

# SUPPLEMENTARY ORDER PAPER.

## LEGISLATIVE COUNCIL.

Tuesday, the 31st day of October, 1871.

1. The Honourable Mr. SEWELL to move, in Committee on the Law Practitioners Act Amendment Bill:—

That the third clause be omitted.

That the following clauses be added to the Bill—

Any person 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 admission or re-admission as the case may be and for exemption from the penalties of the said Act under the following circumstances viz :

If he shall 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 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 long course of upright and irreproachable conduct.

Such application shall be by petition to the Supreme Court setting forth in as clear and concise a manner as may be practicable all the facts and circumstances on which the petitioner shall rely or pray for relief. All the facts and circumstances alleged in such petition shall be verified by the affidavit of one or more credible witness or witnesses and if the witness verifying any fact be the petitioner his evidence shall be corroborated by other testimony the petition shall be filed in the office of the Registrar of the Supreme Court for the Judicial District in which the petitioner has resided for the period of six calendar months next preceding the date of the filing of such petition or for the longest time within that period. And no person shall be entitled to admission re-admission or exemption as aforesaid who in his petition shall wilfully omit suppress or misstate any material fact or circumstance.

Mode of application.

The Registrar shall forthwith appoint a convenient day and time for hearing the petition and shall give notice thereof to the petitioner and at the time named the petitioner shall attend and the Judge shall hear the petition and the evidence in support thereof and may require the evidence to be taken on oath *vivâ voce* or by affidavit. Every such hearing as is hereinbefore provided for may be before any Judge of the Supreme Court in open Court or in Chambers at the discretion of such Judge.

Registrar to fix a day for first hearing.

After having heard the petitioner the Judge shall adjourn the further hearing to such time and place as he thinks fit such adjournment to be for not less a period than one calendar month and the Judge may require the petitioner in addition to the notices hereinafter prescribed to give notice of such adjourned hearing by publishing the same in such newspapers circulating within the Colony or in any place out of the Colony as to such Judge shall seem meet or to obtain and procure evidence of such facts as the Judge may think fit and proper.

Petitioner to give notice of day time and place of adjourned hearing.

The petitioner shall at least thirty days before such adjourned hearing cause to be posted up at the office of the Registrar of the Supreme Court within each Judicial District in the Colony a notice in writing specifying the day time and place of such adjourned hearing and the Registrar of the Judicial District in which the petition is filed shall give forthwith notice of such hearing to the Attorney-General and President of the Law Society.

Procedure at adjourned hearing.

No adjourned hearing of any such petition shall take place except there be then present at least three Judges of the Supreme Court and at such hearing the procedure shall be as follows:—The petitioner shall first be heard in support of his petition and shall adduce evidence in support of his petition and his compliance with the provisions of this Act and with the directions of the Judge (if any) and then the Attorney-General (if he think fit to appear) and any person who with the leave of the Court may desire to be heard in opposition to the prayer of such petition shall be heard and the Court may receive such evidence as shall be adduced before it in support of any against the petition and shall proceed to determine the subject-matter of the said petition and if the Court shall be of opinion that the case made out by the petitioner in accordance with the provisions of this Act is substantiated the Court shall have power to determine accordingly and to make any order for the admission or restoration of any such person: Provided that any petitioner who has not previously been admitted and enrolled as a Barrister or Solicitor of the Supreme Court of New Zealand shall only be entitled to be so admitted and enrolled upon complying with the Acts for the time being in force regulating the admission and enrolment of legal practitioners in New Zealand and all regulations made thereunder in respect of examinations admission fees and otherwise.

Hearing may be further adjourned.

In case the Court shall think it necessary on the hearing of any petition presented to it under the provisions herein contained it shall have power from time to time to adjourn the further hearing thereof for such period and for such causes as it may deem expedient.

Rights of Barrister or Solicitor restored to Roll of the Court.

Whenever the Court shall have made an order restoring a Barrister or Solicitor to the Roll of the Supreme Court the person in whose favour any such order shall have been made shall be entitled on production of such order to any Registrar of the Court to have his name restored to the Roll of the Court as such Barrister or Solicitor as the case may be without payment of any fee whatsoever. And every such Barrister or Solicitor shall have all the powers privileges liabilities and disabilities which would belong or attach to any Barrister or Solicitor admitted and enrolled in the ordinary way.

Freedom from penalties on obtaining order of restoration of permission to practise.

No person who shall be permitted to apply for admission to practise as a Barrister or Solicitor or who shall be restored to the roll of Barristers or Solicitors as the case may be shall be liable to any fine or penalty whatsoever under the provisions of "The Law Practitioners Act Amendment Act 1866" and the production of any order made under the section of this Act shall be sufficient answer to any information suit or proceeding for the recovery of any such penalty.