

CHAPTER EIGHT

Colleagues

INTRODUCTION

It is important to acknowledge in this attempt at a firm history the presence and influence of a wide variety of fellow practitioners. From reading the hundred plus years of Hawke's Bay District Law Society minutes, the impression is gained that Hawke's Bay was a popular place for lawyers to practise. One presumes that the collegiality was a draw card. The volume and quality of work was undoubtedly another. Hawke's Bay was an emerging province in the late 1800s and early 1900s and there were pockets of extreme wealth pitted against extraordinarily entrepreneurial and resourceful characters.

Some of that is reflected in the competing firms within Hawke's Bay. And there certainly was a wide variety of characters from whom clients could choose.

The Law Society minutes also demonstrate another thing. The business for consideration by the council members throughout its history is little different today – there are the same concerns raised by practitioners about the regulation of their own profession, law reforms that were going to have a significant impact on their practices (and livelihoods) and a fair share of defalcations and client complaints – the most frequent of the latter variety being the practitioner's slowness to act on a client's instructions.

There is no attempt here to cover a history of the law firms in Hawke's Bay. That is outside of the scope of this work and has in any event been admirably undertaken by J Tattersall⁹⁶⁹ and S W Grant⁹⁷⁰ in other publications.

The firms and individual practitioners set out in this Chapter have been selected because of a special connection with Sainsbury Logan & Williams. Quite often there is a very important connection that can be made (Allan McLeod refers to it as “spawning”) where individual practitioners start in one place

and then leave, forming alliances and setting up practice on their own or with others in a different part of Napier or Hawke's Bay. Examples that readily come to mind are Jock Twigg, who started with Sainsbury Logan & Williams and ended up being one of the foundation partners of what is now Langley Twigg; or the Hastings partners of Logan, Williams & White who later formed Holderness Dennehy; or Robinson and Gifford who were law clerks in the early 1930s but who left at the same time and set up their shingle across the road in Tennyson Street, with Robinson leaving at the end of the 1940s to go into partnership with Noel Toomey and establishing the forerunner (with Lusk Willis) of Willis Toomey Robinson; or Bill McLeod who came from Mayne & Runciman after Sainsbury Logan & Williams had “baby-sat” his practice during his absence on war service in the 1940s.⁹⁷¹

CARLILE MCLEAN SCANNELL & WOOD⁹⁷²

W G Wood entered into Partnership in 1912 with P S McLean and D F Scannell and W L C McLean which was an early forerunner of Carlile Dowling. Tony Wilson (A F Wilson) became a partner of Carlile McLean in 1963 and remembers Willie Wood still coming into the office at that time and opening the mail and having morning tea with the partners.⁹⁷³ In 1951 he committed to paper some of the more interesting happenings in that firm and anecdotal stories about his partners, colleagues, clients and friends.⁹⁷⁴

I went in 1894 from School to the office of Messrs. Carlile & McLean, in Emerson Street, opposite Market Street.

969 Robin Cooke (Ed), *Portrait of a Profession*, A H & A W Reed, Wellington, 1969.

970 S W Grant *The Law Society of the District of Hawke's Bay*, Centennial Publication for the Hawke's Bay District Law Society, 1986.

971 In the case of the author, he commenced his practice in 1987 as a Staff Solicitor with Langley Twigg and was later poached and migrated to Sainsbury Logan & Williams in 1989. As a matter of record, offers of employment were made by both firms in 1987 and a choice made on account of Langley Twigg being known as “the party firm”.

972 S W Grant, page 66.

973 Tony Wilson, Personal Recollection, August 2010, who kindly provided access to Willie Wood's notes.

974 Willie Wood, from unpublished notes kindly made available to the author.

The partners were James Wren Carlile and Patrick Stirling McLean. I was the Junior Clerk, but as I learnt shorthand and typewriting I became, as well as Junior, shorthand writer to Mr. McLean who demanded and I think got from me efficiency. He had been brought up in a hard school in Scotland and was a martinet, but perfectly just and fair, and one of the kindest of men.

J W Carlile: A unique character. Small, spare, learned, a great lawyer and a hopeless office man. He came from the north of Ireland and because of his extensive vocabulary, he became known as "Swearing Jimmy"...

The Firm had for a client Dr. Stuart, Bishop of Waiapu. People used to argue as to whether he or T C Williams was the ugliest man in New Zealand. The Bishop had been in P S McLean's room, a very small one, with a chair the Bishop had occupied behind the door. Jimmy saw his Lordship leave the office, but did not see him immediately return. He shuffled across the passage, head down (his habitual gait) pushed McLean's door half open and without putting his head into the room said "Hello, McLean, I see that bowed-legged specimen of the Lord's anointed has been here again". Then he poked his head round the door, saw the Bishop, slammed the door and fled down the section at the back of the office to the stable where he kept his horse, which he called "Jehovah", because it was the most high horse in Napier, and went for a long ride. Poor McLean.

George Henry Arbuthnot Rose was our engrossing Clerk. He could do nothing else but engross and had been engrossing in Mr. Carlile's service for 35 years. Smoking was not allowed in the office, so about every hour Old Rose used to take the key down from its nail and stroll to the back premises for a short whiff. One day Mr. Carlile came shuffling in to our room and said "Wood, where's Rose?" I told him he was down the back. Off he shuffled to his room to return about 10 minutes later, by which time Rose had had his whiff and replaced the key. "Rose", he said "how long have you been in my service?" "Thirty-five years Sir." "Yes, I thought so. My calculation is correct. You've spent 17½ of them in the dunikin"...

Two of Jimmy's Clerks were Jack Begg, to whom I have referred, and William Carnell, a son of Samuel Carnell, Photographer, and sometime Mayor of Napier. Begg and Carnell used to have rows, from time to time. The office safe was a small one, whose only ventilation was by means of a small grating which did not even open to the outside air. One evening during one of the rows Begg chucked Carnell into the safe, about 5 o'clock, locked the door and left him there till the office opened next day. No action for assault followed – or even for false imprisonment.

