

The judge versus the governor

Setting the scene

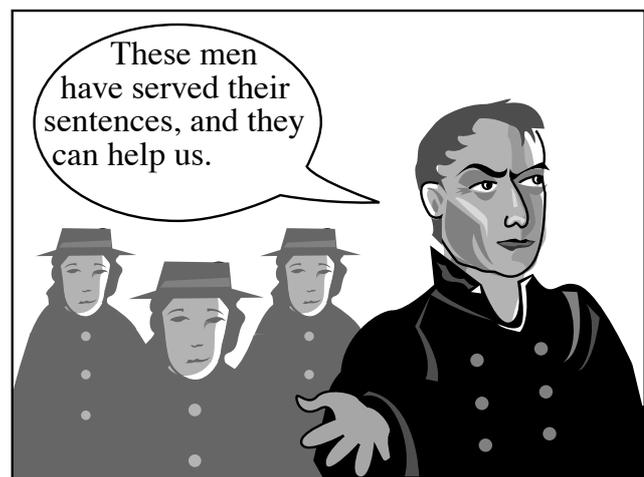
As the colony grew so did the amount of work for the courts. The problem was that there were no properly qualified people to work in the courts as judges and lawyers. Until ...



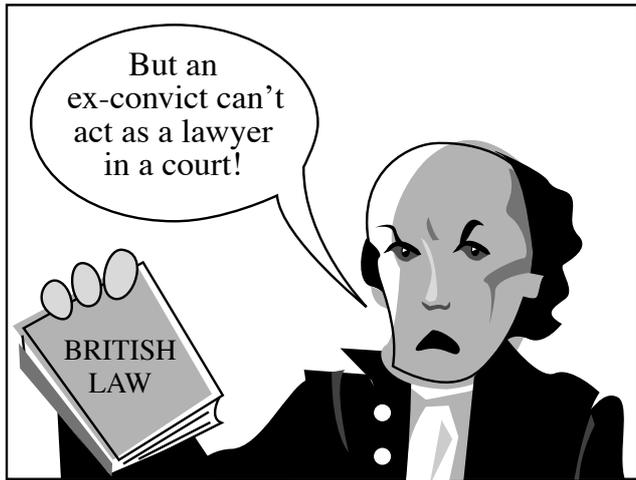
Judge Bent, the first legally qualified judge, is appointed to the colony of New South Wales.



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.



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



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



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



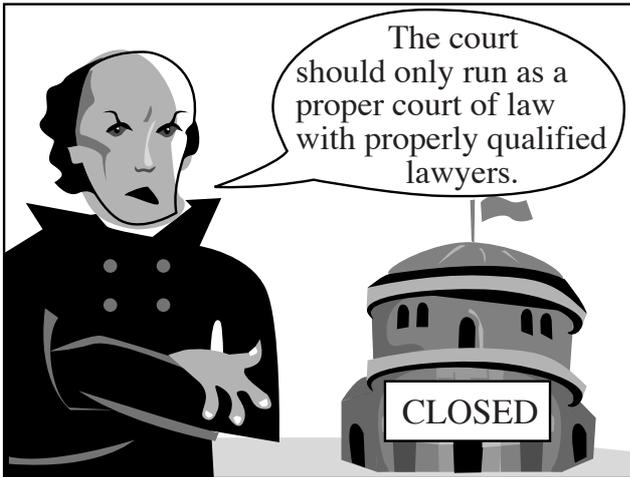
Macquarie is worried that there are too many court cases for the court to be shut.



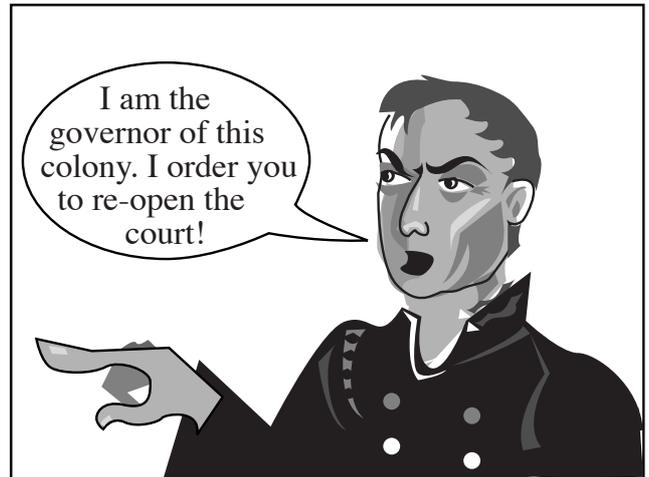
The three ex-convict lawyers approach Macquarie for permission to keep working in the court knowing that Bent won't let them work.



Macquarie agrees with the ex-convict lawyers and sends Bent a letter strongly urging him to let them keep working.



The 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.



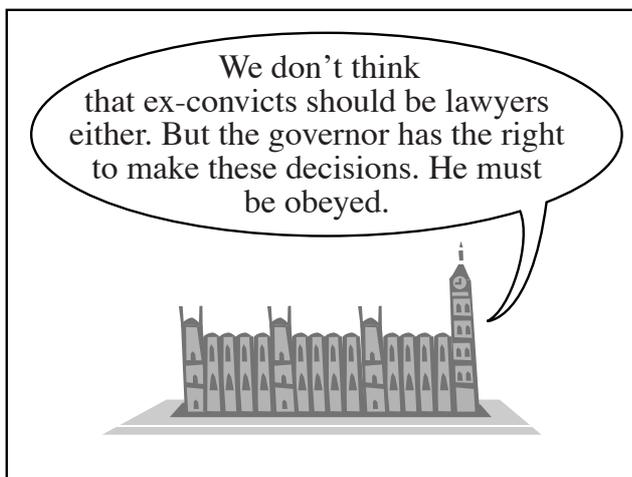
Macquarie is determined that the court must stay open because there are many decisions to be made.



Judge Bent refuses.



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



The British Government considers the case.

