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sided over by a Judge of the Supreme Court it would be open to serious objection. Surely if the Supreme Court itself is not an efficient tribunal for the determination of the class of cases which the Government now propose to withdraw from it, an effective scheme of law reform should be directed to an alteration of the procedure of such Court, not to a transference of its jurisdiction to another. On the other hand, if the Supreme Court procedure is already satisfactory, the present proposal is deprived of all pretext and justification. But what is in fact the composition of the Court to which this immense increase of power is to be given? As the law stands it may consist of a Special Magistrate and two Justices of the Peace, the two Justices having power to overrule the Magistrate—a power to be remembered particularly in relation to the utter lack of discrimination shown in the appointment of Justices; or it may consist of a Special Magistrate and a Jury of four, three of whom may return a verdict. This is the tribunal to whose guardianship and tender mercies the property and reputations of the citizens of this province are to be delivered up if the Premier should have his way. What prospects of appeals to higher tribunals are thus opened to cause the leading lawyers to bless the advent of this scheme of law reform which would play so thoroughly into their hands!

We cast no slight on Justices of the Peace or on Juries of three when we repeat—what themselves would admit—that they are unqualified for duties of such difficulty and responsibilities of such magnitude. The reckless folly of the proposal is aggravated, if possible, by the provisions of section 34, which to all intents and purposes puts an end to the present power of removing cases of exceptional difficulty and importance from the Local into the Supreme Court. Sometimes it is wise to discourage appeals, but in this one the inference is that the Supreme Court is not fit to be trusted with even this measure of controlling power over the naturally inferior tribunal. By section 32 the unfortunate litigant is deprived of yet another safeguard. No appeal is to be allowed—subject to an exception which would probably prove to be such more in name than in fact—when the sum in dispute is less than £100. Up to this amount Justices of the Peace are to be infallible. They are to have no fear of any control or criticism in a certain class of poor people's cases, and apparently judgments which may be given in defiance of the law and of equity are placed beyond possibility of reversal. If any alteration is required in the present system of appeals it should consist in fixing their maximum cost, so that a litigant may know exactly what he has to face—not in depriving him of a resource absolutely essential to the proper administration of justice. Section 27 of the Bill provides that any agreement between solicitor and client in the matter of costs shall be in writing, signed by the client, and attested by a Justice of the Peace—a courteous and delicate suggestion that the members of the profession to which Mr. Kingston belongs are addicted to the practice of forging their clients' signatures! Section 28 grants to clients a dispensation from the obligation of keeping faith with their legal advisers, and enables them to recover from such advisers money freely and voluntarily paid to them as costs in pursuance of an express agreement. Some lawyers' bills are absolutely monstrous, but an agreement is an agreement, and we should be sorry to believe that many clients would be capable of taking advantage of a provision so inherently wrong as that to which we have directed attention. Section 36 is the first of a series of delusive clauses which sound well, but mean nothing. To the eye of the layman—and it is for his eye that they have been drafted—they indicate a promise of legal reforms of untold importance; but as a matter of fact they are mere verbiage and pretence. "In every case," says section 36, "popular language shall be sufficient for the purpose of all pleadings without technical averments." It would be interesting to know in what language the author of the Bill supposes that pleadings are now drawn, and what are the technical averments which are abolished by this provision. Section 37 is so choice a specimen of "law reform" that it deserves to be quoted in full—

Every Court in every case shall endeavour to expeditiously ascertain all matters really in difference between the parties, and to hear all material evidence affecting the same, and to pronounce judgment thereon without unnecessary delay, and according to the substantial merits of the case without regard to technicalities or questions of form, practice, or procedure.

"All matters really in difference" are to be decided whether brought before the Court by the pleadings or not, and "all material evidence" is to be heard. If this means all legally admissible evidence the law is unchanged; if it means all evidence, whether legally admissible or not, it would at least be advisable to say so.

No regard is to be paid to "technicalities," but what is a technicality? Such technicalities as those which have been so industriously brought forward in the Harrold case? or any rule of law which is disliked by the person using the term? The provision is one for the purpose of enabling Magistrates and Justices to decide upon the rights of litigants at their own sweet will, instead of in obedience to the law of the land; but in reality it does not involve the slightest shadow of the slightest shade of reform. Then no regard is to be paid to "questions of form, practice, or procedure." Considering that the present Bill consists largely of new rules affecting form, practice, and procedure, it is somewhat surprising to find a clause in it directing Courts to take no notice of them. In assessment cases under the Lands Clauses Consolidating Act and the Succession Duties Act parties are deprived by section 45 of the assistance of counsel. This provision may prove extremely advantageous to the Crown, since it effectively prevents the subject from insisting too punctiliously upon his rights. Whilst upon this track, why did not Mr. Kingston extend his excursions further and restore the old rule that prisoners were not allowed to defend themselves by counsel? The difficulties at present put in the way of successful prosecution by the permission of advocacy in the Criminal Courts might be overcome with advantage to the Crown, and as for considerations of justice to the subject—well, why think of such trifles? After so much disappointment one turns with relief to a set of provisions in the Bill which are not unjust or pernicious, but merely absurd. Part VII. is entitled "Judicial References," and provides that persons between whom any matter is in dispute may agree to state a case for the opinion of a Judge of the Supreme Court or a Special Magistrate, that the matter shall be privately decided without evidence or argument, and that the decision shall be final and enforceable as a judgment. When some sage shall discover parties to a dispute who agree upon all the facts, who are capable of stating those facts in a complete and intelligible form without legal assistance, and who are sufficiently indifferent to their rights to dispense with professional advocacy, this part of the proposed Act will come into operation and will prove to be a definite step towards the legal millennium; but, while the necessary exploration is being made, may we enquire why section 57 provides that the decisions on such references shall not be cited as precedents? We have given some of the choicest gems to be discovered in the latest edition of that annual serial—the Law Reform Bill—but many others may be found without difficulty, and all are well worth preservation. As real law reformers we hope that the Legislature will, in the interests of poor litigants and reduced litigation, treat this fantastic measure as it deserves to be treated. If so next year will produce another edition of the serial.