I was dancing attendance on Jimmy in the Supreme Court in a case in which he was appearing before Prendergast J. Sir Francis Bell⁹⁷⁵ on the other side. There was a somewhat long argument on a preliminary point, which Prendergast decided against Jimmy. He (Jimmy) turned to Sir Francis and said, quite audibly "I thought the silly old B. would go wrong." Sir Francis told me in Wellington, long afterwards that Prendergast J. heard the remark quite plainly.

I went on a trip with J C Westall and Russell Duncan up Ruapehu,

Ngauruhoe, and Tongariro. We rode on horseback to Taupo, crossed the lake in a small rowing boat with a big sail, and walked from Tokaanu. On our return to Tongariro, Westall started to take photographs, especially of the thermal activities. In one of the puias (hot pools) were some Maori women and girls, having their late afternoon bathe. With, I am sure, the only idea of showing his friends in England how he had been among savages, he proceeded to photograph these women and, greatly to their annoyance, would not go away when they wanted to get out of the pool. Hewas determined to make a job of it and get real, naked savages. "You go away, Pakeha" they shouted – but to no purpose. Finally, one of the women, who would have made a fine All Black forward, sprang out of the pool, seized Westall and flung him, and then his tripod camera into the water – and to add insult to injury, the whole pool-ful thereupon, amid shouts of laughter, proceeded to give him the ducking of his life. I don't know what he told his English friends about the Savages of Aotearoa.

While I was a Clerk in Carlile & McLean's, the Sherriff was a man named Paul Adolphus Frederick Birch. He was a meek little man white haired, pale cheeks, who you would have thought would shudder if he had to swat a fly. He lived with his two rather attractive daughters, in a cottage in Napier Terrace. It is still there. There was also a murderer, lying in Napier Prison, awaiting execution and a professional hangman, named Tom Long, had been engaged to come down from Auckland to turn him off. Well, some young devils and I'm afraid I must tell you that they were fellow Law Clerks of mine, but I swear I wasn't in it, played on that old man a ghastly practical joke. By some means they got hold of a policeman's uniform and at 9 o'clock on the night before the execution, which was to take place at 8 next morning, there was a knock on Paul's door. It was opened by one of his daughters to admit a Constable. Her father had spent a dreadful day because, as Sherriff, he had to be there in the morning and it was his first experience of the gruesome business. The Constable was shown into Paul's bedroom. "I'm afraid, Sir, I have bad news for you". "What," said Paul, "don't tell me you have allowed your prisoner to escape". "No, Sir", said the Constable, "it's worse than that, the steamer that is bringing Tom Long from Auckland has been delayed on the coast by bad weather – he can't possibly be here in time – the execution cannot be delayed – the Gaoler has sent me to tell you of this and that you must perform it. A cab will call for you at seven o'clock." Well you can imagine the kind of night that was spent in the house of Birch. This part is probably an exaggeration – the rest is true – but it was said that Paul drank two bottles of brandy and spent the entire night practising knots, on the necks of his unfortunate daughters, with the string of his pyjamas. At 7 the cab came and Paul, a pitiable wreck of a man, was driven to the Prison. He was met at the gates by Tom Long. Can you imagine any greater relief that could come to a man than being able, as I have no doubt he did, to throw his arms round the neck of the hangman, instead of having to put them round the neck of the condemned?

Tom [Thomas Mason Wilford MP] acted for a man who had been working on a building in Wellington and who had been injured when a brick fell on him. The verdict was for £1500. In due course the workman got a note from Tom's Accountant, congratulating him and saying how pleased Mr. Wilford was with the result. A cheque for £750 was enclosed "with Mr. Wilford's compliments".

975 See Chapter 2 under the heading *Departure from England* for a background on Sir James Prendergast.

A few days later the client called on Tom and said he thought Tom had done very well, but there was a question he would like to ask, "Did that bloody brick fall on your head or mine?"

...It was, too, at this time that Brown [John Hunter-Brown from Wairoa] was driving his wife and my mother in a Cadillac Car with solid rubber tyres through the Turiroa Cutting which had been very much travelled over by cattle and when the mud had dried had become extremely bumpy. Brown rattled along and at last Mrs Brown leant forward from the back seat and said "Do be careful John. You're shaking me and Mrs Wood to pieces." He turned his head and said "Elsie, you're giving me no credit for the ones I miss."

I might add a little account of a journey from Taupo I made in the company of G H Mannering, father of Sefton.⁹⁷⁶ We had been fishing at Taupo and were returning on a very wet day, he in a one cylinder De Dion car and I in a 2 hp Wolsley. We had left Taupo at 7 in the morning and we got to the top of Titiokura at 9 at night. There was, of course, no metal whatsoever on the road in those days. The road came down this side of Titiokura then ran to the left of the existing road. You can see the entrance to it near the top of Titokura. It was in a dreadful state that night. We were soaked to the skin, mud up to the thighs and neither of us had any lights in his car. It was the days of acetylene lighting and ours had phutted out long before we reached the top of Titiokura. Often when I go to Taupo now I look at this old track and wonder how we got down without mishap. It is a fact that we slithered down from top to bottom. We had had enough and decided to put up for the night at Bodley's Accommodation House. We drove to the right off the road into an old shed. Black as it had been outside, the inside of this shed was Erebus. We both, and at the same time, hit the back of the shed and were at once completely covered by various articles of harness which had been hung on short poles sticking out from the wall. Collars – hames everything that you can put on a horse. It was the end of a perfect day!

David Scannell, who did not fish, was with some fishing friends at Taupo, among them W Branson. At lunch time, Scannell took Branson's rod, equipped with valuable reel and line, from the manuka bush against which it was standing and, merely by way of something to do, made a few casting movements over the water. While he was doing so, the Ranger came along. Here was a chance for Branson and his friend Strachen [who was with him]. They pointed out Scannell to the Ranger and told him they knew he had no licence. He thereupon accosted Scannell and demanded to see his licence. Scannell vainly protested that he was not fishing and said that, because he never fished, he had no licence. The Ranger took his name and address and told Scannell he would be prosecuted. As he was leaving, Scannell, smelling a rat, called him back and told him he didn't know his job, as the Regulations made it compulsory for the Ranger to confiscate the gear. The Ranger was perforce obliged to take Branson's equipment into his possession. The Biter bit, with a vengeance. Branson didn't get the gear back till the Ranger called with it at the Terraces Hotel that evening.

