

1919.
NEW ZEALAND.

CORRESPONDENCE

RELATING TO

1. The Methods by which Representation may properly be made to a Judge of the Supreme Court of New Zealand on behalf of a Barrister or Solicitor who considers himself aggrieved by Judicial Comments upon his Conduct or Advocacy.
2. The Limits of the Right of an Advocate, when defending a Prisoner charged with a Crime, to suggest that a Person other than the Prisoner committed the Crime.

Presented to both Houses of the General Assembly by Command of His Excellency

SIR,

Wyndham Street, Auckland, 20th March, 1918.

By direction of the Council of the Auckland District Law Society I forward to you—

- (1.) A letter from Mr. R. A. Singer, a member of the Bar, practising at Auckland.
- (2.) Copy letter from Mr. Singer to Mr. Gifford Marshall, Crown Prosecutor, Wanganui.
- (3.) Copy of Mr. Marshall's reply.
- (4.) Cuttings from the *Wanganui Herald* and the *Wanganui Chronicle*.
- (5.) Copy of depositions taken at the Magistrate's Court, Stratford, in the case of John Benjamin Clark, charged with arson, and of evidence taken at the inquiry of the Coroner.

My Council feels that the position revealed by the enclosed documents is one that calls for some action. If the course which was taken by Mr. Singer merited the comments of the Judge as reported, then it is felt that steps should be taken against Mr. Singer under the disciplinary sections of the Law Practitioners Act. It may be, of course, that Mr. Justice Edwards will say he has been incorrectly reported. If, however, he was correctly reported, and Mr. Singer's conduct of the defence did not merit the judicial comments, then my Council feels that the independence of the Bar is being endangered.

As the matter is one which concerns not merely a member of the Bar but also a Judge of the Supreme Court, my Council feels that it is advisable to refer it direct to you in your office of Attorney-General. It may be doubted whether the Auckland Law Society can appropriately approach His Honour Mr. Justice Edwards for a statement of the facts, and without such a statement it may be difficult to completely review the whole position. It is for this reason that the Council decided not to refer the matter direct to the New Zealand Law Society, but to submit it in the first instance to you. Moreover, Mr. Marshall, in his capacity of Crown Prosecutor, can hardly object to supply you, as the head of his Department, with that information which Mr. Singer has applied for without success.

My Council now asks you to take such steps as you consider best to ascertain the whole of the facts, and to take such further action as you deem proper.

I am, &c.,
T. N. BAXTER,
President, Auckland District Law Society.

The Hon. the Attorney-General, Wellington.