended that there was an analogy between law and trade, as both maintained a monopoly where they could; but beyond that there was no analogy. In making a watch or a machine, each man had to perform a part, but in such a case there was one definite object before them, and each man had his own work. But in law it was totally different, and the honorable member would have been nearer the mark if he had attempted to draw an

analogy between law and art; as, when an artist commenced to draw a picture, he might draw the outline, and take it to some person to fill up a portion, and to another to fill in another piece of coloring, and so on. But when a suit was taken into court, what he and other honorable members wished to arrive at, was, that the advocate should know as much as the client could tell him. Under the present system a man could not go to his advocate direct, in the same way as he would be able to go to his doctor; but he had to go to an attorney first, and all that he might wish to tell his advocate had to go through that medium. The honorable member for Port Curtis had pointed out how unsatisfactory it was that a client could only go to his advocate though a third person, as it must be a very great advantage to him to be able to go personally to the barrister who had to advocate his cause, and put him in possession of all the facts of his case. But in the North the hardship was still greater, for a man went to an attorney and stated his case, and the attorney had to prepare a brief for a barrister who might only arrive, perhaps, a few hours before the sitting of the court; the brief was thrust into his hands just as he was going into court, so that he could not possibly know anything about it, and under such circumstances, he should, as all honorable men would, throw it up and have nothing to do with a case of which he was entirely ignorant. The honorable member for Enoggera had also spoken of the Bill as simply lopping off branches without cutting at the root; now he (Mr. Graham) was free to confess that the whole law system was a standing disgrace, and if it was possible to cut at the root of it, he should be most anxious to support any measure which would do it; but, as they could not at present do that, he thought it was gaining a great advantage if they could only lop off some of the branches of that tree of evil. He believed that the honorable member for Oxley was really desirous of seeing the abuses in connection with the law remedied; in fact, the honorable gentleman had already proved that, by the measures he had introduced for reforming the proceedings in equity and insolvency. He hoped the honorable member would still direct his great talents in that direction. If they found that the law was a rotten system, and that it was impossible at once to strike at the root of the tree, he thought they should commence by lopping the branches in the manner which his honorable friend, the member for the Bremer, was then trying to do.

Mr. Bell said he did not intend to make any speech on the Bill, as he had quite made up his mind as to which way he should vote, he not having heard that evening any fresh arguments which could induce him to alter the opinion he had previously entertained. He objected to one feature in the Bill, however, which was, that it was not a sufficiently sweeping one, such as that introduced by the late honorable member for Fortitude Valley, and he regretted that it did not include all that that honorable member proposed to that House. Still, he thought the Bill was a step in the right direction, and as such he should support it. He did not think that if the measure was carried, it would be found to have any very great economical effect in suits involving large sums of money; those were not to be carried on very economically at the present time, and he did not think the proposed change would render them more so. But he thought that in the large majority of cases, where large sums of money were not at issue, the measure would be an immense boon to society in this colony, by effectually cheapening law and obtaining justice in cases not involving very large sums of money. And that was exactly what they could not obtain at the present time. A man might go into court as a plaintiff in a case involving only a small sum, and under the present system his law expenses might amount to considerably more than he could gain by winning his suit. It was, therefore, in respect of those small suits, and for the sake of obtaining justice in them, that he was going to support the second reading, in addition to the reason he had already given that he considered the Bill was a step in the right direction. The honorable member for the Bremer had stated that it was well known that the District Courts had been a success, and therefore the sooner the jurisdiction was extended the better. He (Mr. Bell) thought the whole question was involved in that; he did not care for the question as it had been argued that evening; but he thought that if a suit for £300 could be well and truly tried in a district court, a suit for £3,000 could also be well and truly tried in the same court also. The Bill was, as he said before, a step in the right direction; but it was not a full measure, which he very much regretted. He should give it his support.

The question was put, "That the debate be now adjourned," and the House divided with the following result:—

Ayes, 14.	Noes, 18.
Mr. Palmer	Mr. Dickson
„ De Satgé	„ Macalister
„ Graham	„ Hemmant
„ Wienholt	„ Fraser
„ Lord	„ Edmondstone
„ Nind	„ Stewart
„ Bell	„ Griffith
„ Hodgkinson	„ Macrossan
„ Ivory	„ Peattie
„ Macdonald	„ Buzacott
„ Morgan	„ Fryar
„ Moreton	„ J. Thorn
„ J. Scott	„ Miles
„ Thompson.	„ W. Scott
	„ Bailey
	„ MacDevitt
	„ McIlwraith
	„ Stephens.

On the question being put—That the Bill be now read a second time.

Mr. Buzacott said that after the numerous speeches that had been made that evening he had not the slightest intention of making

more than one or two remarks. Honorable members opposite had shown such subtlety in argument that no doubt they could prove conclusively that he had no existence. However, so long as he stood in that House he should believe in his own existence; and however the opponents of the measure had demonstrated that the present legal system was perfection, he could revert to his own experience—and he might ask the members of the House to revert to theirs also—as to whether law in this colony had always been synonymous with justice. The measure under discussion did not, as he understood it, propose to do away with the distinction between the two branches of the legal profession; for even if the measure became law, they would still find that the higher branch of the profession would occupy its own peculiar sphere of action, and the lower branch its sphere also. In the outlying districts where he had—perhaps he should say the misfortune—to reside, it frequently happened that a person was compelled to go into a law court and be his own advocate—as had occurred to him—or else to have no advocate at all. Now, if a solicitor had audience in the Supreme Court in the remote districts such as was proposed under the present Bill, that could not occur; and he thought that if honorable members representing outlying districts bore that in mind, they would be inclined to support the measure. Reference had been made, during the course of the arguments regarding the Bill, to machinery. It had been said that in an engineer's shop each man had his particular task to perform, and thence was deduced an argument in favor of the separation of the two branches of the legal profession. But he had not heard that there was any statute compelling one man to do one kind of work, and another, another kind; and in the measure before the House all that was proposed was, to do away with protection, and establish free-trade in law. He would support the Bill.

The question was put, "That the Bill be read a second time," and the House divided with the following result:—

Ayes, 16.	Noes, 16.
Mr. J. Thorn	Mr. Macrossan
„ Macdonald	„ Griffith
„ Morgan	„ MacDevitt
„ Nind	„ Hodgkinson
„ De Satgé	„ Fryar
„ Bailey	„ Miles
„ Wienholt	„ McIlwraith
„ Lord	„ Hemmant
„ Moreton	„ Stephens
„ Thompson	„ Dickson
„ Buzacott	„ Beattie
„ Palmer	„ Macalister
„ Graham	„ Fraser
„ J. Scott	„ Edmondstone
„ Bell	„ W. Scott
„ Ivory.	„ Stewart.

The SPEAKER: The votes being equal, it devolves upon me to give my casting vote, which I give to the Ayes.

The motion was then carried.

H

EDUCATION BILL.

Mr. PALMER moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, for the purpose of considering the advisability of introducing a Bill for promoting a better system of National Education, and to render such education compulsory.

Question put and passed.

FRAUDULENT ACQUISITION OF CROWN LANDS.

The ATTORNEY-GENERAL moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, for the purpose of considering the desirableness of introducing a Bill to authorise Judicial Inquiries into alleged fraudulent acquisitions of Crown lands.

Question put and passed.