When in 1927 King George VI, as Duke of York, came to Napier, I went on parade with my comrades of World War I. The Duke

inspected us and shook hands with each man as he walked along the line. It happened that the man next to me (Seton Wenley) was wearing a Cambridge College tie. The Duke noticed this and paused a little to say a few words to Wenley. Possibly as he did so, he got a longer glimpse at my face than he otherwise would have done. After the Parade, the Duke played tennis at the Hawke's Bay Club, his partner being J N Lowry and his opponents F N Harvey and R D Kettle. After the game, we had a cocktail party in the Club. All present were presented to the Duke. As I had already been presented on Parade, I kept out of the way, but Mr. Nat Kettle our president, spotted me and asked me if I had been presented. I told him I had, on Parade; but that was no good to Mr. Kettle, who took me by the arm and led me up. As soon as the Duke saw me he said "Ah, yes, I've seen you before today" to which I replied "Yes Sir". "Yes," he said. "You were in charge of the Flock House Boys at Palmerston North this morning." Knowing how greatly men in high positions strive to train themselves to remember faces and names (it is really an act of courtesy) and not wishing to let the Duke see he was mistaken, I replied, "You have a remarkable memory Sir." I thought and hoped that would be the end of it (behind the Duke many of my fellow members were grinning), but no, he turned round to Sir Heaton Rhodes, who was one of his Aides, and said, "Rhodes, come here, how many men have I seen today?" "Thousands, Sir." "Well, what do you think of this? This morning this man was in charge of the Flock House boys at Palmerston North Railway Station, and now he is here and I've remembered him. Not bad, eh?" "A great performance, Sir," said Sir Heaton. Not long afterwards, I saw in a newspaper a photograph of the scene at Palmerston North Railway Station which included the Flock House boys. The Officer in charge did not resemble me in the least.

The Law does not allow intoxicating liquor to be taken into Māori Pas. In one of these a tangi was being held. Hori was dispatched to the nearest pub to get some more beer. He went on horseback, with a sack, slit across on both sides, Māori fashion, across the horse. Having picked up his load, he was returning to the pa, when he was accosted by a Police Constable. "Hello Hori, where are you going?" "To the pa, to the tangi". "What have you got in the sack?" "Oh, potato, for the Kai." The constable walked up to the horse, and put his hand on the bottles, Hori, knowing that he couldn't get away with it, dismounted and walked slowly round his nag, gazing intently at it. After a careful scrutiny he said "By gori, I got the wrong bloody horse."

A pakeha got into a train sat down and started to read his paper. A Māori came into the carriage threw a sugar bag on to the hat rack above the pakeha's head and sat down opposite him. The train started and in a little while drops began to fall on to the paper and the pakeha. "Take that bag of pipis off the hat rack," said the pakeha. "Eh" said the Māori "that not pipi/ that puppy."

Frank Logan and A J Cotterill who, at the time I have no doubt, considered themselves shining lights in the legal profession, had been drinking. On their way home they picked up Denty Wilson who lived in Tennyson Street. The three passed the house of another dentist, R C Leask, who always kept a red lamp burning over his gate, to inform the Public [he had an] hour at night to attend to their wants. Denty probably incited his companions to the rash act, one or both of them smashed the glass in the lamp with his walking stick. Next day each of Logan and Cotterill

976 See Chapter 2 on Francis Logan's Outside Interests and Community Involvement for a similar passage on George Mannering's experience.

received a summons charging him with doing mischief. Denty, by some means got this rigged up in a solicitor's office. Logan at once in perturbation called on Cotterill and together they called on the Magistrate Captain Preece, imploring him to get the thing quashed. (Cotterill was at the time Crown Prosecutor and Logan a man who has much regard for manners.) Preece looked at the summons and at once (as Logan and Cotterill should have done) saw they were bogus. He also smelt a rat. He said how much surprised he was to find that two well-known Practitioners should dare to ask him to interfere with the process of the law and proceeded to point out that the offence they were now committing was a very much worse one than the breaking of the lamp. By this time the delinquents were in a proper stew and Preece kept them in it for quite a long time. Then he said, "But gentlemen, what also surprises me is that men of your experience could have been [taken in] by such obvious fakes." Of course Denty denied all knowledge of the thing.

This firm was mentioned in the Clifton Station text because it acted for the owner of Clifton Station (Frank Gordon).⁹⁷⁷

In the 1980s and 1990s the firm was known as Carlile Dowling and one of its more colourful partners was Keith Monagan. A story was often told at Langley Twigg drinks by John Matthews that one evening he (John) and Jim Donovan (as he then was, now Judge O'Donovan, retired) were on their way to a party which incidentally took them past Keith Monagan's house. When they went past, they noticed old Monagan in his pyjamas and dressing gown putting out the milk bottles down by the letterbox. Matthews and Donovan applied the brakes, hopped out and kidnapped Monagan and put him in the back seat of the car – slippers, pyjamas, dressing gown intact – and proceeded onto the party. Hours later apparently Monagan was remembered enjoying himself so much at the party having slipper-throwing competitions off the balcony that he became quite loud and with his dressing gown flapping – a bit of an eyesore as the story is recounted, that he was ceremoniously bundled up again, placed in the back seat of the car and delivered back to a distressed Mrs Monagan approximately three hours later. She had already rung the Police to tell them he had just gone down the path in his pyjamas to put the milk bottles out and hadn't returned.

