

public acts of myself and the other Judges, you had exceeded fair criticism, and chose to say so, well; but, in my case, if I know anything of my own mind and heart, I can truly assert that anything which subjected yourself to humiliation would impart no other feeling but one of pain to me.

My allusion to the admission of Smythies taking place with the acquiescence of the Dunedin Bar was made, as it could only be made, upon information received from others. If the respected Attorney-General was absent from Dunedin at the time, and had not authorized the withdrawal of that opposition which I am led to believe he had signified, I regret that I did not except him out of my allusion to assent. And in regard to the alleged acquiescence of the Dunedin Bar generally, I alluded to it, not in complaint of those gentlemen, but because I am certain that the Judges concerned never contemplated the admission of Smythies at all events, and notwithstanding their opposition. True, indeed, it is, that we had been informed the admission would not be opposed; but I always understood that, if opposed, the propriety thereof would be reserved by the Judges at Dunedin for further consideration by the Judges in conference. It may well be that the Dunedin Bar may have been misled by the supposed import of a memorandum or resolution, or both, either of myself or of the Judges; but I think that if the course of practice preparatory to the admission of a solicitor, established before I came to the Colony, and, so far as I know, still followed, had been duly considered, the application for admission, insisted upon to be in open Court, would have been taken, especially when adjourned from day to day at the hearing, as a sincere invitation to all persons concerned to come in and oppose. The practice which I found established was, and is, that the candidate applies, his credentials are examined, and if, *prima facie*, such as to give him a claim upon admission, he is permitted to apply formally to the Judge in Chambers, and is admitted without mention thereof in open Court. But this inquiry into his credentials is preliminary only in case of opposition. Since I came to the Colony I have had only one application in open Court. After satisfying myself upon the claims of the candidate, I received through the Registrar notice that those claims were questionable. I immediately ordered that the application be made in open Court, and caused notice to be published of a day and hour for that purpose. Affidavits were filed in opposition, and in the end the candidate was not admitted. In mentioning, therefore, the absence of opposition to the admission of Smythies, I did so, not as imputing laches to the bar, but because the Judges believed that the circumstances attending the application for admission were in all probability known to the Judge who reproached us, and, if so, that they might have been considered worth notice by one who seemed, at least to us, to select those facts only which might tend to support his censure.

And this brings me to the topic in your letter which concerns myself personally and specially, viz., to the inference which you have drawn from some papers and correspondence, that the perseverance of Mr. Smythies in his attempts to re-enter the ranks of the profession was attributable to the encouragement given to him by me in private, at private interviews, and by private correspondence. Never was an imputation more unfounded. I know not what papers or letters are alluded to, nor does it matter. If I had lived in any kind of social relations with Mr. Smythies or his family I would not now repudiate him in his ruin. That I received him to personal interviews at the place which I used to occupy as, and which was called, my "Chambers," is true. Even now, seldom a candidate gives notice for examination preparatory to admission in this judicial district, until he has first asked an interview with myself; and I never refuse it. Now, I have a Secretary, and these requests are generally made through him by persons who come for the purpose of learning direct from myself whether they can be admitted, and on what conditions. But I do not consider that I am holding private interviews with persons who come to me in my official capacity, on official business, though that business may concern themselves individually. Neither are my letters private letters which relate solely to such topics in connection with such business and nothing else, even though a letter may, on one or more occasions, even unwisely, have been commenced or concluded not according to official form. In the days of Mr. Smythies' first applications to myself especially I had no clerk, and unless the business to which the application related were "in Court," and on the Registrar's book, such application was commonly made to me direct. The place which formed my "Chamber" opened by one door into a public thoroughfare and by another into the Court, and through that Court into Queen Street; and any comer could knock and enter my chamber, and people of all classes did so, without communicating with the Registrar, supposing him to be in his own room. Even when some applicant was introduced by the Registrar, that officer at times had his Registrar's work to transact and would retire. And I need hardly add that, when on circuit or attending the Court of Appeal, a Judge who had no clerk with him would sometimes be attended by applicants, as the Judges are in England at lodgings. Whatever interviews I ever held with Mr. Smythies were on public business only. To the best of my recollection I never have been in the same room with Mr. Smythies, except when either he has come to me on public business (which may or may not have concerned himself individually) or was pleading for himself or others in open Court; while (I may add) I am not aware that I have ever been under the same roof with any member of his family. And I recollect that before Mr. Smythies left Auckland he did not always even recognize me, if we met and passed each other in the street. And now what was the encouragement given by me to him to persevere? I believe that on three occasions (the first being certainly on the Registrar's introduction) Mr. Smythies applied to me, at considerable intervals of time, asking me if he might entertain any hope of being admitted, assuming that he proved his case to be of a character so exceptional as he represented. It is true that he and his family were known to some persons of high respectability in this district; that he had, as I heard, endured the extreme of poverty, even to want; that he had, I understood, earned under these trials a character for integrity; and that by reason of his sufferings I pitied him, while for the character I heard of him I respected him. But I refused on each occasion to encourage his application. It was a painful business, and I retain a vivid recollection of his earnest remonstrances against being punished by a life-long punishment, as well as of my resorting to that subterfuge of answer, viz., that I did not *punish*, but declined to indorse on his application that he was especially qualified (and so on, mentioning some of the confidential relations which arose between solicitor and client). I believe it was because he found his attempts hopeless that he finally left this district for