

1889.
NEW ZEALAND.

REPORT OF COMMISSIONER UPON CHARGES MADE BY G. W. ELL.

REPORT OF THE COMMISSIONER APPOINTED TO INQUIRE INTO COMPLAINTS AND CHARGES
MADE BY GEORGE WALDOCK ELL AGAINST THE OFFICIAL ASSIGNEE IN BANKRUPTCY FOR
THE DISTRICT OF CANTERBURY, AND THE REGISTRAR AT CHRISTCHURCH OF THE
SUPREME COURT OF NEW ZEALAND.

To His Excellency Sir WILLIAM FRANCIS DRUMMOND JERVOIS, Lieutenant-General in Her Majesty's Army, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

Under the Commission issued by your Excellency dated the 21st August, 1888, and extended by a Commission dated the 18th September, 1888, I was appointed Commissioner for the purposes of inquiring into the truth or otherwise of the complaints and charges made by George Waldo Ell, of Christchurch, against Edward Circuit Latter, Official Assignee in Bankruptcy for the District of Canterbury, and Andrew Roby Bloxam, Registrar at Christchurch of the Supreme Court of New Zealand, and generally into the conduct of the said Edward Circuit Latter and Andrew Roby Bloxam respectively in dealing with the estate and accounts of the said George Waldo Ell, and the actions brought by him against them and others.

I have the honour to report that I opened the said inquiry at Christchurch on the 3rd September, 1888, and continued it there on the 4th, 5th, and 6th September, and the 19th, 20th, 21st, and 22nd November, 1888.

At the first sitting Mr. Ell was present, and stated that his counsel, Mr. Day, of Gisborne, could not attend, being engaged in the Supreme Court at Gisborne, and therefore that he (Mr. Ell) would conduct his own case. Neither Mr. Bloxam nor Mr. Latter desired to have counsel. Each party was given permission to have the assistance of a friend to take notes.

Mr. Ell elected to proceed first with the charges against Mr. Bloxam, and stated that they were all contained in a letter to the Minister of Justice dated the 22nd March, 1888.

This letter consists of twenty-two paragraphs, as follows:—

"1. That accounts were ordered to be taken by the Registrar and an accountant, Mr. William Henry Hargreaves, in *Ell v. Harper* and another (No. 30), and *Ell v. Harper* (No. 353)." There is no dispute about this. The order for taking the accounts is dated the 27th June, 1884, and is Exhibit B appended to the evidence.

"2. On the 11th day of July, 1884, the first meeting took place, and from time to time until 1st December, 1884, when the Registrar declared the case closed." The Registrar's minute, Exhibit C, says, "Case concluded."

"3. On the 5th December, 1884, an account was rendered to the Registrar, based upon the evidence contained in the Registrar's notes, by the plaintiff, George Waldo Ell, showing a credit balance of £3,177 5s. 4d."

"4. On the 5th December, 1884, an account or statement of items was rendered by Mr. J. C. Martin for the defendants, but not based upon the evidence contained in the Registrar's notes." At an early period in the inquiry Mr. Ell stated that he was having fresh accounts taken by an accountant in Wellington, and that he therefore did not propose to put in the evidence taken before the Registrar and Mr. Hargreaves, nor the accounts tendered by the respective parties on the 5th December, 1884, until later on. They never were offered by him in evidence, and, since I did not consider that I had to inquire into the accuracy of either set of accounts, I did not call for them. I pointed out to Mr. Ell several times, and he admitted, that his charge against the