On another occasion, John Matthews and Jim Donovan were attending a Bar Dinner at the Hawke's Bay Club. Keith Monagan was also in attendance. Both Matthews and Donovan were thespians and through their connections with others, had arranged to attend a house-warming party later that evening to celebrate the taking of occupation of a newly completed house for one of their fellow-thespians. It was arranged for Warwick Holmes (the only sober person in attendance) to take Matthews and Donovan to the party. At the point of leaving, Monagan heard of their plans and insisted on tagging along. He was not necessarily welcome (or even invited for that matter) but in any event forced his way into Holmes' car and was ferried to the party via a bottle store. They were all wearing dinner suits. There had been much rain in recent days and the landscaping at the new house had become a sea of mud and a plank had been installed to get guests from the sidewalk to the front door. Upon arrival, Monagan negotiated the plank with a dozen quart bottles of

beer which must have been livened up on the journey because when he arrived, he promptly opened every one of them, and in doing so the contents sprayed up the walls of the newly painted kitchen. Before too much time had passed, Monagan was no longer welcome and the hosts asked Matthews and Donovan to discreetly have him removed. This they did, against Monagan's very vocal protests, by showing him the door and tossing him, dinner suit and all, into the mud outside the front door. Nothing was seen or heard from him again that night. However, when Matthews and Donovan were ready to go home they discovered that all four tyres on Holmes' car had been let down. They were forced to find alternative means to get themselves home. When they returned the next day to pump the tyres up and drive the stranded car away, they discovered Monagan's mud-encrusted dinner suit jacket sitting on the bonnet, baked stiff in the sun. This gave them a fairly accurate indication as to who might have let the tyres down. A trip to Monagan's house was in order. On arrival Monagan refused to see them. His wife, who by all accounts was a very gentle and kind person, simply took the mud-encrusted dinner jacket from them, said nothing more and closed the door.⁹⁷⁸

BISSON MOSS

C H Bisson had been practising on his own account in Napier. H R Moss who had been employed by Logan Williams & White in Hastings⁹⁷⁹ became Bisson's managing clerk in the late 1920s. He was taken into partnership by Bisson and the firm commenced practice as Bisson & Moss in 1937. C H Bisson's son, G E Bisson, came from Wellington and after serving in the Navy during World War II joined the firm as a partner in 1946. Mark Robertshaw became a partner in 1946 and the firm was known as Bisson, Moss, Bisson & Robertshaw. The firm has been located for many years in premises across the road from Sainsbury Logan & Williams in Tennyson Street and its partners and solicitors have had a disproportionate number of affidavits sworn in front of them.⁹⁸⁰

LANGLEY TWIGG

This firm has its roots in one of the earliest practitioners in Hawke's Bay, H A Cornford who was admitted to the Bar in Auckland in 1872. He was a very well-read man but he led quite a secluded life.⁹⁸¹ He was in partnership with a variety of practitioners including G E Lee, A C Dewes and his own son C D Cornford until his death in 1923. That was the year that C D Cornford went into partnership with Victor Langley. Jock Twigg commenced his legal career as a clerk with Sainsbury Logan & Williams⁹⁸² and left in 1939 to go into partnership with Cornford and Langley. The firm was then known as Cornford Langley & Twigg. Jock served overseas for a time in World War

978 Jim O'Donovan, personal recollection.

979 S W Grant, page 71.

980 Tony Redmond, one of the current partners, professes to have been able to pay for the carpet in his first house on the oath fees he used to collect at the rate of 50c per exhibit.

981 Frank Logan, biographical notes, page 3.

982 See earlier text [page reference].

977 Angus Gordon, *In The Shadow of the Cape*, pages 87, 97 & 114.

II.⁹⁸³ G C Doole joined in 1948. Cornford's name was dropped in 1949 when he retired and in 1960, when Graham Cowley joined the partnership the firm was known as Langley Twigg Doole and Cowley. By the late 1980s the firm had simply become known as Langley Twigg & Co and is now just Langley Twigg.

HOLDERNESS DENNEHY

Heathcote Williams was an early founder of this firm, before he joined Sainsbury Logan & Williams and later (contemporaneously) became a partner in Logan Williams & White. Heathcote Williams is reputed to have been the first legal practitioner in Hastings.⁹⁸⁴ Logan Williams & White was formed on 1 January 1902⁹⁸⁵ and comprised Francis Logan, Heathcote Williams and Walter White. Essentially it became the branch office of Sainsbury Logan & Williams in Hastings. Walter White retired in 1911 and A W Parkinson (a practitioner from Dunedin) was taken into partnership in the same year. Hilderbrand Holderness arrived in Hastings in 1907 and practised for a time on his own account. When he went off to serve in World War I in 1915, Heathcote Williams offered a room in Market Street for Holderness and his clerk and when Holderness returned from the war he was offered a partnership with Heathcote Williams and Parkinson. In 1939 the partners of the Hastings firm bought out the interests of Francis Logan and A B Campbell and severed the link with Sainsbury Logan & Williams. At the request of the Napier firm the word "Logan" was dropped from the name. The firm then became Williams White & Co and then later to Parkinson & Holderness and eventually to Holderness, Tattersall & Dennehy and then to Holderness & Dennehy when Hilderbrand Holderness' son John took over the firm and went into partnership first with J Tattersall then Peter Dennehy.

MAYNE & RUNCIMAN

After his admission to the Bar in Dunedin, Bill McLeod (later a partner of Sainsbury Logan & Williams) came to Hawke's Bay as Managing Clerk for Humphries & Humphries.⁹⁸⁶ He took the place of a chap named Bailey who was Managing Clerk at the time but who had wrongly accessed trust funds. Then in 1940 he bought into the practice of Mayne & Runciman. Runciman was called to war service and Bill McLeod looked after his practice in his absence. Tragically Mayne was involved in a boating accident in Taupo in 1941. The official report of his death was recorded in the *Evening Post* on 6 January 1941.⁹⁸⁷

**Fatality at Taupo
Napier Solicitor
Outboard Motor Left Wild**

A Napier solicitor, Mr AHD Mayne, a member of the Borough Council, was drowned in Lake Taupo today [5 January 1941]. A

⁹⁸³ See Chapter 11 for additional biographical material on Jock Twigg.

⁹⁸⁴ S W Grant, page 76.

⁹⁸⁵ A copy of the partnership deed is reproduced in Chapter 3.

⁹⁸⁶ *Portrait of a Profession*, page 287.

