



SAINSBURY
LOGAN &
WILLIAMS
LAWYERS SINCE 1875

BY STUART WEBSTER

Publisher: Sainsbury Logan & Williams Services Limited, Solicitors, Napier
Editor: Dr Nicholas Reid, MA, MTHEOL, PHD
Copy Editor: Mary Anne Eyles 'See the Proof'
Publishing Consultant: Mary Egan
Design & Layout Consultant: Mary Egan & Sophia Egan-Reid
Indexer: Daphne Lawless (IFP)
Printing Consultant: Mary Egan Limited
ISBN: 978-0-473-19241-9

All rights reserved: Except for fair dealing for the purposes of study, criticism or review, no part of this book may be reproduced, stored in a retrieval system, communicated or transmitted in any form without the prior written permission of the author.

Disclaimer: While all reasonable care has been taken to represent the truth in this book based on evidence and research, and while the author considers that his comments are fair, the author and the publisher make no warranty with respect to the accuracy of the contents. Accordingly, they expressly disclaim liability to any person in relation to the contents of the book.

© Sainsbury Logan & Williams Services Limited 2011



FOREWORD
OPENING

viii
ix

PART ONE: THE FOUNDATION PARTNERS

1 GEORGE SAINSBURY (1848–1901)	3
Birth and Early Life	3
Early Years of Practice in Napier	3
Waka Māori Libel Case	7
Te Hapuku Probate and Ropiha's Renunciation	11
Later Years in Practice	13
Premises	16
Home Life	17
Hatuma Estate	21
Outside Interests and Community Involvement	28
Demise	29
2 FRANCIS LOGAN (1857–1933)	37
Departure from England	39
Marriage and In-Laws	43
Francis Logan's Practice	45
Home Life and a Love of Fishing	48
Francis Logan's Sons, Frank and Ivan	60
Clients	74
Outside Interests and Community Involvement	77
Demise	82
3 HEATHCOTE WILLIAMS (1859–1931)	133
Birth	134
Education	134
Practice	136
Outside Interests & Community Involvement	144
Demise	145

**PART TWO: THE HISTORICAL BACKDROP
– LEGAL PROFESSION & PRACTICE**

4 LEGAL PRACTICE IN NAPIER LATE 19TH & EARLY 20TH CENTURY	148
Keeping Records and Preserving Documents	148
Commercial Life and Leisure in Hawke's Bay in the Early 20th Century	154
5 HAWKE'S BAY DISTRICT LAW SOCIETY	160
Establishment	160

Complaints and Disciplinary Proceedings – The Lascelles Affair	163
Other Complaints and Disciplinary Proceedings	175
The Impact of War	180
Gender Neutrality and Racism	183
1931 Earthquake	184
Patch Protection	190
Library and Court Facilities	193
Social Events and Law Conferences	196
General Practice Issues	199
Office Hours and Holidays	207
Judges and Magistrates	213
Court Facilities	219
Price Fixing	220
Hawke's Bay District Law Society Administration	222
Ebbett Cup Golf Tournament	224
Lands & Deeds	226
Practising fees	226

**PART THREE: PREMISES, CLIENTS
AND COLLEAGUES**

6 THE PREMISES	232
Beginnings	233
Napier Fire 1886	235
Cathedral Lane: Shaped and Reshaped	247
Robert Lamb and Pre 1931	248
Earthquake 1931	252
Reconstruction Post Earthquake	258
Temporary Premises	265
Diocesan Offices	270
Post Reconstruction Period	275
7 THE CLIENTS	285
Introduction	285
The Estate of William Colenso	285
Robert France	299
Napier Harbour Board	304
Williams & Kettle	305
Charles Gordon (Clifton Station)	306
McClurg's Limited (formerly L.S. McClurg Limited)	307
Captain Braund	308
John Sangster Macfarlane	311
Edward William Knowles	312
Daily Telegraph	313
Harstons Limited	314
James Boyle	315
Henry Gaisford Estate	316

