

1895.

## NEW ZEALAND.

## SIR WALTER BULLER AND THE WAKA MAORI CASE

(CORRESPONDENCE RELATIVE TO).

*Laid upon the Table of the House of Representatives by Leave.*

Hon. the Minister of Justice.

*Sir Walter Buller and the Waka Maori Case.*

In this morning's issue of the *New Zealand Times*, in the column headed "Political Notes," referring to Sir Walter Buller's appearance at the bar of the House of Representatives, appears a statement in the following words: "Did you ever furnish an account for costs for £7,000?—Never. The largest bill of costs I ever had the pleasure of furnishing"—Sir Walter's face broadens into a big smile—"the pleasure of rendering was for £2,500 in the *Waka Maori* case, Sir. The Solicitor-General on that occasion, I remember, sent it back to me to 'pad it,' as it was to be taxed. I at once added £1,000, and fighting out the matter got my £2,500."

Later in the same column a further statement appears: "Solicitor-General disappears, becomes from the Solicitor-General's office."

I have no hesitation in saying that the first statement is absolutely untrue, and that the second referring to this office I do not believe to be true.

In the records of this case, I find only one bill rendered to the Government by Messrs. Buller and Lewis, being their costs as between solicitor and client:—

	£	s.	d.
This bill was for ... ..	3,415	15	3
From this was taxed off ... ..	1,130	13	2
Leaving a balance of ... ..	2,285	2	1
Less costs of taxation ... ..		1	19
Balance ... ..	2,283	2	5
Mr. Gordon Allan's fees as counsel were allowed at ... ..		86	16
Total charges ... ..	£2,369	18	11

The above bill included not only the ordinary legal charges in a suit, but large sums for out-pocket expenses, including expenses of witnesses before a Commission appointed to obtain evidence—chiefly from Maoris.

The taxation of these costs took place in October, 1877, and was conducted on behalf of the Government by Mr. E. Stafford, who at that time held the office of Assistant Law Officer. The fact that £1,130 13s. 2d. was taxed off shows it was not a friendly taxation, the claimants having to pay costs thereof; and the papers show that, as far as Mr. Stafford was concerned, it was rather of a hostile nature. I have already denied the allegation reported to have been made by Sir Walter Buller as far as I am concerned; and, from my knowledge of Mr. Stafford, I must decline to believe he would have taken the action indicated in the remarks attributed to Sir Walter Buller respecting my office. The only officers in the Crown Law Office at this time were Mr. Stafford and myself, excepting the clerk, who certainly would not have returned a bill of costs for any purpose unless so instructed.

I have not communicated in any way with Mr. Stafford herein; but I have deemed it my duty, in justice to myself and the gentleman then officially associated with me, at once to state these facts, leaving it to you to take such further action as you may deem necessary.

Crown Law Offices, 29th October, 1895.

W. S. REID.

DEAR SIR,—

Wellington, 30th October, 1895.

When I read the statement alleged to have been made by Sir Walter Buller before the bar of the House on Monday night, with reference to his bill of costs in the *Waka Maori* case, and his assertion that his original bill had been sent back to him by you (you then and now being the Solicitor-General) to increase it for the purposes of taxation, I anticipated that you must refute that statement. Your letter to the Minister of Justice, published in this morning's *Times*, does so.

I regret, however, that you did not confer with me before you wrote that letter, because my reputation is as much involved as yours. The statements in your letter I believe to be accurate; and, as the then Assistant Law Officer and the officer who conducted the taxation on behalf of the Government, to my knowledge the bill of costs never was sent back to be increased for the purpose of taxation. I considered that the costs were very excessive, and I taxed them closely with the object of reducing them as far as I could. I thought the charges by Mr. Buller were out of all proportion. I was not satisfied that the amount taxed off was as large as it should have been, although I had taxed off so large a sum as is stated in your letter.

You will please refer this letter to the Minister of Justice, and insure it the same publicity at once as your own letter obtained.

W. S. Reid, Esq., Solicitor-General, Wellington.

Yours faithfully,  
E. STAFFORD.

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MEMORANDUM.

WITH reference to the memorandum of the Solicitor-General laid on the table of the House by the Minister of Lands on Tuesday, I desire to make the following explanation:—

What I intended to convey by my answer was this: The largest bill of costs I could remember having rendered was that against the Government, for whom I acted in the *Waka Maori* libel case in the Supreme Court. I was speaking from memory of a transaction which happened nearly twenty years ago (October, 1877). After the conclusion of the case the bill of costs was made up in my office on the minimum scale, as between solicitor and client, without the slightest idea of its being submitted to taxation. I was under the impression, when before the House on Monday evening, that it was actually rendered in that form to the Solicitor-General, and that I was allowed to have it back from his office for revision; but, as Mr. Reid is positive that it was not, no doubt he is right. I am perfectly clear, however, on this point: that I received information that the Government intended to have the bill taxed, and that thereupon I had it recast, charging in every instance the maximum costs I considered myself entitled by law to claim. This was only reasonable, seeing that a friendly bill of costs as between solicitor and client was now to be treated as a hostile bill. By this means an amount of something like a thousand pounds was added to the account. I believe Mr. Stafford had instructions to tax strictly. That he did so can admit of no doubt, for the taxation before the Registrar of the Supreme Court lasted two or three days, I myself conducting the case on behalf of my firm. The result of that taxation is correctly stated in Mr. Reid's memorandum. On another point I am equally clear: that on taxation I was allowed 15 guineas per diem for a period of some weeks during which I was engaged in collecting Maori evidence in Hawke's Bay, and in proving it before a Commissioner of the Supreme Court, this being 5 guineas per diem more than I had ever received in the Native Land Court.

I was hoping that I should be able to refer to the original papers for the purpose of refreshing my memory, but, as will be seen by the annexed letter, this is now impossible.

Wellington, 30th October, 1895.

W. L. BULLER.

DEAR SIR,— Panama Street, Wellington, New Zealand, 30th October, 1895.

With reference to your application to refer to the papers in the *Waka Maori* libel case (Grindell and Another against Russell), I am sorry to say that I have had a careful search made for the papers but cannot find them.

At the amalgamation of the firms of Buller and Gully and Izard and Bell, in 1886, the whole of the papers belonging to the original firm of Buller and Lewis, who were the solicitors in the above case, were transferred to the offices of the firm of Bell, Gully, and Izard. In 1889 a fire occurred at the offices of Messrs. Bell, Gully, and Izard, and destroyed almost the whole of the contents of the room where the papers should have been; and I have no doubt but that the papers were destroyed by such fire.

In looking up the letter-books of the firm of Buller and Lewis, I find a letter to the Solicitor-General relating to the costs in the above matter, and I send you a copy of same as it may be of some use to you.

Sir Walter Buller, K.C.M.G.

Yours truly,  
J. ANDERSON.

SIR,— Wellington, 10th October, 1877.

*Grindell and Another against Russell.*

We beg to enclose herewith copy of the allocatur made by the Registrar after taxation of our costs for £2,283 2s. 5d.; which, less sum paid on account of costs of £500, leaves a balance of £1,783 2s. 5d. due to us.

We also enclose copy of the allocatur made by the Registrar after taxation of Mr. Gordon Allan's costs amounting to £81 16s. 6d.

As suggested by Mr. Stafford, we shall, of course, be happy to sign (if required) any document binding us to pay over to counsel any sums mentioned in our bill of costs as payable to counsel.

The Solicitor-General, Wellington.

We have, &c.,  
BULLER AND LEWIS.

*Approximate Cost of Paper.*—Preparation, not given; printing (1,200 copies), £1 6s.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1895.