⁹⁸⁷ *Evening Post*, 6.1.1941, page 5, Mayne's son is a personal friend of Hamilton Logan and resides in Taupo.

son of the late Dean Mayne, of the Anglican Cathedral, Napier, he was a married man with two children.

With his son, aged six, Mr Mayne was returning from a fishing trip in his outboard motor launch to Jerusalem Bay on the west side of the lake. While the launch was about 25 yards from the shore the boy stood up in the bow, ready to jump out, but overbalanced and fell into the water. His father immediately dived in to rescue him, but omitted to turn off the outboard motor. The boat began to swing round in small circles and repeatedly struck Mr Mayne, who was supporting the boy and, therefore, unable to avoid it. He eventually had to release the boy and sank in about 12 feet of water.

Miss Rita Frances Coles, Epsom, who was on the beach, saw the accident and swam out to the boy, who was supporting himself by paddling. Half way back to shore with him, she was met by a Papakura camp soldier, Gunner Hole, who relieved her of the boy. After the boy was put ashore they were taken aboard another launch and went back to where the body of Mr Mayne could be seen on the lake bottom. Gunner Hole dived and recovered the body.

Artificial respiration was administered by Mr Scoular, Napier, for one and a half hours without success.

The Hawke's Bay District Law Society marked the death of A H D Mayne in this way:⁹⁸⁸

The unfortunate accident which led to the death of Mr A H D Mayne by drowning in Lake Taupo during the Vacation deprived the Profession of a popular and respected Practitioner and Napier of an energetic and public-spirited citizen. Deep sympathy is felt for the widow, children and other relatives of the Deceased in their bereavement.

When Bill McLeod volunteered for war service the practice was looked after by Sainsbury Logan & Williams. After serving in the Pacific during World War II, Bill McLeod returned to Napier and on 1st April 1945 was admitted to partnership with Sainsbury Logan & Williams and brought with him clients from the former practice.

Mr Mayne had been a member of the Hawke's Bay District Law Society Council. The report of his death was recorded in the local newspaper. An obituary followed and is appended to the *Minutes*.⁹⁸⁹

Career of Late Mr A. Mayne

Son of Dean

Associated with many local bodies

Born at Dunedin

The Late Mr Anthony Harman Down Mayne was the only son of Dean Mayne, for many years dean of the offices of Waiapu and was born at Dunedin in 1899.

Mr Mayne came to Napier at an early age and continued his education at the Napier Boys' High School. Late he attended Christ's College Christchurch before graduating.

Returning to Napier he entered the office of Messrs Kennedy, Luck and Morling, and later went into practice on his own account.

⁹⁸⁸ Hawke's Bay District Law Society Annual Report, 14.3.1941.

⁹⁸⁹ Hawke's Bay District Law Society Minutes, 5.2.1941.

Some years later he took Mr J M Runciman into partnership and they practised under the style of Mayne and Runciman.

Of late years Mr Mayne did not plead at the bar but occupied himself with his office practice.

Notable Case

A few weeks ago Mr Mayne secured a notable decision when he defended a group of “Jehovah’s Witnesses” who appeared before Mr J Miller, S.M. charged with sedition under the Public Safety Emergency Regulations, 1940. Mr Mayne successfully attacked the Regulations and the accused were released.

The Late Mr Mayne was Chairman of the Adjustment Commission setup under the Mortgage’s and Lessee’s Rehabilitation Act, and as such earned a reputation for fairness and soundness of judgment. A man of attractive personality, he was associated with many local bodies in Napier and was for some years a member of the Napier Borough Council and Chairman of the Reserves Committee.

He is survived by his wife and two small sons.

WAUCHOP, KOHN & CO (WAIROA)

G O K and C R Sainsbury, the sons of G E Sainsbury, were in partnership together in Wairoa at least as early as 1918 under the title “Sainsbury and Sainsbury”. It is not known whether they were ever engaged as clerks in their father’s old firm. The Sainsbury brothers continued in practice until the late 1940s when they both retired on account of ill health⁹⁹⁰ and C Sainsbury (a son of G O K Sainsbury) carried on the firm, himself ceasing to practice in the 1950s to take up farming.

A J COTTERILL

A J Cotterill was the eldest of 17 children – his father was Canon Cotterill of Christchurch Cathedral, Christchurch. He was born in 1854 and after qualifying as a solicitor he came to Napier about 1880 and joined with J G Wilson (the first solicitor to practice in Hawke’s Bay). Frank Logan recalls:⁹⁹¹

When I was a boy the firm was Cotterill & Humphries (later Humphries & Humphries). Cotterill was Crown Prosecutor from the time I can remember until his death in 1901. He was a man of integrity and was respected by all, but his somewhat sombre attitude caused young people to have a little fear of him. His home in Lincoln Road was next door to my old home and my brother and I were close friends of his children.

JOHN WREN CARLILE

J W Carlile was a very early legal practitioner in Napier and was a man of high education and ability, having had a brilliant academic career at Oxford University. His irascibility was terrific and caused much amusement amongst his friends, and being of such an irascible nature, he did not suffer fools gladly. He would have been born in the early 1850s.⁹⁹²

990 S W Grant, page 89.

991 Frank Logan, biographical notes, page 3.

992 Frank Logan, biographical notes, page 5.

HERBERT HUMPHRIES

Herbert Humphries was a partner in the legal firm of Cotterill & Humphries. Frank Logan observed in his memoirs:⁹⁹³

I would suggest he was a sadist for he loved executions and I am told he attended them. I never saw him smile. He hardly contributed to the wellbeing of Hawke’s Bay but I mention him for his legal firm was “in the picture” once upon a time.

