



William Alexander Sim achieved distinction in disparate fields of the law. He was a leading barrister in Dunedin, first full-time president of the Court of Arbitration and chairman of two royal commissions. And he distinguished himself as a judge of both practical and scholarly bent.

Sim was born at Wanganui, New Zealand, on 13 September 1858, to Peter Lockhart Sim, a miller, and his wife, Margaret Spiers Anderson. He was educated locally and attended Wanganui Collegiate School in 1870. In 1872 he was articled for five years' legal study to C. H. Borlase. Sim qualified in 1877 and moved to Dunedin, where he became law clerk to Robert Stout. He was admitted to the Bar in 1879, and in 1887 joined Stout's firm as a partner. He was noted both as a barrister and a legal scholar, producing, in conjunction with Stout, *The practice of the Supreme Court & Court of Appeal of New Zealand* (1892); it was still regarded as authoritative nearly 100 years later.

On 6 January 1886 Sim married Frances Mary Walters in Melbourne, Australia. There were six children (five boys and one girl) of the marriage. Sim chaired the first Otago and Southland Board of Conciliation set up in 1896. He served as trustee of Dunedin's art gallery society, founded the city's cremation society, chaired the Prisons Board and supported the Patients' and Prisoners' Aid Society.

In 1907 Sim was appointed president of the Court of Arbitration. His term of office, which lasted until 1911, was controversial, coinciding as it did with a growing mistrust of the

arbitration system on the part of some unions. He insisted that unions should abide by the terms of awards and was prepared to fine those who took strike action while an award was in force. He was inclined to be tactless in some of his remarks and his reluctance to allow increases in profits and productivity to be reflected in increases in wages inevitably caused some bitterness. Nevertheless, he greatly increased the number of awards that gave preference in employment to union members.

Sim was appointed to the Supreme Court in 1911, and in 1913 he became resident judge for Otago and Southland – a fitting appointment for one who had publicly opposed the proposed centralisation of the judiciary in 1894. As he was the first Supreme Court judge to be appointed since 1903, and joined a Bench already dominated by members of the Dunedin Bar, Sim's judgements were bound to receive the severest professional scrutiny. Despite these circumstances the legal profession appreciated his quick apprehension, his expeditiousness in getting to the bottom of a case, his fairness, candour and dislike of pomp and ceremony, his sharp rejection of slovenly work, and his refusal to suffer fools gladly. His judgement in the gruelling case *The King v. Crown Milling Co. Ltd and others* is sometimes cited as his greatest triumph; it was reversed by the Court of Appeal but upheld by the Privy Council.

Sim's notebooks for the years 1914 to 1928 reveal much about the personal sacrifice entailed in being a judge. At first there is a carefully concealed sense of frustration in his extensive overwriting, word by word, letter by letter, often as much as three times over, of the notes taken throughout court proceedings. Later, this frustration, perhaps quite naturally felt by every active barrister on promotion to the Bench, is overtaken by boredom. Extensive doodling – most often of ladders and staircases – takes the place of heavy overwriting. This perhaps indicates thwarted aspirations, but is always complemented, either there or on the next blotting page, by intricately interwoven ideograms of fulfilment. Above all, the notebooks disclose a simple record of physical hardship and emotional sacrifice. In a four-week period in June and July 1914, Sim sat in Invercargill, Oamaru, Timaru, Greymouth, Westport, Dunedin and Christchurch.

Sim is best remembered for his role in chairing the 1927 royal commission of inquiry into confiscated Maori lands. It found that the government's prosecution of war in Taranaki had been wrong and the confiscations unjustified, and recommended an annual payment of £5,000 to a board set up to represent Taranaki Maori. Confiscations in Waikato were judged to have been excessive and an annual payment of £3,000 was recommended; those in Tauranga and elsewhere in the Bay of Plenty were found to be justified and fair, but the confiscation of Te Whakatohea land was deemed excessive; the commission recommended an annual payment of £300. Te Whakatohea and the Taranaki tribes accepted the offers; the Waikato tribes initially wanted the land returned, but in 1947 were persuaded to accept an annual payment of £5,000. These awards resulted in the establishment of the Taranaki Maori, Tainui Maori and Whakatohea trust boards. Although the commission's findings were a significant official admission of a need to redress injustices, they were later disputed; even where wrong was admitted, the resolution fell short of Maori expectations and in later years the issue would be reopened.

Sim's eminence in the judicial world was given tangible reward in the later years of his career. He chaired a royal commission into taxation in 1924 and was knighted the same year. He served as acting chief justice for a period in 1928. He died at Wellington on 29 August 1928, survived by his wife and five children. His outstanding contribution to the law in New Zealand was carried on in the careers of his son, Wilfrid, and grandson, Peter.

William Alexander Sim's ashes were buried in Dunedin's Anderson Bay Cemetery in the family plot.

Nigel Jamieson. 'Sim, William Alexander', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, updated 12-Feb-2014
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