

therefore, no beneficial interest in the action at this time, it would appear he had practically no *locus standi* in the matter.

14. "By these delays I was again made a bankrupt before I could get these wrongs adjusted, under the Chief Justice's order of the 5th June, 1886, for on the 6th August, 1886, on Mr. T. S. Weston's petition, I was adjudicated bankrupt. On the hearing of the said petition the Registrar said, in answer to his Honour Mr. Justice Johnston, that there was no money of mine in Court on the 8th July, 1886. This was untrue, and the Registrar knew it to be so; and his Honour Mr. Justice Johnston was deceived." Our opinion as to cause of delay has been already expressed in our remarks on previous charge. The money referred to was in the Court to the credit of the cause, and, being subject to the order of the Court, could not be considered as Mr. Ell's. As there had also been several motions before his Honour about this time in reference to this money, we fail to see how his Honour could have been deceived.

15. "On the 28th July, 1886, the Registrar became possessed of £35 belonging to me, but failed to give me any notice of same; and after I was adjudicated bankrupt, on the 6th August, 1886, on Weston's petition, I was unable at that time to find £20 demanded by the Registrar of me for security on the appeal I had given notice of to Mr. T. S. Weston; and not until my time had expired for appealing—that ensuing November, 1886—did I know that the Registrar had £35 of my money lying in his hands at that time." This £35 was part of £100 paid into Court on the 8th January, 1886, as security for costs in action No. 683, tried at Wellington, and was not available till the 28th August, 1886, instead of the 28th July, as alleged; so it would be vested in the Official Assignee. Ell being a bankrupt.

16. "A false action was brought against me for over £1,300 by Acland and Barns, as agents for T. W. Delamain, through Harper and Co., in October, 1884, and was not discontinued until the 25th February, 1885. Mr. Bloxam has kept this out of his report, although he knew Austin was paid costs on same." While it appears, and is, in fact, admitted by Mr. Bloxham, that it is true that he kept this out of his report to the A. to L. Committee, it has not been shown how it affected Mr. Ell injuriously.

17. "The records forwarded by the Registrar on the 8th December are incorrect and misleading to the Committee A. to L." No evidence was adduced in support of this charge.

18. "In April, 1886, the Registrar did, as I am advised, unfairly use his position to reduce a bill of costs, myself against H. S. Austin, from nearly £80 to £15 15s. There is no record of this in the Registrar's report A. to L." The evidence before us does not show that the Registrar acted unfairly in this matter. Mr. Ell applied to Mr. Justice Johnston on the 19th March, 1886, to have the taxation reviewed; but his application was dismissed with costs, £2 2s. He made a further similar application in June, 1886, but did not appear on the motion, and it was struck out.

19. "In April, 1886, the Registrar did refuse to make a note of a false order purporting to have been made in Wellington by Mr. Justice Johnston. Such order was not made, though served upon me at the instance of H. S. Austin." While it appears that notice of such an order was served on Mr. Ell by Mr. Austin's solicitor, the Registrar took no notice of it, as he had received a telegram from the Judge giving the correct terms of the order made. And as he acted on the telegram and proceeded with the taxation, we cannot see how Mr. Ell was injured.

20. "Referring to letters from the Registrar to the Under-Secretary for Justice—the letter of 24th June, 1887—the money by judgment was then, and is now, standing to the credit of the cause of Ell v. Harper and another." No evidence was offered in support of this charge. As already explained, any money in Court stood to the credit of the cause.

21. "The letter of 28th September, 1887, is untrue and misleading in his reference to paragraphs 33 and 35. It was the Registrar who told the falsehood in the wrongs he did in the accounts." It would appear that the reference made in this letter to paragraphs 33 and 35 of the statement of claim in Action 1397 was simply to inform the Under-Secretary for Justice what he (the Registrar) was doing in the matter. And, as Mr. Martin explained, the denial of the statements made in these paragraphs was simply for the purpose of putting Mr. Ell on his proof, the rules of pleading so requiring it.

22. "The letter of 10th November, 1887, is false and misleading. Mr. Bloxam says he deemed it would be more agreeable to Her Majesty's Government if he met the case on its merits. Mr. Bloxam had his choice to stand his trial on the merits, or, at the request of his counsel, and by the consent of Mr. Rees, to withdraw the case without costs. The Registrar chose the latter as more agreeable to himself." The evidence of Mr. Martin as to this charge contradicts Mr. Ell. And Mr. Justice Ward's order on the matter, as well as his letter to the Justice Department on the 6th June, 1888, will show that costs were granted.

The question of the issue of the false orders referred to after paragraph 12 of the charges against Mr. Latter have already been dealt with.

#### CHARGES AGAINST THE OFFICIAL ASSIGNEE.

1. "Notwithstanding that I petitioned to have my bankruptcy annulled, Mr. Latter proceeded to deal with my estate. He employed a solicitor, and incurred costs which Mr. Justice Johnston informed him ought not to have been incurred and refused to allow." Whatever costs were awarded the Official Assignee's solicitor were awarded as against the petitioning creditors, and not against Mr. Ell. We, therefore, consider there is nothing in this charge.

2. "After the adjudication was annulled on the 3rd June, 1885, on the ground that it was brought for the sole purpose of stifling my action against the Harpers, not from the 3rd June, 1885, until after September, 1885, did I get him to relinquish his hold on my estate." It appears from the Registrar's minute-book that the Official Assignee was removed from the record and Mr. Ell substituted as plaintiff in both actions on 5th August, 1885, and there is no evidence that the Official Assignee exceeded his duty in dealing with the estate previous to his removal.