

maintain or prosecute any action for any fee, reward, or disbursement, for or in respect of any matter in respect of which he shall have so acted as such Solicitor, and such person shall be deemed to be guilty of a contempt of the Court in which he shall bring or prosecute any such action, and shall forfeit and pay for every such offence the sum of £50, to be recovered by action in the Supreme Court by any one who shall sue for the same.'

No action for fees.
Contempt £50 penalty

Power of Court to
strike Solicitors off the
rolls, suspend, attach,
&c., Supreme Court
Ordnce, 1844, s. 16.

41. In order to reserve to the Court all the power of striking Solicitors off the roll which the Supreme Court Ordinance, 1844, S. 16, contemplates, and all the powers of Suspension, Attachment, and Summary proceedings, (such for instance as depriving them of, and making them pay costs) which are applicable to Attorneys in England, it seems advisable to enact to the following effect :

'That nothing herein contained shall affect the Summary jurisdiction of the Supreme Court over Solicitors thereof; but the Supreme Court [or a Judge thereof] shall have full power to remove from the rolls, suspend from practise, or attach any Solicitor of such Court, or to make any such other order as it or he may think fit respecting the practise of such Solicitor, upon reasonable cause shewn, wheresoever and whensoever the same may have arisen.'

Conclusion of pro-
visions recommended.

42. Such is the substance of the enactments, which, as at present advised, we should recommend for the adoption of the Government in a Bill touching the qualifications and admission of Solicitors.

Other topics to which
attention is called.
Provisions as to Cer-
tificates in 6 & 7 Vic.
c. 73.

43. But we would further wish to call the attention of the Government to the provisions of the 6 & 7 Vic, C. 73, Sections 22 to 26 inclusive, with respect to *certificates*, in order that they may consider whether it be advisable to introduce any similar or analagous provisions in New Zealand—as for instance, provisions that each Solicitor should annually sign the roll or send a Declaration to the Registrar of the district, for the purpose of shewing that he continues in practice, and should pay a fee (which with fees of admission, &c., might be devoted to the formation and support of a law Library); and also to Sections 37 to 43 inclusive, which relate to the delivery and taxation of Bills of Costs. The latter provisions seem especially worthy of attention.

And delivery, and
taxation of Bills of
Costs.

Framing of rules by
Judges postponed.

44. As regards the *General Rules touching examination*, admission, service, &c., to be made by the Judges, we are of opinion, that it is not expedient that we should proceed to the framing of any system of rules till information and documents which, we are informed, the Attorney-General has requested the Incorporated Law Society of England to send out to New Zealand, shall have been received and considered, and till, at all events, a draft of the New Solicitors' Bill shall have been prepared.

Questions for dis-
cussion.

45. Before concluding our Report, we would beg to mention a few points which have occurred to us, and which we think worthy of the attention of the Government and the profession, but touching which we are not prepared to offer any specific recommendations.

What sort of ex-
aminations.

46. 1. It is worthy of consideration whether the examination of Candidates for admission as Solicitors ought to be restricted to matters connected with their practise as Solicitors, &c., elsewhere, or their services as Clerks, their character, and their knowledge of principles and practise of law,—or whether it should not also extend to literature and general knowledge, and if to literature whether to ancient classics, or modern languages, in particular, either or both.

Whether men of 24,
after 3 years service
and an extraordinary
examination, should
not be admitted.

2. It appears to us a matter well worthy of discussion whether it might not be desirable, for encouraging a superior class of men to enter the profession, to admit persons of certain age—say 24 or 25 years after 3 years service (the whole or part in the Colony) provided they shall pass an extraordinary examination.

Whether the or-
dinary examination
should not be in two
parts the first at least
a year before the end
of service.

3. It has also struck us as a question of some importance whether the ordinary examination after terms of service in the Colony, might not, advantageously, be divided into two parts,—the first examination to take place at some time not less than a year before the conclusion of the term of service, and the second at its conclusion. The first examination would give the Examiners an opportunity of discovering deficiencies in the education of the Clerk, and directing his attention to particular branches of knowledge in which he might appear specially deficient; and moreover it would give the Clerk the advantage, which he might not otherwise have, if he resided far from the seat of the Supreme Court—of seeing something of the proceedings in open Court at the sittings.

Conclusion.

47. In concluding our Report, we are desirous of expressing our conviction that its contents, in consequence of the hasty manner in which it has necessarily been prepared, must be crude, imperfect, and open to criticism; but we are anxious to present it at once to your Excellency, in order that the Profession or the Public may point out objections and deficiencies, and offer suggestions, which we may be able to take into consideration, at our next Conference, before the meeting of the General Assembly.

We have the honor to be,

Your Excellency's obedient humble servants,
GEORGE ALFRED ARNEY, CH. J.,
ALEXANDER J. JOHNSTON,
H. B. GRESSON.

To His Excellency

Colonel Thomas Gore Browne, C. B.,
&c., &c., &c.