

(Hon. Mr. Mantell.)

Law Practitioners.

ANALYSIS.

Title.
Preamble.

- 1. Short Title.
- 2. Henry Smythies to be readmitted.
- 3. Commencement of Act.

A BILL INTITULED

AN ACT to amend the Law Practitioners Acts Amend- Title.
ment Acts 1866 and 1871.

WHEREAS by the fifth section of "The Law Practitioners Act Preamble.
Amendment Act, 1871," it was enacted that any person who

having been admitted to practise as a Barrister or Solicitor of the
Supreme Court, prior to the first day of January, one thousand eight
5 hundred and sixty-seven, shall have been disqualified from practising
as a Barrister or Solicitor of the Supreme Court by the operation of
the third section of "The Law Practitioners Amendment Act, 1866,"
may apply to the Supreme Court for exemption from the penalties of
the said Act under the following circumstances, namely:—If he shall
10 satisfy the Court—(1.) Either that there are circumstances in his case
not adduced at his trial, which, if adduced, would, in the opinion of the
Court, have influenced the jury to find a verdict of "Not guilty." Or,
(2.) That the circumstances of his case do not imply such moral
turpitude as to unfit him for the exercise of his profession. And if in
15 either of the cases provided for by subsections (1) and (2), he shall
in addition satisfy the Court that since his conviction, and up to the
time of his application, he has pursued a course of upright conduct:

And whereas Henry Smythies, a person who has been so admitted
and disqualified as in that section defined, has, in accordance therewith,
20 made application by petition to the Supreme Court for exemption from
the penalties aforesaid:

And whereas the Judges of the Supreme Court sitting in appeal
have decided that the circumstances of the petitioner's offence did not
imply such a degree of moral turpitude as necessarily to require
25 his perpetual exclusion from the exercise of his profession, but that
after his long exclusion, the petitioner might, if his conduct had in the
meantime been irreproachable, be properly allowed to return to
practice:

And whereas the said Judges have further decided that, with reference to specific charges made against the conduct of the said Henry Smythies, that these charges would not, in their opinion, have been sufficient to justify the Court in striking Mr. Smythies off the rolls, or probably even in suspending him from practice; but that after investigation of the said charges, the Court could not affirm that he had therein carried himself as an upright man, and that the petitioner was therefore disentitled to relief under the said Act :

And whereas the said Henry Smythies has for some time been, and now is, suspended from the practice of his profession, and it is just that such suspension should be held as in expiation of such conduct as aforesaid : And that on consideration of the decision of the said Court of Appeal, the said Henry Smythies should be readmitted to the practice of his profession :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act shall be "The Law Practitioners Acts Amendment Act, 1872."

2. The said Henry Smythies shall be held to have substantiated his claim for restoration and readmission to the practice of his profession, and from and after the passing of this Act shall, by virtue hereof, be so restored and readmitted, anything in the Law Practitioners Acts Amendment Acts, 1866 and 1871, contained to the contrary notwithstanding :

Provided that the said Henry Smythies is not and shall not be held to be entitled to any damages or compensation from any person or persons whatever in respect of the period during which he has been and may be suspended from the practice of his profession.

3. This Act shall come into effect from the time of the passing thereof.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.

Short Title.

Henry Smythies to be readmitted.

Commencement of Act.