CHARLES KENNEDY

Charles Kennedy was a very versatile man qualified in law and civil engineering. He was musical, playing various instruments and singing and he was a good all-round sportsman for he played most games well. He mainly practised law and was head of the legal firm of Kennedy & Lusk when I was younger. When I joined the Hawke’s Bay County Council he was acting engineer of the County (back in 1920) and before that he laid out and planned many of the County’s roads and bridges. He was a member of the syndicate comprising Kennedy, Latham, W Nelson and George Nelson that put in motion the draining of the vast area now known as Napier South. The syndicate was making good but slow progress when the 1931 Earthquake completed the job in a matter of minutes by raising the level of the land.⁹⁹⁴

HUGH LUSK

Hugh Lusk served for many years as President of the Hawke’s Bay District Law Society and was a particularly solid performer especially during the war years when practitioners had to petition the Law Society Council for a petrol licence (typically three gallons per month) so as to be able to reach their clients and conduct their normal practices. Hugh Lusk died on 25 February 1944 whilst still in office as President and was remembered by the Council in the following way:⁹⁹⁵

The Chairman, Mr Hallett [stepping into the role from Vice-President] moved as follows:-

“That this Council expresses its deep regret and sorrow at the Passing of its late President, Mr Hugh Butler Lusk, who was for many years a Member of the Council and for the past 17 years held the Office of President of the Law Society of the District of Hawke’s Bay, and desires to place on record its appreciation of the great services by him rendered to the Profession not only in Hawke’s Bay but throughout New Zealand by his untiring work for the welfare of the Profession as a Member of this Council, as a Member of the Council of the New Zealand Law Society and as a Member of the Disciplinary Committee, and also of the noble example he set which, in this Council’s opinion, has not only helped to raise the standard of Professional Conduct but has also been of great value to the whole of New Zealand.” The Motion was carried in silence, all standing.

At the immediately preceding Council meeting on 17 February 1944 (eight days before his death) he went about business as President by noting the death of a long standing and respected

993 Frank Logan, biographical notes, page 8.

994 Frank Logan, biographical notes, pages 9 & 10.

995 Hawke’s Bay District Law Society Minutes, 6.3.1944. A full obituary was published in the *Daily Telegraph* in its 26 February 1944 edition.

practitioner Hilderbrand Holderness, recent activities of the New Zealand Law Society, various complaints (including funds misappropriated by one of the Managers of a Hawke's Bay firm) and an application for admission by Mr Morrissey recently arrived in Hawke's Bay to commence his legal career.⁹⁹⁶

Frank Logan recalls:⁹⁹⁷

Hugh Lusk was for many years a prominent barrister in Napier and likewise Crown Prosecutor. He was a fine cricketer and played for New Zealand on occasion. He was of a prickly nature and respected by all.

P S MCLEAN

I only mention him because he became a partner in the old established firm of solicitors in Napier some time in the late 70s or early 80s. The firm was Carlile & McLean. Later Carlile McLean Scannell & Wood and now it carries on under the name of Carlile McLean & Co. He was one of Hawke's Bay's earliest motorists and was the first president of the A A Society (Hawke's Bay). I would not suggest that his contribution to Hawke's Bay's development was in any way outstanding but that may be a matter of opinion.⁹⁹⁸

G E LEE

G E Lee was one of Hawke's Bay's earliest practitioners and was admitted to the Bar in New Zealand in 1862.⁹⁹⁹ He came to Napier at the end of 1864 and specialised in criminal cases. The most famous of those was his defence of Kereopa Te Rau.¹⁰⁰⁰ Kereopa was part of the Hau Hau Movement and, with a group of others, was alleged to have murdered Reverend Völkner in Opotiki by hanging him from a tree outside his own church and then plucking out Völkner's eyes, ascending the pulpit and swallowing both of them. Although some of the group were captured within a short time of this occurring, Kereopa avoided capture for six years. When he was arrested in December 1870 he was taken to Napier Prison.¹⁰⁰¹

It can well be imagined that horror and indignation were felt by the Europeans, his capture and arrival in Napier arousing the greatest excitement and interest. So great was the furore that the Sherriff felt compelled to advertise in the *Hawke's Bay Herald* that admission to the courthouse could be gained only upon application, on a first-come-first-served basis.

Before Kereopa appeared for trial, one European resident in

Napier appealed for a fair trial for the Hau Hau. He was the ex-missionary William Colenso, who published a pamphlet entitled *fiat iustitia* in which he pointed out the difficulty of dealing out even-handed justice in the trial of a man universally execrated in the midst of an European community. Colenso argued that Kereopa was only one of a mob and ended his pamphlet with the words *let mercy temper justice*.

G E Lee appeared for Kereopa but his chances of presenting a case for acquittal were hopeless from the start. The Europeans were thirsting for blood and Colenso, who was probably the most unpopular man in Napier, had not helped to allay the indignant feelings of its populace. J N Wilson represented the Crown. Lee's line of defence was that the guilt lay with the Opotiki natives rather than with his client, but the evidence pointed strongly to the identification of Kereopa as the killer of Völkner. Kereopa is reported to have said that he knew misfortune would befall him as one of the missionary's eyes stuck in his throat as he tried to swallow it.

The jury needed a retirement of only ten minutes before it returned with a verdict of guilty.

Mr Justice Johnston's final remarks to the prisoner were: *Prisoner at the Bar, you have been found guilty of murder, on evidence which leaves no possible doubt of your guilt. I do not believe that anything I could now say would be of benefit to you or the community. I do hope that in the short time you have to live, your attention may be called to the true God, but it is no part of my duty to allude to your future condition. The sentence of this court is that you be removed to the place whence you came and in due course of law be hanged by the neck until you are dead, and say All Mighty God in His infinite mercy have mercy on your guilty soul.*

Two days later Kereopa was hanged in the Napier Gaol.

It is believed that Mother Mary Aubert (recently having achieved sainthood status by special edict) prayed with Kereopa all night prior to his hanging. The next day she and Tareha took Kereopa's body and buried it at the Marae at Waiohiki. His grave is beside some cattle yards and until recently a giant gum tree grew from his burial plot.¹⁰⁰²

FIRST FEMALE PRACTITIONER IN HAWKE'S BAY

It would appear from the Roll of Solicitors¹⁰⁰³ that Audrey Marian Ricketts (formerly Langley) was the first female practitioner to be admitted to the Bar and practise in Hawke's Bay. She was the daughter of Victor Langley¹⁰⁰⁴ and niece of Roy Langley (Victor Langley's younger brother) who was an accounting clerk with Sainsbury Logan & Williams for many years.¹⁰⁰⁵ Audrey had attended Napier Girls High School and in 1944 won third prize in a national essay competition on the (rather dry) subject of "The Atlantic Charter in Relation to British-American Co-operation".