John Carter	317	Adrian Graham Barclay (1967–)	402
Agricultural & Pastoral Society	318	Nathan Todd Gray (1969–)	402
Richmond Limited	319	Partnership Meetings, Minutes and Financial Accounts	403
The Waiapu Board of Diocesan Trustees	319	Law Society Involvement	412
		Sporting Prowess	413
8 COLLEAGUES	336	10 CLERKS AND STAFF SOLICITORS	414
Introduction	337	Jock Twigg (Desmond Despard Twigg)	414
Carlile McLean Scannell & Wood	338	William Norman Jersey Mackay	416
Bisson Moss	341	Ian Dougall Mackay	416
Langley Twigg	342	Alexander Charles Cunningham	417
Holderness Dennehy	342	A H Robinson	417
Mayne & Runciman	343	Tom Gifford	418
Wauchop, Kohn & Co (Wairoa)	345	William Thomas Prentice (Wiremu Piriniha)	418
A J Cotterill	345	Peter Cornforth	419
J W Carlile	345	T C Tennent	420
Herbert Humphries	346	John Logan	420
Charles Kennedy	346	Roy Langley	424
Hugh Lusk	346	William Chissell	425
P S McLean	346	P C Fenwicke	425
G E Lee	347	Len Lister	425
First Female Practitioner in Hawke's Bay	347	Rae (Rachel Wilson)	425
The Quilliam Legacy	347	Mabel Keiha	426
		A J Scheele	426
		Trevor Cardo	427
		Ann Eaton	427
		Howard Bott	427
		Donald McLean	427
		11 BANKERS & ACCOUNTANTS	420
		Bankers	420
		Accountants	423
		12 LEGAL PRACTICE IN NAPIER LATE 20TH CENTURY	425
		Conveyancing and the Art of Settling Transactions	425
		Duplication of Documents	425
		Centenary Celebrations	426
		Mea culpa? Faux pas? Anecdotes of errors	431
		The absence of a female partner	432
		The perennial debate: so who has been around the longest?	432
		Gender Neutrality	433
		Communications Within and Across the Office	434
		Remembering that the Client is Always Right	434
		Paparazzi	438
		Office Memoranda	438
		Dictation Instructions	441
PART FOUR: PARTNERS, STAFF, SERVICE PROVIDERS & PRACTICE – THE LATER YEARS			
9 THE PARTNERS	353		
Introduction	353		
Alexander Bulwer Campbell (1855–1938)	356		
Ivan Biggar Logan (1886–1970)	360		
James Hunter George Murdoch (1880–1916)	364		
Milton Reid Grant (“Budge”) (1880–1961)	367		
Godfrey Basil Amyes (“Buck”) (1897–1965)	370		
William Aeneas McLeod (1907–1981)	372		
Gilbert William Stewart (1907–1976)	375		
Ian McGregor Logan (1915 – 1958)	376		
James Hadfield Zohrab (“Jim”) (1936 – 2001)	383		
Allan Duncan McLeod (1940 –)	387		
P R G Chetwin (1938–)	390		
Peter James Tong (1943–)	391		
Andrew MacLean Morrison (1944–)	393		
Stephen Peter Lunn (1951–)	396		
Magnus Edwin James Macfarlane (1953–)	397		
Gerard John Sullivan (1951–)	398		
Stephen Alexander Greer (1956–)	399		
Stuart John Webster (1961–)	400		
Andrew Ross Wares (1960–)	401		

Gender and Political Correctness	443
Bank Cheques	443
Smoke-Free Policy	444
Word Processing and Dictation Update	444
Time wasting	444
Office Party	444
Costs and Sundry Debtors	445
In a pure form of Morrison-esque	446
Staff Memos	446
Professional Etiquette	447
Employment of family as staff	448

13 LEGAL PRACTICE IN NAPIER EARLY 21ST CENTURY 449

APPENDICES

Appendix 1: The Partners	451
Appendix 2: Net Profit from 1932 to 1970	452
Appendix 3: Eulogy for Bill McLeod by Sir Owen Woodhouse	453
Appendix 4: William Colenso's Will and Codicil	455
Appendix 5: Roll of Barristers and Solicitors	457
Appendix 6: Family Trees for Sainsbury, Logan and Williams	461
Appendix 7: Hatuma Lot Plan	464
CLOSING	467



Closeup shot of the *ad valorem* stamps with a face value of £1851 3/-, affixed to William Colenso's Probated Will and Codicil for stamp duty purposes. Image source: HB MAG



Interior of the Sainsbury Logan & Williams premises showing the balustrade directly underneath the cupola. Image source: Sainsbury Logan & Williams Archive.



