

are referred to in the affidavit of Mr. Harper, quoted by Sir Robert Stout. I need not, therefore, go further into that. Assets in the estate of G. W. Ell, on page 7, the amount £5 12s. 6d., with interest, is certainly not an amount payable by Mr. Harper. Half the amount of the accountants' fees were paid by Messrs. Harper.

*The Chairman*: I really will not sit here as a professional accountant and go into all these small amounts. If there is anything else, Mr. Bloxam, which affects yourself personally, we shall be pleased to hear you, but the Committee cannot go into small matters of £5 or £6.

*Mr. Bloxam*: There are two of those which I want to refer to. Mr. Kember found in the account the sum of £900, as an asset in Mr. Ell's estate in action 683; this he does on the 15th August, 1892.

*The Chairman*: Can you not understand this: that the Committee are inquiring into the fact whether Mr. Ell has had a chance to get his affairs before the Court?

*Mr. Bloxam*: We have nothing to do with the accounts owing. That action was tried in Wellington by a Wellington jury in 1886, and judgment was given by the jury for the defendant in the action. A new trial was refused; yet in 1892 Mr. Kember brings the amount in as an asset in Mr. Ell's estate.

*Mr. Ell*: That was never before the Court. It is a matter you know nothing whatever about.

*The Chairman*: Please let us have anything you think will assist the Committee.

*Mr. Bloxam*: This will assist.

*The Chairman*: I cannot permit this continual going back into old accounts.

*Mr. Bloxam*: I have nothing further to say, but I am here to look after my own interests; and I would simply say that on the 21st April, 1891, I received a letter from the Department of Justice, directed by the Minister of Justice, that he is satisfied Mr. Ell has no real cause of complaint, and it is not intended to proceed further in the matter.

*The Chairman*: What date is that letter?

*Mr. Bloxam*: 21st April, 1891. I would also point out that the commencement of this business was 1878. Mr. McHaffie stated at a meeting in Christchurch that in 1878 Mr. Ell had made an assignment to Mr. Wilkin, so that this question must have belonged to Mr. Ell's estate which was assigned.

*Mr. Ell*: In 1883 Mr. Holmes, the late member of the House, settled all these questions, and put them right, so that I could depend upon justice from all these people.

*Mr. Bloxam*: I have referred you to Sir Robert Stout's statement. [*Vide Appendix No. 14.*] I do not know whether you would care to have reference to the law reports of all cases reported before the Supreme Court or before the Court of Appeal.

*The Chairman*: If you have the dates of any, and they are required, they can be referred to.

*Mr. Bloxam*: Yes, I can supply the particulars: "New Zealand Law Reports," Supreme Court, Vol. iii., 1885, page 433; Vol. iv., 1885, pages 307 and 316; 1887, Vol. v., page 66; Court of Appeal, Vol. iv., 1886, pages 115 and 141; Vol. v., 1887, page 121.

*Mr. Ell*: How is it you have forgotten July, 1886.

*Mr. Bloxam*: I will be careful to produce that. It is mentioned in the list.

*The Chairman*: How is it that you did not reply to that letter that Mr. Ell sent, stating that Mr. Austin was no longer acting for him?

*Mr. Bloxam*: There was a verbal reply given. A written reply would not be sent after a verbal reply was given.

*The Chairman*: It was most unbusinesslike and discourteous.

*Mr. Bloxam*: I do not know that it was not answered. I have not got the letter-books here, so that I cannot possibly state.

#### STATEMENT BY G. W. ELL, ON OATH.

PRIOR to the year 1880, for many years I had had business arrangements with the Messrs. Harper. On the termination of these business arrangements large accounts were outstanding between us. To prevent litigation an arbitration was agreed to. Mr. Holmes, solicitor, of Christchurch, acted for me. As Mr. Holmes had to attend to his parliamentary duties in Wellington, it being impossible therefore to render an award within the time limited by the submission, it was agreed to abandon the first arbitration, and that a second should be entered into. This second arbitration-bond the Messrs. Harper refused to sign. [*Vide Appendix No. 1.*]

I then sued the Harpers in two separate actions, one being against Harper and Hanmer, the other against Harper alone. The actions were numbered 30 and 353. As the matters at issue were simply matters of account between the two parties, they were referred to the Registrar of the Supreme Court and to an accountant, who, after examination, were to grant certificates and report to the Court. [*Vide Appendix No. 2.*]

Concerning one of the actions (No. 30) a certificate was given, and judgment was signed for £2,120 16s. 10d. and costs, altogether about £2,400, on the 1st of May, 1885. That judgment, with 10 per cent. interest per annum, still stands in my favour registered in the Supreme Court.

As to the other action, No. 353, the Registrar began to take the accounts as furnished by Harper from the year 1870. I objected, stating that we had had a settlement of accounts in this action in 1873, so far as stock transactions were concerned. The Registrar persisted in going behind the settled account; whereupon I took out a summons, which was heard and determined by Mr. Justice Johnston on the 29th October, 1884, and the Judge made order that if the Registrar and Accountant were satisfied that a settled account, or "what was so intended," had been arrived at, such settled account should not be disturbed. [*Vide Appendix No. 3.*]

Upon the accounts being further proceeded with, the Registrar disobeyed the order of the Supreme Court, although he found that a settled account had been arrived at in 1873 (*vide Appendix*