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summons would cost from 1s to a dozen shillings, and the appearance 2s. or 3s. They would then lay the facts before the judge and ask him to decide on the law. In the Supreme Court it was the same, only the writ there cost 5s. and the defendant entered an appearance, which would cost 2s. or 2s. 6d. The litigants then agreed upon the facts, and they could get a decision without a word said or a lawyer being employed. Everybody knew that. Of course where people had a substantial dispute they were not satisfied to have it decided in that rough-and-ready way. Five years ago the Chief Justice, in a most careful report, pointed all this out, and hon. members ought to have read that report. That was the law now, and if hon. members did not know it more shame to them. This Bill would interfere with the junior members of the bar and not with the seniors. There was nothing in the existing state of the law to prevent these references to the courts. (Mr. Peake—"What is there to facilitate them?") The real difficulty was not met by the Bill, and that was for the parties to agree on a statement of facts. When disputes occurred the litigation nearly always took place on the facts, and the law only came in incidentally. Say a member and he had an honest difference of opinion over a matter on which they mutually agreed to take the judgment of the Supreme Court. He could issue a writ on which the opposing party entered an appearance, and then they asked one of the judges for his opinion on the question in dispute. (Mr. Burgoyne—"Is this provision not more simple and speedy?" No. (Mr. Miller—"To whom do you apply for the issue of the writ to get judgment?") The court would issue the writ. If Mr. Miller and he were litigants either of them could go to the court, put down 5s., and get a writ which could be served by one of the litigants on the other. Then when they both entered an appearance, confessed the facts but denied liability on the legal position. Could there be anything more simple? The law reform provided by the Bill in this respect was not reform at all. The Chief Justice was not listened to five years ago, when he reported on this, and anything coming from such a source, and not from the Ministerial benches, had no weight. Then when the leaders of the profession on the other side of the House pointed out similar facts they were told there was no truth in it—they were liars. When the stage of litigation was reached it was because the parties to a suit could not agree—they wanted to quarrel. He could not say that he ever knew a member of the profession who advised his client to go to law against his better opinion, but if there had been an exception that only proved the general rule. Personally he had stopped 20 actions for everyone he had allowed to go into court. He put himself—it was constitutional with him—too much possibly in the position of the other side. It was a fault of his, and he had heard people complain about it. He very often gave the other side the benefit of the doubt rather than involve his client in too much litigation. Any lawyer of note in his profession would do pretty much the same in matters of grave importance. All the attacks made upon the legal profession here were without foundation. The cases took too long, but whose fault was that? The clients. The persons actually engaged in the litigation did not complain; it was always somebody outside who raised a howl. The man himself would not forgive the lawyer if he tried to shorten the trial too much. The expense of the procedure was nothing; the substantial expense arose at the trial. In reporting on the length of trials in 1893 the Chief Justice said:—"An exaggerated notion prevails as to the length of trials in the Supreme Court. An exceptional long trial attracts public attention, and it is assumed that all trials are equally prolonged. How erroneous this notion is may be seen from the following figures relating to the business of the court during the last two years:—In 1891 in the cases tried at nisi prius (not including cases sent from the Local Court) 22 were respectively concluded in one day or less, four lasted two days each, and one occupied a jury for five days. In the last-mentioned action, which was hotly contested, the endorsee of a promissory note for £4,000 and interest unsuccessfully sued the executors of the alleged maker, who denied the signature, and pleaded drunkenness of the maker, want of consideration, conspiracy, and fraud. In 1892 21 cases tried at nisi prius were disposed of in a day or less each, two occupied two days each, and one (the Public Trustee v. Arthur) 11 days. In 1891 there were no applications for new trials. In 1892 there was one, which was unsuccessful. Of the cases and matters before the Full Court in 1891, 69 were disposed of respectively in a day or less, and three each in two or parts of two days. In 1892 85 cases occupied a day or less, three a day and a half or two days each, and two from two and a half to three days each. In three of the cases in 1891 and two in 1892 judgment was reserved and delivered on a subsequent day, which is not counted." Then they had extended the Local Court's jurisdiction from £500 to £2,000, but there had been no call for it and no jurisdiction. That the country courts should have jurisdiction over unimportant cases needed no argument. It was true he opposed the extension from £100 to £500, and that no great mischief had been done, but that was because so few cases had been heard—most of them had been taken to the Supreme Court. Now it was proposed to extend it to £2,000, but there would only be one case in a blue moon, and then only with the distinct object of obtaining an advantage from local prejudice or other causes. In a big place like England where the cities had each a population larger than South Australia there would would not of course be local prejudice, but in our country districts where the population could be counted by units it was different. Judges should be pure, and they could not get them pure in a small neighborhood where everyone knows each other's business. They might, as a corollary, just as well do away with the Supreme Court altogether and say that rough-and-ready justice was the best that could be obtained, that education was a mistake, learning a fallacy, and knowledge of the principles of justice was the best means of preventing it being adequately dispensed. Because the Attorney-General and he were admitted on five years' service the House ignored the fact that the world's experience had shown since that it would be better for the members of the legal profession should have greater culture, and the Attorney-General was not satisfied with reverting to the old order of things, but he wanted to establish something that never existed before, and not only did away with the matriculation examination, but reduced the five years to three. He would like to ask the labor members if they would admit a man to a trade without serving an apprenticeship? (Mr. Hutchison—"We don't ask them to pass an examination before being apprenticed.") Waiving that question of the examination, would they admit a man to a trade until he had learned it? (Mr. Price—"There is no apprenticeship in most trades. 