View of the Sainsbury Logan & Williams building from Tennyson Street during Art Deco Weekend 2008. The vehicle in this image is a 1936 Buick Series 80 Convertible and was kindly made available by Neville Smith, a local entrepreneur, vintage car collector and Art Deco enthusiast. Image source: Sainsbury Logan & Williams Archive.

Foreword

As the introduction says, this is the history and record of an important New Zealand law firm. Sainsbury Logan & Williams has been a fixture in the legal firmament for many years. It is known to everyone in the legal profession as a firm which has very high standards of professionalism. It is also known as a firm which has made a significant contribution to the profession over many years.

I first started working as a law clerk in 1980 when I joined Brandons on The Terrace in Wellington. Brandons' history is even longer than that of Sainsbury Logan and Williams. George Sainsbury first set up his Napier practice in 1875, but the first Brandon (whom some allege was a mere scrivener) set up shop in Wellington in 1840. One of my earliest tasks as a law clerk was to write a history of Brandons for the Wellington District Law Society's magazine, Counsel Brief. It was a most interesting exercise and I learned that the history of a law firm is about much more than lawyers, court cases and commercial deals; it is also about the history of the area in which the lawyers practise.

So, too, it is with Sainsbury Logan & Williams. This excellent history is about more than the law firm. It is about a city and a province. One of the most interesting sections of the book, which I commend to our fellow practitioners in Christchurch, is the way Napier firms coped in the aftermath of the devastating 1931 earthquake. Almost immediately, Sainsbury Logan & Williams was operating once again, and within a few years had moved into a beautiful, purpose-built art deco building. It has recently been repainted and is one of the finest legal premises in New Zealand. Who needs flash high-rise towers when one can

practise in a building like that of Sainsbury Logan and Williams in Napier?

It is always fashionable to knock the legal profession. We all know the allegations made by members of the public about overcharging and venality. As we know, there will always be those in a profession who let the side down and whose standards are not those expected of a professional. But this book tells another story – that of talented and generous professionals who, year in and year out, provided excellent legal services and contributed to their community in a variety of ways, be it sporting, cultural or even serving their country in war.

There is an old Maori saying, He aha te mea nui o te ao? He tangata, he tangata, he tangata. What is the most important thing in the world? It is people, it is people, it is people. Ultimately, this is not just a story of bricks and mortar, or the growth of Napier and the Hawke's Bay, but a story of fine New Zealand professionals who have conducted themselves to the highest standards of their profession in their chosen areas of expertise.

I congratulate all those associated with this work. It is very important that these stories are told.



CF Finlayson
Attorney-General
30 June 2011



Opening

This is the history and record of an important New Zealand legal firm. A number of things encouraged me to research and write this book:-

- A small and sketchy collection of papers which had been gathered for historical purposes, whenever occasion required partners in the firm to talk about its origins;
- A request by Don Wilkie to provide some photographic material for a publication concentrating on Tennyson Street, Napier, before the Hawke's Bay Earthquake;¹
- Hal Nash from the Art Deco Trust (and a former partner of Carlile Dowling) requested an article from the firm on the history of the current building and a presentation to those dedicated volunteers – the Art Deco Tour Guides.

These things sparked my interest in the history of the firm. I was also aware that there has been much misinformation about certain of the firm's partners. For example, it has been widely believed that the founding partner George Sainsbury travelled to England to the Privy Council for a local Māori land law case which was unsuccessful. Legend says he was so disappointed by the result that he was lost overboard. The truth is that he probably committed suicide as a result of the depressed state he was in because of his health when he was returning from an overseas trip. As he was in his early 50s, the prospect of returning to Napier and practising law may have become too daunting for him in the wake of some medical ailment such that he decided to end his life. The circumstances were tragic for his wife and his adult children.²

We can only imagine what Edward "Popham" Sainsbury (eldest son of George and Edith) thought when he received a telegram to say that his father had been lost overboard on his much-

awaited return from a year-long trip abroad with his wife Edith on the final leg from Sydney to Wellington. At the time Popham was resident at Olig Station (Kereru) and took the express train to Wellington to be with his mother when the SS *Monowai* berthed in Wellington. Customs Officer McKellar conducted an enquiry into the loss of one of the passengers *en route*. Inevitably, in looking carefully into such circumstances, I was encouraged to "set the record straight".

