

Panama Street, Wellington, 14th September, 1898.

SIR,—

Sir Walter Buller's Petition.

I have the honour to enclose herewith statement of the case for the petitioner as submitted to the Committee.

I have arranged with Mr. Baldwin that neither of us is to see the statement put in by the other. This is in order to avoid the alternative necessary arrangement that we should both put in our statements on the same day.

I have therefore to ask that no copy of my statement may be submitted to Mr. Baldwin, or to any person who instructs Mr. Baldwin, until Mr. Baldwin's statement is received.

I have, &c.,

The Clerk, Public Petitions Committee A to L,
Parliament Buildings.

H. D. BELL.

DEAR SIR,—

14, Brandon Street, Wellington, 30th September, 1898.

I have read Mr. H. D. Bell's opinion to Sir Walter Buller, which you were good enough to forward me for my opinion.

I cannot agree with the view therein set out. With all due deference to the weight of Mr. Bell's authority, he seems to me to have set forward a view which is utterly untenable, and which, if acquiesced in by your Committee, will very injuriously affect the privileges of Parliament.

In the House of Representatives, and in proceedings before a Committee, a witness has never been held to have the same privilege as is recognised in the law-courts.

A claim of privilege, except as to matters of State, has never been acceded to so far as I can discover, and neither May nor Dicey, the best accredited authorities, recognise any such privilege. To allow the question of privilege to enter would be to subordinate the authority of Parliament to the authority of outside tribunals.

If a question is asked a witness, the witness may no doubt submit to the Committee reasons which make it inexpedient that it should be answered; but, after a question has been asked by the Committee, or by its order, it is gross contempt to refuse to answer; and to plead privilege is, without offence to Mr. Bell, utterly absurd and improper, and no answer at all.

I submit that unless Sir Walter Buller obtains from the Committee a retraction of their previous command to furnish particulars of his bills of costs, he is guilty of a serious breach of privilege in refusing to comply with their order.

Mr. Bell's quotations and authorities are entirely beside the point, and refer to court proceedings only.

Yours faithfully,

The Chairman, A to L Committee, House of Representatives.

P. E. BALDWIN.

SIR,—

Panama Street, Wellington, 3rd October, 1898.

I have the honour, with reference to an opinion I have given Sir Walter Buller, copy of which I understand has been attached to the further account sent in by him, to state, for the information of the Committee, that I am informed that many of the items of the solicitor's bill relate to matters separate from the Horowhenua Block, and, further, that many of them relate to matters strictly private and confidential as between Major Kemp and Sir Walter Buller. A statement of these items would be simply to reveal Major Kemp's private and personal matters to the Committee. This Sir Walter Buller has personally no objection to, but the privilege is the client's, and not the solicitor's; and, as you are aware, the solicitor has been held bound to refuse to disclose such matters. To take an instance of a circumstance which has not occurred: Suppose for a moment that one of the items in the accounts were charges for advice given to the client on the question of whether a child was legitimate or illegitimate.

I have only to add that I have very greatly regretted being compelled to advise Sir Walter Buller as I have, because I am aware that the failure to supply the details of the items in the solicitor's account may be made the subject of misrepresentation; but you, Sir, as a member of the legal profession, will at least be able to appreciate that no other advice could possibly be given by myself, and no other course could properly be taken by Sir Walter Buller.

I have, &c.,

The Chairman, Public Petitions Committee A to L,
Parliament Buildings.

H. D. BELL.

DEAR SIR,—

14, Brandon Street, Wellington, 10th October, 1898.

I beg to acknowledge receipt of Mr. H. D. Bell's letter of the 3rd instant. It appears that Mr. H. D. Bell has been informed that many of the items of the solicitor's bill relate to matters separate from the Horowhenua Block, and, further, that many of them relate to matters strictly private and confidential, although Sir Walter Buller, I observe, has not himself put forward this reason to the Committee.

But, even supposing the facts to be so, it should have afforded no real valid objection to a substantial compliance with what the Committee really require.

I assume that the Committee will not be extreme in the matter, and that if Sir Walter Buller will supply a detailed list giving substantially the items without the full details that would disclose anything of improper or criminal or confidential import that may, as suggested by Mr. H. D. Bell, be contained in the transactions referred to in bills of cost, the Committee will be satisfied; but I do strongly submit that the failure in whole to comply with the order of the Committee is not warranted, and that if Sir Walter Buller persists in refusing the information in the qualified form above suggested he should abide the consequences.

Yours, &c.,

The Chairman, Public Petitions Committee A to L,
Parliament Buildings.

P. E. BALDWIN.