'Freedom of contract' has broken that down.") It seemed to him that everything was being broken down nowadays. It was pretty evident that in those things the trade representatives did not understand an apprenticeship was not necessary from their point of view, but in those things they did understand it was indispensable. If they were going to make a table an apprenticeship was necessary, but it was not needed where legal advice was concerned. (Mr. Hutchison—"No one argued that.") All the matters which required thoughtfulness required no apprenticeship in the opinions of those members who represented trades. The apprenticeship for a law student was shorter than in any trade that required much less skill, and they did away with all examinations. (The Attorney-General—"Not at all.") Practically they did, and yet the law required much more experience than any trade. Lawyers in five years could not do much more than learn the tools of their trade, because they had to deal with human nature. The Attorney-General said that if students took a degree in arts they served only three years. There was great sense in that, because the habit of learning was a very valuable acquisition. When he first began to go to the courts he imagined one lawyer right until he heard the other, and then he imagined he was right. Then he heard the judge and thought both lawyers were wrong. (Mr. Hutchison—"It did not say much for the lawyers.") It showed that habits of attention had to be acquired, and that could be done at the University. When students came to the study of the law the University course gave the power of acquiring information. The Bill proposed to do away with the necessity of knowing anything before students became practitioners. First of all they did away with University education as a condition of articles. The Government were not satisfied to go back to what used to obtain, but they reduced the term to three years. After that the students were to be turned adrift, and were expected to be trusted by members of the community. Most of the Bill was a sounding brass and a tinkling cymbal. There was nothing in it. The clauses as to "amendments" and the grounds on which the court should decide cases were for the most part a sham and a pretence, and where they were not they were the law now. He did not rest on the question of the credibility of the Attorney-General or himself, but on the Chief Justice's report. The substance of the Bill was the extension of the jurisdiction of the Local Courts, and that substance was bad. One clause of the Bill made it impossible for members of this cursed profession to make contracts that could be enforced. That put a brand on them. It provided that a client could go behind his serious contract and ask the taxing officer if the agreement were a fair one or not. The client might have induced his counsel to make all sorts of sacrifices, but because the latter happened to belong to the learned profession of the law the contract was of no consequence. The Bill was subject to another man to say whether it was fair and reasonable. The profession they called "learned," but which in future was to be ignorant, was to have a badge of dishonesty placed on it, and then the members of it could not make a contract without the other party having the right to set it aside. He would oppose the third reading.

The ATTORNEY-GENERAL said the criticisms of Sir John Downer were in many respects as ill-founded as his quotations were incorrect. Sir John had referred to the Bill as being a sounding cymbal. He had the authority of Mr. Caldwell that the quotation was incorrect. It should have been tinkling cymbal. (Sir John Downer—"Tinkering.") He would like to adopt the other part of the quotation and tell Sir John Downer that his criticisms were as sounding brass. Like the fair sex, who generally kept the chief item they wished to communicate for the postscript of their letters, Sir John Downer had reserved the most important part of his speech until the conclusion. In his objection to the provisions in relation to contracts by solicitors was to be found his chief reason for opposing the Bill. He thought his craft was in danger, and he resented the audacity of the Government in endeavoring to deal with a subject of such importance to the noble profession as lawyer's fees. He was sorry to hear Mr. Wood say that that clause induced him to vote against the third reading. In the old time solicitors were officers of the court, and litigants being compelled to have recourse to its officers in seeking justice it was wisely provided that solicitors should not exact more than prescribed fees, which were fair and reasonable. No power was given to solicitors to set aside that scale. Afterwards solicitors increased in power and in number and secured an alteration of the law, which was embodied in the Statute-book. It was introduced at the instance of the present President of the Legislative Council (then Mr. Baker), and provided that solicitors might make agreement for the transaction of legal business by a lump sum, and those agreements would be binding both on solicitor and client however much they interfered with the remuneration which according to the scale solicitors were entitled to. It was a perfectly fair thing to allow a man to charge just as much as anybody was prepared to pay, if at the same time they did not force the public to have recourse to the services of any particular individual or class. Was it not simply monstrous that whilst a solicitor had the benefit and protection of the law they should also give him and no other the power to say, "I shall have freedom of contract so far as I can take advantage of your necessity." If they gave a monopoly to any particular class or profession they had the undoubted right to restrict the charges that class made to something fair and reasonable. The Government were not sanctioning anything in the shape of unnecessary interference with contracts. What they provided was that the parties could make their contracts if they pleased, and the solicitor could provide for such remuneration as the other side might be willing to give. When the matter