At the time of writing it is more than one hundred and thirty-six years since George Sainsbury commenced practice in Tennyson Street, Napier. By July 1875 he had been admitted as a barrister and solicitor of the Supreme Court of New Zealand and was about to become solicitor to the newly established Napier Harbour Board. That connection to the firm remains today, although the Port reformation in 1989 split up the old Hawke's Bay Harbour Board functions. The leasehold land portfolio (comprising land that was either reclaimed or uplifted through tectonic forces) is still administered on behalf of Hawke's Bay Regional Council who inherited it.

Details on the heritage of the firm have sat for a good number of years buried in the memories of those who had a connection with it and in the paper records that were inevitably created. We are very fortunate to have had a strong room that survived the Hawke's Bay earthquake of 1931. Otherwise, there may not have been much left to report on. Although the partnership records, which date back to 1875, are not intact, snippets have survived: the odd formal partnership deed, personal correspondence, family papers kept amongst personal files, old ledger entries and material available from the ANZ Bank. The premises just prior to the earthquake contained two separate strong rooms – the main strong room which is still used today and a smaller strong room off to one side, since converted into a repository for old files, obsolete statutes and outdated textbooks. Both rooms were retained and incorporated into the new premises.³ The key to the main strong room door is unusual in that part of the key which

1 Don Wilkie is the author of *Port to Port: A Pictorial History of Port Ahuriri*, Napier, 2003, and has provided great assistance during this project. He correctly notes that there is surprisingly little information in and around early Napier pre-Earthquake. Much has been written about the Earthquake and the rebuilding of Napier but through the loss of records and a change in emphasis, the early history of Napier seems to have languished.

2 See Chapter 1 under the heading *Demise*.

3 Original plans and specifications, page 6, paragraphs 10 & 13, and see Chapter 6 under the heading *Post Earthquake Reconstruction*.



View of the cupola from the reception area, Sainsbury Logan & Williams building. Image source: Sainsbury Logan & Williams Archive.

is inserted into the door is twisted at 90 degrees from the stub (or handle) of the key. It is a key that has been used every single working day for (at least) the last 90 years.

It has been home to various objects besides documents, folios, journals and files – metal boxes from estates, suitcases, claimed and unclaimed jewellery, watches, rings, white patu (whalebone)⁴ and pounamu (greenstone slab).

There are earthquake reconciliations of partnership current accounts, World War I and World War II reconciliations adjusting for military pay and at the back of one of the ledgers there is a complete summary of the net profit of the firm from 1932 to 1970.⁵

Using a wide variety of available sources, this book has grown organically out of a rough skeleton of ideas, rather than a series of written facts. It has taken shape slowly. By an extraordinary phenomenon of serendipity, older people were ready to share their memories, connections with history, photos and ephemera and a huge Pandora's Box opened. At times the quality and volume of material has been almost overwhelming. Some of the chapters lay fallow for months until something sparked an inquiry and then some tangential trip was taken exploring a small aspect of something related to the firm or its history. They include such matters as the provenance of the strong room door; the temporary premises during the earthquake reconstruction period which became Westshore's "Joyland"; the tragic death of George Sainsbury in 1901; the later violent murder of A B Campbell's widow in 1942; Ian Logan's death in 1958 from polio contracted from a client in Fiji and Rae Wilson's extraordinary experience at the time of the great quake in 1931 where one minute she was washing the morning tea dishes and next she was staring straight down into Church Lane as the exterior wall collapsed away from her into the street. Then there is the bravery of those partners, staff and their families who sacrificed much in the two World Wars: J H G Murdoch a partner of the firm who served in the First World War and died in France in 1916; Ivan Logan, another partner, who served

4 Allan McLeod, personal recollection, 26.7.2010.

5 See Appendix 2.

as a Captain and assisted in the training of the troops in the Wairarapa; Bob Logan (grandson of Francis Logan) who sustained injury through a bomb explosion in the Middle East; John Logan (another of Francis Logan's grandsons) who fought in the Second World War; Jim Logan (another grandson) who lost his life in the English Channel when the wing-tips of two Boston Bombers fast in pursuit accidentally collided and Ian Logan (another grandson) who served in the Pacific during the Second World War, met his future wife Kay, then returned in the late 1950s to practise law in Fiji with his wartime friend John Falvy, only to contract polio and die from his illness. Others, who are mentioned in this work as having an influence on the shape of the firm such as Jock Twigg and Sir Owen Woodhouse, also saw active service overseas during the Second World War.

