

*Mr. Baldwin* : You must not put that into my mouth.

*Mr. Bell* : Then, I say Mr. Baldwin does not frankly admit it—he imputes it. It is pure matter of prejudice. The object is to enable others rightly or wrongly to defend what I claim to be an injustice—to use another weapon—namely, an attack founded on another and separate issue altogether. I, therefore, submit to the Committee, saying at the same time that Sir Walter Buller has nothing to conceal in this matter—that what Mr. Baldwin now asks cannot be made relevant even to the argument, which I venture to designate as grotesque, which the statement now put in was subject to. If I have made my point clear, the items cannot have any bearing upon even the question which Mr. Baldwin suggests for the consideration of the Committee—namely, that the Committee should report to the House that Sir Walter Buller had done, or is about to do, so well out of the other proceedings that he ought not have the costs in the parliamentary action awarded to him by the Supreme Court. Let me, Sir, follow that argument for a moment, and you will see the bearing of it. You now have Mr. Stafford's account, which, as asked for was relevant to my argument and my case. It was only adduced for the purpose of showing that the Government had paid their solicitors' costs in the very proceedings in which we claim costs, they being the losing party, and the solicitors being the solicitors of the Public Trustee. That is why I asked for the account, and the Committee will see that was absolutely relevant to my case. Let me follow Mr. Baldwin's argument. Mr. Stafford appears to have got £409 11s. for appearing for the Public Trustee at the Native Appellate Court, and he did on that assumption very well out of it. Why then, should he be paid costs in the Supreme Court action which he lost?—You have only to pursue the argument in the case of Mr. Baldwin, who also received a substantial fee.

*Mr. Baldwin* : My fee was only about two guineas a day.

*Mr. Bell* : I am not at all complaining of the amount paid to Mr. Baldwin, but why should he be paid for the action in the Supreme Court? I am myself presenting that argument because it seems an absurdity; but if it be equity and justice and principle to apply that argument to Sir Walter Buller, then I apprehend that the Committee ought to recommend that the Crown lawyers should be required to refund the amount they received in the Supreme Court on the same ground of equity, principle and good conscience. Thus, sir, you will see why I respectfully contend that this question of Sir Walter Buller's account against Major Kemp, which has to be tried in an entirely different tribunal, and the justice and the quantum of which will be determined, as you are aware, by tribunals competent to decide the matter, is neither relevant to matters before this Committee, nor is one which—I say it with all respect—this Committee, through want of technical knowledge, is qualified to enter into. I therefore submit that we have complied with the request of the Committee as to the matter relevant to Mr. Baldwin's argument, and ought not to be required to go further and add matter which is to be used simply as matter of prejudice. I put it therefore to the Committee, if it can see that all that is desired is to prejudice a petitioner who is putting forward a just claim on another point, that it will not make the order which is sought.

*The Chairman* (to Mr. Bell).] There is one suggestion I would make, as members of the Committee are not quite clear as to what was intended on the first day. Do you think you have made it clear as to why Sir Walter Buller should have further costs to be taxed as between solicitor and client?—I am obliged to you for giving me the opportunity. Perhaps I did not make it quite clear. I can put it in two sentences. The Supreme Court expressly did not give Sir Walter Buller costs as between solicitor and client, as it had no jurisdiction, as it held, to do so. The Supreme Court held that it could only give costs as between party and party. The second point is that costs were incurred between solicitor and client, and in an action brought by public officers on a public question; and the third point is that the Government paid their own costs as between solicitor and client.

*The Chairman* (to Mr. Bell).] There was a question put by me asking whether the Chief Justice, when he directed the Registrar to pay the amount of the costs, limited the amount at £300 odd?—You asked me the question before, and I did not appreciate it, and I do not appreciate it now. If you mean whether the Judge awarded all costs he thought we were entitled to, I say the Judge did not. This is what took place, as appears in print. I asked the Judge to give the whole costs of the action. He said that that only applied where the quantum was less than £300, that if the limit of £300 was reached, then the Court could not give more for the whole action; that it is only where the amount is small that the Court can give the whole costs of the action, so as to give a sum up to £300, but £300 is the definitive limit. That is the view he took, and that is what he decided—that so far as the jurisdiction of the Supreme Court went, it was to give costs as between party and party, and he awarded costs as far as he could as between party and party. That there were further costs as between solicitor and client was manifest to the Judge as it is to us. One question was as to the value of property. Sir Walter Buller was accused of acquiring property excessively below its value, and we had a large number of witnesses briefed on that very minute branch of the case, which took a great deal of labour to get up.

*Mr. Baldwin* : I do not wish the Committee to be under a misapprehension from what Mr. Bell has said. He chose his language in such a way that it might be thought that the Judge expressed the intention that he would, if he could do so, give Sir Walter Buller more than these party-and-party costs. Nothing of the sort was said. A sum was agreed upon between the parties as the amount of the costs to be paid, and that was the amount entered in the decree. The Judge never for a moment expressed an intention of giving anything more than costs as between party and party.

*The Chairman* (to Mr. Baldwin).] There is a difference between you and Mr. Bell?—As Mr. Bell says, the whole thing is contained in printed matter before the Committee, and the Committee will be able to see for themselves. There was a considerable amount of correspondence between Mr. Stafford and Messrs. Buller and Anderson, and eventually the amount was arranged as in the decree. Mr. Bell said the Judge was anxious to give an amount beyond the amount of the costs as awarded, but I say the Judge never gave any such indication.