

161. That bill has not been taxed?—No.

162. And the total amount claimed is £89 18s. 9d.?—Yes.

163. Are counsels' fees allowed?—I cannot say what may be allowed.

164. What are claimed then?—The sums of £20 and £16. The question may arise whether they should be allowed altogether, or not at all.

165. Then, the claim made on behalf of counsel in the case is composed of these items: for senior counsel 21 guineas, and for junior counsel 16 guineas?—Yes.

166. Have these costs been paid?—They have not been taxed.

167. *Mr. Wynn Williams.*] In the Lyttelton petition, I see there is £74 11s. 6d. paid for counsel altogether?—Yes.

168. Fees for consultation, with drawings and so on. That is more than half the total amount of the costs?—Yes.

169. Do not you think that that is out of all proportion to the work in a small case like that where the fees amount to more than half the total amount?—No. In any case there may be very little solicitors' business, and yet counsels' fees may be large; there is no analogy between them. Counsels' fees could not be calculated in proportion to solicitors'. I do not consider a case affecting questions which involve a seat in the House a small case.

170. Yes, I know they do. I do not know how you judge of these things; but I should say that where the proceedings are so small that the solicitors' costs only amount to about £25, there cannot be very much in the case. The mere fact that it involves a seat in the House, is only a consequence. I cannot get at all at the principle on which these fees are allowed. You said the other day that in the case of the Wakanui petition, the fact was, that the questions involved were new to the parties concerned, and, therefore, you considered they were entitled to a heavier fee?—Not solely on those grounds. There are a great number of things to be taken into consideration in fixing counsels' fees.

171. Yes; but did not you say the other day that, although the case is new to the counsel and Judges, it is not new as a matter of law?—It is new to New Zealand.

172. And, therefore, they were entitled to larger fees; the more ignorant the parties concerned, the bigger would be their fee?—I do not see that it involves that at all. Of course one has to take into consideration that a man may fee counsel at all sorts of fees; but leading counsel will not take a small fee, and, if a man wishes to have the best counsel he can obtain, I suppose he must pay for it.

173. This is rather puzzling, because another Registrar in the North Island only allowed one counsel on each side, and the question involved in that case was far more difficult to decide than in the Wakanui case; it was a question of intimidation.—It must be a matter of opinion. For instance, although this may not be evidence in any way, a gentleman connected with your firm considered that it was not too heavy.

174. I cannot help what he thought.

175. *Mr. Turnbull.*] As I said the last time in reference to the magnitude of the questions involved between the cases arising in the English Parliament and this, and the extraordinary ability which is obtained there, I ask whether, taking those circumstances into consideration, we should have adopted any new departure by allowing such a sum as would have been allowed in an ordinary Supreme Court case?—That is a question on which almost anybody might differ.

176. This was a Special Act—the Corrupt Practices Act—and a special knowledge would be required for that alone. But the getting up of that case would necessitate not merely the getting up of the Corrupt Practices Act, but the getting up of precedents in the English cases.

177. That would not be a new feature?—A new feature in New Zealand. There have been no election petitions except before the House.

178. *Mr. Williams.*] The cases quoted are all old law in England.

179. *Mr. FitzGerald.*] I understand you to say you put a good fee on a first case such as this was, because the Act had only recently come into force, and also because of the importance of the case itself?—If I had to fix a fee, as I had practically in this case, I should certainly take that into consideration.

180. *Mr. Turnbull.*] Did the charges made in the Lyttelton case come before you, Mr. Bloxam, before the Wakanui case?—The first, Ives against Wason, was on the 15th, and the Lyttelton case was on the 26th.

181. Then the Wakanui case was the case you would consider first?—Yes. On the question whether aliens were entitled to vote, there was a very long argument.

182. Had the bill for the Lyttelton case come in first, would that have guided you in reference to the charges in the Wakanui case?—I do not think it would, because there was no objection raised at all to any of the charges made in the Lyttelton case except one simply in reference to subpoenas, and in that case the question arose as to whether the subpoenas had been issued an undue time before the trial or not.

183. Would a knowledge of the fee charged by Messrs. Harper in the Lyttelton case have guided you in taxing the Wakanui case?—No. If they had claimed a large fee in that case I should have gone into the matter. All the circumstances of the case must be taken into consideration by the taxing-master.

184. *The Chairman.*] What he means is this: If you had taxed the Lyttelton case first, would that have led you to reduce the amount in the Wakanui case?—I do not think it would. It is a difficult matter to decide. Cases cannot always be compared one with another.

185. *Mr. Dick.*] The charge for the Lyttelton case made by the lawyers is lower than the Wakanui one considerably, is it not?—Yes.

186. That would have made no difference in your taxation?—I don't think it would. I think the charges sent in in the Lyttelton case were very moderate.

187. In the Gladstone case, I see that the bill is not taxed?—Yes.

188. Would you consider that a fair charge?—That question will arise, no doubt, on the taxation.