

C4/C189

JUDGES' CHAMBERS,
BRISBANE.

29th June 1900

My dear Clerk,

The case you name is

Magdalen Hospital v. Knott,

4 A.C. 324, in which Bacon

put the case on its side, a disre-

garded. It is important to

renew the two cases.

I suppose you have followed
the controversy about Clause 74.

I think the behaviour of Bantock
& Kingston has been monstrous.

A fortnight ago the position

seemed to be getting very danger-

ous, so I took upon myself

to send a communication to the

S. of S. through the Council, pointing

out that the ^{the} proposed compromise
from its defective wording would lead

to confusion (of which the Methodist Case
& the S. of S. Case both in
1871 would afford an illustration),

calling his attention to clause

76 & 77, suggesting that the

clause should be re-drawn slightly.

Very - it has been - The paper

was apparently sufficient for it-
only took two days to arrive at
a satisfactory station - ✓

do not think the judicial character
is an improvement on those

of 1891. The it-union has been

unfortunate in the High Court - had

been shown of its merits of its power

is from desired.

Yours very truly

J. W. Puffin-

Uni.Tas Archives: A.I.Clark Papers
C4/C189

S.W. Griffith

Judges' Chambers
Brisbane

29 June 1900

My dear Clark,

The case you want is *Magdalen Hospital v. Knotts*, 4 A. C. 324, in which Davenport's case was cited and disregarded. It is impossible to reconcile the two cases.

I suppose you have followed the controversy about clause 74. I think the behaviour of Barton and Kingston has been monstrous. A fortnight ago the position seemed to be getting very dangerous, so I took upon myself to send a communication to the S. of S. through the Governor, pointing out that the then proposed compromise from its defective wording would lead to confusion (of which *McLeod's Case* and *Chin Foy's* both in 1891 would afford an illustration), calling his attention to clauses 76 & 77 and suggesting that the clause should be redrawn substantially as it has been. The suggestion was apparently opportune for it only took two days to arrive at a satisfactory solution. I do not think the judicial clauses are an improvement on those of 1891. But it would have been unfortunate if the High Court had been shorn of so much of its power as some desired.

Yours very truly

S.W. Griffiths

S.W. Griffith