Setting the scene
As the colony grew so did the amount of work for the courts. The problem was that there were no properly qualified people to work in the courts as judges and lawyers. Until …

Judge Bent, the first legally qualified judge, is appointed to the colony of New South Wales.

The new judge has no lawyers to represent the people in his court.

Seeing the problem, Governor Macquarie suggests that the colony employs three ex-convicts who had been qualified lawyers in Britain.
Macquarie is worried that there are too many court cases for the court to be shut. There must be a way the court can keep working.

Now that there is a qualified lawyer in the colony, the ex-convict lawyers cannot work any more.

Two lawyers were to come from Britain. But only one lawyer arrives; the other is delayed for some months.

But one lawyer is not enough to run the court. I’ll have to shut the court until more lawyers arrive.

But an ex-convict can’t act as a lawyer in a court!

Judge Bent hates the idea. Under British law, a lawyer convicted of a crime is not allowed to practise the law ever again.

Macquarie is worried that there are too many court cases for the court to be shut.

These men have served their time and with them the courts can keep working.

We did a good job and we want to keep working.

The three ex-convict lawyers approach Macquarie for permission to keep working in the court knowing that Bent won’t let them work.

Macquarie agrees with the ex-convict lawyers and sends Bent a letter strongly urging him to let them keep working.
The court should only run as a proper court of law with properly qualified lawyers.

I am the governor of this colony. I order you to re-open the court!

The other members of the Supreme Court (two magistrates who were free settlers) agree with Macquarie that the court stay open. But Bent does not and declares the court closed.

Macquarie is determined that the court must stay open because there are many decisions to be made.

But I’m the judge. The court is my concern. The governor should stay out of the court’s business.

Judge Bent refuses.

The judge will not obey my order. He must be dismissed from this position.

Macquarie is furious. He writes to the British Government to get it to support his view.

We don’t think that ex-convicts should be lawyers either. But the governor has the right to make these decisions. He must be obeyed.

The British Government considers the case.

The British Government sacks Bent, and Macquarie re-opens the court.