

undischarged. Mr. Bloxam says that, practically, on account of Ell becoming bankrupt, and being still undischarged, the matter of retaking the accounts has not been proceeded with. This may be the explanation; but it is clear that Mr. Ell has not pressed on the matter, and I can only surmise that he does not wish the accounts to be taken by Mr. Bloxam and Mr. Hargreaves, since he imagines them to be hostile to him. The order of the Court of Appeal assumes that the accounts will be taken by the same parties.

"14. By these delays I was made again a bankrupt before I could get these wrongs adjusted under the Chief Justice's order of 5th June, 1886. On the 6th day of August, 1886, on T. S. Weston's petition, I was adjudicated a 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. It was untrue, and the Registrar knew it to be so; and his Honour Mr. Justice Johnston was deceived." It appears that in the case *Ell v. Harper and Hanmer*, in which there was a balance in plaintiff's favour of £2,120, the amount had been paid into Court to the credit of the cause. This amount, with some additions, had, after being once taken out by the defendants, been again paid in, after the sitting of the Court of Appeal, to the credit of the cause, and was in Court on the 8th July. Since, by Mr. Ell's evidence, his Honour the Judge was made aware that this money had been paid into Court on the 2nd July, and not paid out again until the 12th, it is hard to understand how the Judge can be said to have been deceived. Mr. Ell also omits the fact that the money had been paid into Court under a writ of sale, and that a motion to set aside that writ was successful. Mr. Bloxam was quite right in stating that it was not Ell's money, since he had no control over it.

"15. On 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 on 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 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." Mr. Ell repeated this statement on oath before me on the 3rd September, and said that he could prove it by documents; but he afterwards, on the 5th September, admitted that he was in error in swearing that the money came to Mr. Bloxam's hands on the 28th July, and that in fact it was not available until the 28th August. This complaint therefore amounts to nothing, since Mr. Ell became bankrupt on the 6th August, and could not have any claim to the money, which was afterwards paid to the Official Assignee under an order of Court.

"16. A false action was brought against me for over £1,300 by Ackland and Barnes, as agents for T. W. Delamain, through Harper and Co., in October, 1884, and was not discontinued until the 25th February, 1885; yet Mr. Bloxam has kept out of his report the fact, although he knew Austin was paid costs on same." No evidence was given on this head, and it did not appear to be a matter of which explanation was required. The report alluded to was, I believe, one made by the Registrar to the Public Petitions Committee of the House of Representatives.

"17. The records forwarded by the Registrar on the 8th December are incorrect and misleading to the Committee." The Committee referred to is the Public Petitions Committee of the House of Representatives. Mr. Ell complains that the report sent by the Registrar does not specify the receipt of £35 above referred to, nor the payment of £89 to Mr. Austin; also, that the records do not state any money paid in or out, and that one entry is incorrect. These are such obviously trivial matters that the Registrar was not called upon by me to answer them.

"18. In April, 1886, 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." This was a prosecution instituted by Mr. Austin against Mr. Ell for libel, in which the latter was acquitted, and became entitled to costs. Thereupon the bill of costs, which appears as Exhibit N, was put in with an affidavit of increase, Exhibit O. It is to be observed that the affidavit is sworn by Mr. Ell, not by any solicitor, and the bill of costs, although indorsed with the name of a firm of solicitors, was evidently not prepared by one, since it claims costs for three solicitors, and it is in Mr. Ell's handwriting. It appears to me that the Registrar was quite right in his taxation; but if he was wrong there was a remedy. Mr. Ell moved to review the taxation almost immediately; but his motion was dismissed with costs by Mr. Justice Johnston. Mr. Ell some months after set down another motion to the same effect, but did not appear to support it, 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, although served upon me at the instance of Mr. Austin." Mr. Ell gave no reason for treating this as a complaint against Mr. Bloxam. By his own evidence he proved that, although Mr. Bloxam made no note as requested, and probably would not know where to make such, he telegraphed to Mr. Justice Johnston, and proceeded, notwithstanding the notice, which was to stay proceedings, so that Mr. Ell got all that he wanted.

"20. Referring to letters, the Registrar to the Under-Secretary for Justice Department, 24th June, 1887, the money by judgment was then, and is now, standing in the Supreme Court to the credit of the cause *Ell v. Harper and another*." Mr. Ell put in Exhibit K, and took exception to the last paragraph, but failed to show to my satisfaction that he had any cause of complaint in the matter.

"21. 28th September, 1887, is untrue and misleading—his reference to paragraphs 33 and 35. It was he, the Registrar, who told the falsehood by the wrongs he did in the accounts." The date refers to another letter from Mr. Bloxam to the Under-Secretary, Justice Department, Exhibit L. Paragraphs 33 and 35 are the paragraphs so numbered in the statement of claim in an action brought by Ell against Leonard Harper, Thomas Shailer Weston, Andrew Roby Bloxam, Edward Circuit Latter, Francis Thomas Haskins, Humphrey Hanmer, George Harper, Henry Alan Scott, and Thomas Maude, and are as follows: "33. That during the taking of the accounts in the case of the present plaintiff and the defendant Leonard Harper, the defendant Andrew Roby Bloxam, as