1002 Denis O'Reilly, Waiohiki Marae, personal recollection, 11 October 2010.

1003 Roll of Barristers and Roll of Solicitors (1873 – 1973); Archives New Zealand AAOW W3244 289; admission date 27 October 1949.

1004 Who, with C D Cornford and later Jock Twigg and George Doole, founded the firm which is now known as Langley Twigg (see earlier in this Chapter under the heading *Langley Twigg*).

1005 See Chapter 10 under the heading *Roy Langley*.

996 Hawke's Bay District Law Society Minutes, 17.2.1944,

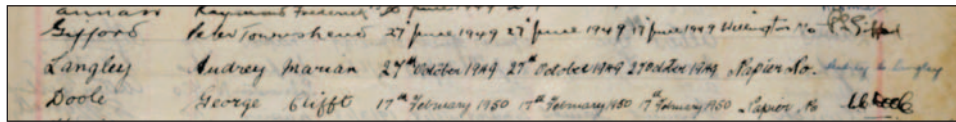
997 Frank Logan, biographical notes, page 11.

998 Frank Logan, biographical notes, page 12.

999 S W Grant, *The Law Society of the District of Hawke's Bay*, CHB Printers & Publishers, 1986, page 27

1000 As the gruesome story goes, Völkner (a missionary with the Church Missionary Society) returned to the Opotiki district from Auckland on 1 March 1865, accompanied by fellow missionary Thomas Grace, to help care for victims of a recent typhoid epidemic which had claimed the lives of many Māori in the district: "Seized the following day [2 March 1865], Völkner was hanged from a willow tree near his church. His body was then decapitated and Kereopa swallowed the eyes, calling one Parliament and the other the Queen and British Law": *The Gift Endures: A New History of the Waiapu Diocese*, edited by Bishop John Bluck, published 2009, pages 27, 28 and 43.

1001 Ibid, page 60.



(C9_1): Excerpt from the Roll of Barristers of the Supreme Court of Napier showing Audrey Ricketts' (nee Langley) admission on 27 October 1949. For a full version of that page of the Roll refer to Appendix 5. Image source: Archives New Zealand.

Audrey had wanted to be a lawyer since age 11. She recalls the Deputy Head Mistress, Miss Andersen, saying to her, “Why does a little girl like you want to do law?” Although she initially went off the idea she was later determined to continue with a career in the law. She was encouraged by her father but not pressed by him to follow in his footsteps. She was school dux in 1944 and attended university in Wellington at the very young age of 16. Remarkably, she was the only woman in her law classes for the entire time she was at university. Audrey recalls there being a good number of “Rehab” law students who were returning from military service to complete their legal training. They were much older than her. None, save a few, showed any signs of being patronising towards her about being a female in a male dominated world. Professional etiquette probably did not allow them. Most were friendly. The only exception was one of the “Rehab” students who chided:¹⁰⁰⁶

Don't you know that law is a fraternity. There is no room for a woman in a fraternity.

Despite that warning, Audrey boxed on and completed her studies, including Latin and Roman Law, both of which were compulsory subjects in those days.¹⁰⁰⁷ Her father was, of course, enormously proud of what his daughter had achieved.

During her study time in Wellington she worked as a law clerk part time for Findlay Hoggard (3rd year), and then full time for S A Wiren & Burns¹⁰⁰⁸ (4th year) and in her last year for Macalister Mazengarb.

The Minutes of the Hawke's Bay District Law Society (correctly in the author's view)¹⁰⁰⁹ make no reference to Audrey being the first female practitioner to be admitted in Hawke's Bay, although it must have been very much to the forefront of the minds of the Council Members whose predecessors, only ten years earlier had voted down a suggestion that females might be eligible for jury service or as candidates for the role of Justice of the Peace.¹⁰¹⁰

The Minutes record the following:¹⁰¹¹

A notice of intention to apply for admission as a solicitor at the next sitting of the Supreme Court in Napier was received from

1006 Interview with Audrey Ricketts, 13.1.2011.

1007 The Hawke's Bay District Law Society Library has a small textbook on Roman Law which, not surprisingly, has had very little use in recent decades.

1008 See the partnership notice in the *Evening Post*, 26.10.1945.

1009 Because by qualifying as a law graduate she deserved to be treated no differently from any other.

1010 See Chapter 5 under the heading *Hawke's Bay District Law Society Minutes*. The Minutes record: “The NZ Law Society having asked the Council to comment upon an Article in the “Dominion” urging the desirability of having women as jurors and as Justices of the Peace in certain circumstances. It was resolved on the motion of Mr Lloyd, seconded by Mr Hallett, that this Council does not favour the proposal”: *Hawke's Bay District Law Society Minutes*, 4.8.1939.

1011 *Hawke's Bay District Law Society Minutes*, 7.9.1949.

Audrey Marian Langley. The President [Mr Holderness] was authorised to give a Certificate of Fitness to Miss Langley in due course.

The local newspapers at the time carried a photo with a caption that read:¹⁰¹²

FIRST HAWKE'S BAY girl to become a solicitor is Audrey, elder daughter of Mr and Mrs VJ Langley.

The article accompanying the photo continued:¹⁰¹³

LEGAL ATTAINMENT

Putting her home-town on the legal map through admittance by Hon. Mr Justice Hutchison in the Supreme Court as Hawke's Bay's first woman solicitor is Audrey Langley... The motion for her admittance was made by her father, well-known Napier solicitor.

Audrey was educated at the Napier Girls' High School where she gained honours as dux in 1944, and since then has continued studies at Victoria University College, Wellington where she hopes to gain her Bachelor of Law degree this year.

At that time, it was possible to be admitted as a solicitor, based on the papers completed, without having to attain degree status. As has been noted elsewhere,¹⁰¹⁴ it was common for practitioners to take this route. Some did not obtain admission to the Bar until much later in their legal careers after having been in practice as a solicitor for a considerable period. Audrey then went on to complete her degree papers and was admitted in Wellington as a barrister (although she never appeared in Court during her legal career).

