Court on the merits of his case—to your speaking of him as the "*protége*" of the Chief Justice, and so forth.

In 1858, I found established a practice in dealing with the applications of persons to be admitted, which has, at least in the Northern District, prevailed to the present hour. By that practice, all the preliminary inquiries into the antecedents of an applicant were cast upon, and conducted by, the Judge. The intending applicant first sought an interview with the Judge, and asked to be informed whether at all, and if so, then after the fulfilments of what conditions, he might apply to be admitted to the rolls. In ordinary cases, involving mere formal proofs, the case would soon be sent to the Registrar, be entered by him, and the application for admission would be made, in the presence of Judge and Registrar, at Chambers. If the intending applicant found that the Judge declined to sanction his intended application on the ground, *e.g.*, that he had not the requisite professional qualifications to be admitted in this Colony, or that the Judge was not satisfied with his antecedents and required further explanation, the intending applicant would withdraw from his attempt, and his case might not even be mentioned in the Registrar's books. If, however, after all inquiries, and after the applicant had satisfied the Judge that his claim to be admitted was *prima facie* established, but the Judge was informed that such claim might be opposed, the candidate was required to apply in open Court, in order that opposition, if intended, might be offered. Accordingly, on one occasion, after an inquiry I had found no cause to reject the applicant, but was about to admit him, I received information which led me to direct that the application be made in open Court, on a day appointed, whereupon affidavits were filed, and (opposition being made) the candidate has never been admitted. But in all cases, and whether the applicant was first introduced by the Registrar or not, these preliminary inquiries were carried out, of necessity, by the Judge, through the medium of personal interviews or direct correspondence between the Judge and the intending applicant. Even to this day, it rarely if ever occurs, in the Northern District, that the candidate does not, as a first step, seek a personal interview with the Judge. Having now a Secretary within call, both at Chambers and when on Circuit, or at the Court of Appeal, the Judge's interviews with candidates can be differently regulated, and his correspondence is sometimes saved by the Secretary giving messages instead; at other times, when necessary, it is conducted in a more strictly official form.

One of those who thus called on me at the place which I occupied as my "Chambers" was Mr. Smythies, as far back, possibly, as 1858. On his disclosing the fact of his previous conviction, I told him it would be useless for him to apply to be admitted, and he forebore from any further attempt, until on, I believe, two subsequent occasions, and at considerable intervals of time, he again called on me, and begged that his case might be considered, which he represented to be of exceptional character; but as at that time I deemed his conviction (under any and whatever circumstances obtained) to be a permanent bar to his admission, I made no further inquiry, while Smythies narrated his story, but produced no documentary evidence in support of it, because informed by me that such evidence would be useless. Henceforth I supposed that he had resigned all hopes of admission. He went to live at Dunedin, and, to the best of my recollection, I heard no more of him until, years afterwards (the Court of Appeal having been meanwhile established), he desired that his case might be considered by the Judges in conference. The case was accordingly mentioned, with a view first to ascertain whether any application by Mr. Smythies, be the circumstances attending his conviction ever so exceptional, could at all be entertained. Upon its being considered that his application might be received, thereupon the duty devolved upon me to place myself in communication with the intending applicant, as if he had been resident within my own judicial district; but this, the applicant residing at Dunedin, could only be effected through written correspondence. Except as above mentioned, I never held any kind of communication or correspondence, nor had any acquaintance with Mr. Smythies. During the time that he remained at or near Auckland, I indeed heard him mentioned as having acquired a character for integrity, albeit suffering much distress; but I am not aware that I ever was under the same roof with Mr. Smythies except when he has pleaded before me in open Court, or when, at Auckland, he waited on me in Chambers, as above mentioned, to beg that I would sanction his offering himself as a candidate for admission, and to find that sanction refused; nor am I aware that I have ever been in the presence of any member of his family.

To the greater portion of your letter I feel it my duty to offer no reply, for I cannot presume to submit the rest of the Bench of Judges to the judgment of any single member of the Bench who may assume the right to arraign and censure their conduct; nor is it desirable that I should enter upon arguments which could end in no other result than increased irritation. There are, however, two remarks at the close of your letter which deserve notice. It is said that the Judges flinched from a face to face explanation in private (I presume with yourself), and that they have not ventured to utter one word in open Court in criticism or condemnation of the judgment that pointed out their fault, but have preferred embodying their injured feelings in a letter to a Judge whose powers are co-ordinate with their own. But, be it remembered, the Judges could not shrink from an explanation that was never offered. They had shown, by word or deed, no other demeanour but one of respect towards yourself, and had therefore nothing to explain. They felt that it was yourself who had wronged them; and I feel assured that if ever the time should come when it may be possible for you to look upon this matter more impartially, you will be conscious that a face to face explanation, if any, should have come from yourself. I must add, that unless you could have resigned the office of censor for a while, and have condescended to terms of equality with your brother Judges, a personal explanation could only have resulted in irreconcilable difference.

As to their not criticizing or condemning your judgment, two things are to be remarked. First, that the course which you had felt it your duty to adopt prevented the judgment to which your censure was appended from being brought under the review of the Court of Appeal at all; and, secondly, that even if it had been brought under review, the Judges could not have converted the Bench into an arena for personal altercation with yourself, upon matters extraneous to the question before the Court, without rendering themselves at least as censurable as their accuser. Your co-ordinate authority they neither dispute nor seek to infringe, but it is to be regretted that you should not have