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## LAW REFORM.

In the House of Assembly on Thursday Mr. Peake resumed the debate on the second reading of the Law Reform Bill (August 21, September 6, 20, October 25), and eulogised Mr. Kingston. He spoke in rather complimentary terms of the profession, but considered that the examinations for admisson were too severe, and the rule anomalous, as in the case of the late Mr. Ash, which prevented an articled clerk from earning money outside. No matter what the conditions of the examination were, a man would continue to carry on his studies if he loved them. He wanted greater freedom in the practice of law, and proposed that a suitor could employ any friend to state his case in Local Courts. A bush lawyer was often better than no lawyer at all. It would be a mistake to extend the jurisdiction of the Local Court from £400 to £2,000 to the country Courts. It might be applied to the Adelaide Court. If it were done there should be power given to the suitors to have the case removed to the Adelaide Court straight away. Country Courts were doing good work, but it was possible to overdo it. Many of the country S.M.'s were not able to qualify themselves for the work expected of them owing to want of time. They had to constantly travel about. A southern S.M. on a case being cited said it was too recent for him, as he had had no time for study. Had there been an appeal the decision would almost certainly have been reversed. The summary procedure civil cases would be found a useful provision, and that part of the Bill dealing with preliminary hearing would be found very good indeed. He objected to clause 32 providing for the raising of the amount of appeal from £30 to £100. Even £30 was too high. Part vii., relating to judicial reference, was a step in the right direction.

Mr. Homburg feared that laymen would not realize hopes founded upon the Bill, with some provisions of which he was disappointed. As a matter of drafting the measure was unique in its comprehensiveness, and was not a convenient form in which to effect alterations in the Insolvency and Local Court laws. He did not like the proposed abolition of the School of Law in the University. It was true that the Attorney-General and others had attained status without a University training, but when they entered into their articles the University was not established. There had been a good deal of discussion in the House on the question of placing a University or higher education within reach of children, and why should a lower status be brought about for the legal profession. It was low enough at present, and should be raised rather than reduced. There was not another trade or profession where a three-years' course enabled a man to become a master. (Mr. Hutchison—That is only in some subjects. Mr. Kingston—Some of that which is taught at the University is trash.) He resented that. (Mr. Kingston—I said it in 1885 and you did not disagree with it, as I shall show you.) The Premier was continually raking up speeches against hon. members for the benefit of his own illustrations, but he resented anything on the same score being said against members of the Ministry. He changed his Bills session after session, but it was always a virtue with him, never a vice. The Government were negotiating with the University for the training of public teachers, but wanted to snuff out the institution in respect to law teaching. Because a little more than was necessary was taught it was no reason why the whole course should be abolished by Act of Parliament. What were the objections to the present system? (Mr. Hutchison—A man cannot earn a livlng while studying.) They could rectify that in the Bill. He would offer no objection so long as the standard of learning, practically and theoretically, was attained. The Bill would affect all the Australian Colonies except Western Australia, because barristers coming here from the other colonies would be debarred from practising here simply because they did not lower their standard to that of ours. A man could study at the highest Universities of England and secure the best qualifications, and yet he would not be admitted here. (Mr. Kingston—Do you think it is necessary to go home to study your own law?) That was not the question. Was it a federal spirit? He would assist to regulate fees on a fair and reasonable scale. If some members thought that this Bill was going to curtail long trials they would be grievously disappointed. If the measure had been law when Harrold Brothers' case began the hearing would not have been shortened one day. If they wanted to do that they would have to regulate the counsel fees. That would do it, and the Chief Justice had said it. He did not say this disparagingly of Mr. Kingston, because he thought he had his heart in the case, and would carry it out whether he got another penny out of it or not. (Mr. Kingston—Hear, hear. Rather.) The counsel were responsible for the extraordinary length of cases. (Mr. Kingston—How would you cure it?) Oh! he would soon bring down a clause. (Mr. Kingston—I guess you won't go further than I am prepared to go.) Well, they were agreed. That would stop it. (Mr. Kingston—Come along.) If Local Courts were to be given jurisdiction up to £2,000 they might as well give them unlimited jurisdiction. (Mr. Kingston—There's a good deal in favour of that.) The S.M.'s should also be removed from the control of the Attorney-General. Their status would have to be altered. Mr. Kingston was undoubtedly wrong in the way that he recently attacked——(Mr. Kingston—Don't you think we had better not discuss that at present. I have never brought it into this House.) Very well, he would not. (Mr. Kingston—It is a