The *Dominion* newspaper took the following approach:¹⁰¹⁵

The small number of women practising in the Wellington Law District as solicitors was swelled today when Miss Alison J Pearce was admitted as a solicitor of the Supreme Court... Yesterday Miss Audrey M Langley, who also practises in Wellington, was admitted as a barrister by the Chief Justice (Sir Humphrey O'Leary)... It is believed that the admissions of Miss Pearce and Miss Langley are the only ones sought by women in Wellington since before the war. Though provision was made many years ago for women to qualify as barristers and solicitors, and they have been given the right to appear in Court, it is seldom that women take advantage of the opportunity.

Audrey did not practise initially. She became ill and was sent home to Hawke's Bay. After a short time convalescing, she started part-time work in her father's practice (known by the

1012 *Daily Telegraph*, October.1949.

1013 *Ibid*.

1014 See for instance Chapter 9 under the headings: *Milton Reid Grant* and *Basil Godfrey Amyes*.

1015 *Dominion*, circa1950. Alec Lawson, a Napier solicitor, was admitted at that same ceremony.



(C9_2): Photo taken on the occasion of Graham Lang's appointment as a Master of the High Court 19.4.2002. Image source: Hawke's Bay District Law Society.

name Cornford & Langley at that time, which was located in the Scinde Building in Tennyson Street) and concentrated on conveyancing.¹⁰¹⁶ She remembers a number of Rehab soldiers returning from the war and settling back into legal practice. Amongst those were Peter Gifford, Laurie Smith and Hugh Davidson.

When asked about the attitudes of apparent institutionalised male dominance of the legal profession (the author's description, not hers), Audrey could not recall any resistance and says that that might have been the result of her being her father's daughter but simply recalls in those early days of practice as the sole female practitioner in Hawke's Bay that her male colleagues were nothing but civil, polite, courteous and professional at all times.

Audrey was appointed by the Council of the Hawke's Bay District Law Society as Convenor of the Ladies Sub-Committee for the upcoming Dominion Legal Conference scheduled for Easter 1954.¹⁰¹⁷ However, she indicates that she never got to attend because she left New Zealand in February for England on her

1016 In fact during the whole of her practising life Audrey concentrated on conveyancing and will-drafting, confessing (rather modestly in the author's view) to being "just in the back room".

1017 Hawke's Bay District Law Society Minutes, 26.2.1952.

"OE."¹⁰¹⁸ No doubt the organisational aspects of the conference had been perfectly arranged prior to her departure.

Audrey spent two years away from New Zealand and, although she was offered a job as an articled clerk on very little pay, she declined that and instead worked at various clerical jobs for Selfridges, the Sudanese Government DLS Agency and Robert Hale, Publishers. Whilst in England she was visited by her parents who were attending a law conference in London. She later toured Europe with her parents for two months before returning to work in England.

She met Derek Ricketts in 1954 and returned to New Zealand in 1956 to get married. On their way back to New Zealand on the *Southern Cross* via the Panama Canal, Audrey and Derek stopped off in Suva and had a surprise meeting with Ian Logan¹⁰¹⁹ (whom Audrey had known as near neighbours in Napier). They spent a day with him and were shown the sights of Suva.

Once back in New Zealand, Audrey and Derek were met in Wellington by (Uncle) Roy Langley and Audrey's grandfather John Langley who had travelled from Hawke's Bay especially to

1018 Interview with Audrey Ricketts, 13.1.2011.

1019 A former partner of Sainsbury Logan & Williams. See Chapter 9 under the heading *Ian McGregor Logan*.

meet them. Within three weeks they were married and shortly relocated into their new house. Audrey went back to work for her father's firm, then located in the old Commercial Hotel Building in Dickens Street, where she worked for the next 2½ years until she decided to leave the law completely and settle into family life. Apart from being busy raising a family, Audrey worked actively in the family business (Scott & Ricketts)¹⁰²⁰ until 1995. All the while she has remained a member of the Hawke's Bay District Law Society and has been active, amongst other things, in the Guiding movement and various School Boards.

Audrey was not followed, as a female practitioner, until years later when Valerie Ann Penlington¹⁰²¹ and Helen Jacqueline Donovan¹⁰²² were admitted to the Bar.

THE QUILLIAM LEGACY

In February 2010 Sarah Quilliam was admitted at the High Court in Wellington and became the fifth consecutive generation of Quilliams to be admitted to the Bar.¹⁰²³

Sarah's uncle Derek Quilliam, who acted as Sarah's moving counsel, says that at the time it was understood to be the first

admission of a fifth generation lawyer in New Zealand. Sarah's father Robert, Derek Quilliam's brother, has also been admitted to the Bar. Their father Sir (James) Peter Quilliam was a prosecutor and Judge of the High Court, who also sat in the Courts of Fiji and Rarotanga. Their grandfather was Ronald Henry Quilliam, a prosecutor and a New Zealand lawyer delegate to the Japanese war trials, and their great grandfather James Henry Quilliam was a prosecutor and, for a short time, a temporary judge of the (then) Supreme Court.

Derek says that although there wasn't pressure in the family to become a lawyer, they always saw a law degree as being useful for whatever path one took in life, so following the family tradition was a natural and obvious decision.

Sarah is now working for an Australian law firm on the Sunshine Coast north of Brisbane.

Both Derek and Bob have featured prominently in practice in the Hawke's Bay. Ironically both of them endeavoured to turn the tide on the family tradition and shunned prosecutorial work, preferring the cut and thrust of criminal defence instead.

1020 Derek and Audrey went into business with Bert Scott and formed a company in 1961 by the name of Scott & Ricketts Limited. They bought Scott's shares in 1963 but decided to retain his name as part of the business. The business is now part of the *Mega* stores nationwide.

1021 Op cit., Admission date, 28 February 1968.

1022 Op cit., Admission date, 11 March 1969. Helen had married J P Donovan, later to become Judge O'Donovan, now retired.

1023 *LawTalk* Issue 761, 1 November 2010, page 21.