came to be investigated by the taxing officer, a skilled and disinterested person, if he certified that it was a fair and reasonable contract the parties would have the full benefit of it. He did not believe that in the great majority of instances anything wrong would be found, but whilst they forced the public to have recourse to solicitors they had the right to say their agreements should be fair and equitable. It was difficult indeed to justify any departure from the scale of fees, but they should maintain the control over the agreements as they proposed. He would like to say a word with reference to Sir John Downer's criticism of the remarks of Mr. Miller on the subject of "judicial reference." He was highly amused, for the member for Barossa was at his best. He said that one could get as cheap and expeditious a settlement under the present law as under the Bill. He had taken down what Sir John had said, which was that under existing circumstances the parties could go to a lawyer. (Sir John Downer—"I didn't say that.") He had taken it down. Then they could get a summons and enter an appearance. (Sir John Downer—"I did not say they could go to a lawyer.") The hon. member undoubtedly did say that. He had an idea at the time that Sir John did not know what he was saying. He was sorry that Sir John had forgotten. Then they could go to the court and get a settlement of the matter. First and foremost his idea was that they should not be compelled to go to a lawyer. Even if Sir John Downer did not say that it would be necessary to go to a lawyer it would be essential under the existing system. The most intelligent layman would not be able to issue a writ. But, then, before a decision could be obtained, they would have to go to the court and appear at the trial. This Bill dispensed, firstly, with the necessity of going to a lawyer; secondly, it was unnecessary to issue a writ; thirdly, it was unnecessary to enter an appearance; fourthly, it was unnecessary to go to the court at the trial and wait for the hearing. A statement had simply to be made in such form as the parties thought fit as long as that statement were put in intelligent English. The statement was filed, a certain fee paid, and in due course a copy would be provided of the decision. The difference between that and the existing system was the difference between day and night. In a great many cases people disputed chiefly as regards the facts, but at the same time there were a considerable number of cases in which the parties were agreed as to the facts, and simply differed as to the law. He could call to mind cases of the greatest magnitude that had gone home to the Privy Council only recently, and if it had pleased the parties they could have embodied the whole subject in difference on half a sheet of notepaper. When the people paid for the maintenance of the local courts or the courts of higher jurisdiction ought it not be their proud privilege that they could approach these courts, state a case for the decision of the magistrate or judge, and obtain it with little or no expense. Now, as to the suggested degradation of the standard of legal education. He was getting absolutely sick of it. He knew it was raised not in the interests of the public but in the interests of the lawyers. According to the views of some our courts were intended for the lawyers, not for the public, and he was sorry that members should oppose this reform. Sir John Downer had asked members to believe that no reform was wanted. Who believed that? Look at the increasing practice of the Local Court. Look how its procedure made the Local Court infinitely preferable. This Bill had been before the House time and again, and he knew that the public required and demanded something of the sort. What had been proposed by the other side? Nothing. Yet if anything required immediate and stringent attention it was this subject of law reform. Some members said that the Government were not going far enough, but the Government believed that this was a substantial measure of law reform, and they would not stay their hand there, but do all they could to give a more complete and effectual measure, and that at an early date. At any rate, this Bill went too far for members of the legal profession. How could members suggest that the Government were lowering the standard? What they proposed to break down was the barrier which had lately been successfully raised against the entrance of brilliant young men to the bar—the matriculation examination—which was not required of the leader of the bar at the present time, but which had been raised as a protection by those who had already got within the sacred pale. It had prevented man after man from entering the profession. And did members know that the examination which was provided by this Act required an equally high standard practically to that required under the existing system. Let him read from the manifesto issued by the University:—"Section 5 of the said Bill contains a list of seven subjects in which all candidates for admission as solicitors shall be examined. This list is identical with that now in force, save that two subjects, viz. (1) Common law and equity, and (2) Statute law of South Australia, are substituted for the single subject of constitutional law." And was it not more desirable that a knowledge should be possessed of common law and the statutes of the colony than of constitutional law. He had looked more closely at the subjects which students for the degree of batchelors of laws were called upon to pass, and his remarks about their insufficiency had been strengthened. He had said that there was no question in the curriculum for the LL.B. degree which required any knowledge of conveyancing drafting and parliamentary drafting, but he also found that as regards our great statute, of which we had got so much reason to be proud—the Real Property Act—there was only half a question which required the slightest acquaintance by the student with that the most distinguished of all our statutes, and it was absolutely impossible, so far as the questions were concerned, for the student to successfully answer everything propounded without conveyancing or really having the slightest knowledge of insolvency law. How much better were the proposals of the Government. Whilst under existing circumstances a store of useless knowledge was acquired, and time was wasted in its acquisition, the Government proposed that a man should not be required to know so much as to what happened centuries ago, but to be more in touch with the history of his own time, so that he could give that advice and assistance to those who consulted him which they had a right to expect from a professional