And then there are the quirky highlights such as George Sainsbury's interest in prize poultry, chrysanthemums and singing "For Tonight Will Merry Merry Be"; Francis Logan's enthusiasm for trout fishing and motorcars; Heathcote Williams'



John Tann strong room door dated back to 1920. Image source: Howard Bott (Practice Manager).



View of strong room door looking down the hallway towards reception and the exterior door. Image source: Howard Bott (Practice Manager).



Bank of New Zealand strong room that was no so fortunate. Image source: Geoff Conly, *Hawke's Bay Before and After: The Great Earthquake of 1931: An Historical Record*, *Daily Telegraph*, Napier, 1981, at page 124.

near-obsession with cricket and its development in New Zealand. Some of the history about the characters deserves its own title and separate work and it is a regret that out of so much good material, space dictates that only a portion of the fascinating story can be told.

There have been computer crashes, the endless reworking of text and frustrating searches for photos and documents, many of them undated, in order to verify or put paid to a theory about some part of the firm's history.

For ease of reference, the mass of material of which this work is composed is divided into four parts. The first two parts endeavour to follow closely those first three individuals whom I call the Foundation Partners and then to tell the story of legal practice in the late 19th and early 20th century and the importance of the Hawke's Bay District Law Society. The third part features the importance of the premises and the strong room because they are pivotal to much of what happens throughout the life of this firm, some of the key clients of the firm and the other firms with whom the partners and staff of Sainsbury Logan & Williams had an important connection.⁶ Finally, in the fourth part, there is a review of the lives and background of the remaining twenty-one partners through to present day, staff members who have ably assisted the partners through that time and a section on other service providers which includes the firm's accountants and bankers. This final part concludes with a look at legal practice in the late 20th and early 21st century.

The rich variety of images that are part of this history have been gathered and collated almost osmotically. As soon as it became apparent that no further pictures were available on a given topic, there would be a discussion with someone who would then say "and what about speaking to so-and-so, or looking up a dusty little book in the public library, or spending time down at Archives New Zealand..." The best example of this is an elderly woman in a rest home in the 1990s who was clearing out her belongings when she came across a very early studio photo

⁶ The history of the legal profession in Hawke's Bay is dealt with fully elsewhere by Tattersall and Grant. See R Cooke (Ed), *Portrait of a Profession* & S W Grant, *The Law Society of the District of Hawke's Bay*.



Italianette balcony over the front entrance to the building. Image source: Sainsbury Logan & Williams Archive.

which she thought might be of interest to the firm taken around 1900 which featured a number of confidential clerks who were working at Sainsbury Logan & Williams with names affixed but no date.⁷ Another example was the discovery of seven separate images in a collection owned by Maurice Bartlett which had never before been published and when merged together make one of the most valuable pre-earthquake panoramas.⁸

The most fertile material has been word of mouth, when the project and drafts of the manuscript have been shared with others. This is an inestimable source of information from those who have a depth of knowledge, and a wider network of sources than can be garnered through traditional research methods.

It became clear to me very early in the preparation of the manuscript that there was much, much more material "out there" that I probably could not have access to until the first version of this work was published. With that in mind, I set about the completion of this work not as an attempt to have a last say, but as the first edition of a work that can be updated and added to in the future.

A word about anecdotes. The anecdotal stories told in this book are just that – anecdotal. I have not attempted to prove or disprove the truth or otherwise of these stories lest what I discover ruins a ripping yarn. However, no offence is intended to any person by overlooking the desirability for accuracy.

And one last word: for people who ponder whether to keep old photos or documents or handwritten memoirs, help is at hand. A digital archive service for Hawke's Bay is in the development stage right now; professional copying by a digital imagery service relieves the anguish and responsibility of caring for precious relics thought to be too bulky or fragile. To those who have already destroyed material thinking that it will never be of interest, may a plague of locusts descend on you. And for those who don't date your photos – may your offspring continually chide you for your failings.

Stuart Webster
18 July 2011

⁷ See Chapter 10 under the heading *Wiri Prentice*.

⁸ See Chapter 7 under the heading *Robert Lamb and Pre-1931*.

