

in *Ell v. Harper*, £2,166 9s. 7d. to my debit. I told Mr. Bloxam at once that the accounts were wrong. He said, "You will see whether they are wrong when you see the certificates which Mr. Austin has got." The certificates were then in Mr. Austin's hands, having been handed him by Mr. Bloxam, I objecting as above mentioned. I then requested Mr. Bloxam to prepare me office-copies of the certificates, and also of his notes of evidence taken during the inquiry. I received the office-copy certificate two days later, 13th March, and office-copy of Registrar's notes on the 17th March. On examining them I found that the certificates did not refer to the order of the 29th October, and that that order had not been observed in taking the accounts; also that the certificates did not issue in accordance with the evidence taken. On the 5th December, 1884, I had rendered an account based on the evidence taken in the Registrar's notes, showing a credit balance to me of £3,177 5s. 4d. That account was made out by Mr. Austin, as my solicitor, and by Mr. Russell, an accountant, now a solicitor. An account was also supplied on the said 5th of December, 1884, by Mr. Martin, as solicitor for the defendants. Mr. Martin's figures have been very nearly copied in the certificate. [Receipt from Mr. Harper, £250, dated August or September, 1875, indorsed on mortgage No. 38,252 (Exhibit D).] On that one item I am charged £606 4s. 8d., notwithstanding that it had been paid off ten years before. On the 10th June, 1885, defendants Harper and another paid into Court to the credit of the cause £2,404 6s. 9d. 1st April, 1885, I had been made bankrupt, on petition of Harper and Co., on a matter apart from these two actions. [Order of Court, 2nd September, 1885, in *Ell v. Harper* and another, read and put in—Exhibit E.] This order is false, because the application to the Court on the 2nd September was to set aside both certificates on the ground of mistake. On the same day a motion was made by the other side to confirm the certificates. There was no motion before the Court to vary an order made 8th August. The two motions were to set aside the certificates. Both were dismissed, with leave to appeal. [Motion-paper called for, but not produced.] A similar order was served in *Ell v. Harper*, no such motion as referred to being before the Court on the 2nd September. [Exhibit F.] Orders on the two motions that were really made on the 2nd September were taken out by me, and I appealed against them. But before I took out these orders I had handed the two erroneous ones to Mr. Gibbons, who was then my solicitor, and he had prepared papers upon them. When I went to the Court of Appeal I found that I was appealing against orders which had never been made. The papers were set down for hearing. It being found that I was asking for a matter that I did not want—namely, to vary an order that had long previously been disposed of by obtaining an extension of time—the Court allowed me to set down my real ground of appeal for the sitting of the Court in May, 1886. My two appeals came before the Court in May, 1886. Mr. Bloxam was to have come to explain his certificates, but he sent a telegram, I suppose by arrangement between the counsel. I could get no explanation from Mr. Jellicoe, who was my counsel. [Telegram, 19th May, 1886, read and put in—Exhibit G.] This telegram is untrue in the following respects: (1.) When the deeds were put in as exhibits Mr. Bloxam did not call my attention to the receipt. I do not think that I was asked anything about it. Mr. Bloxam said to Mr. Martin, "You cannot go behind such documents as these." (2.) Mr. Harper brought no further evidence that the money was not paid. All the deeds referred to in the telegram were drawn by Hanmer and Harper. My appeals were not dismissed on the merits, but because I was too late. On the other appeal against judgment obtained by defendants on the 22nd September, 1885, on certificate as to No. 353, appeal was allowed, judgment set aside, and certificate of Registrar remitted to Registrar and accountant for review. [Exhibit H.] On return from Wellington I saw Mr. Bloxam. Appointment was made for the 14th July to take the accounts. Defendant's solicitor did not appear. Mr. Bloxam said meeting had lapsed. Another appointment was made for the 28th July. I attended at time appointed, 10.30 a.m. Mr. Bloxam asked me to point out the items in the account to which I objected. I did so. Mr. Bloxam said at that meeting that he could not go on, as the papers had not returned from Wellington. I lent Mr. Bloxam and Mr. Martin a copy of the first accounts rendered by Hanmer and Harper, in August, 1880. Meeting again adjourned to the 4th August. On the 4th August we met again. Accounts were partly gone into. Mr. Bloxam asked me to produce evidence as to the payment of the £250. I told him that the only evidence that I had was the accounts themselves and the evidence contained in his own notes. He then said that the onus was on me to get the documents back from Wellington, as they had not returned yet. The meeting was then adjourned to the 11th August. In the meantime—on the 6th August—I was again made bankrupt—this time on the petition of Mr. T. S. Weston. I afterwards ascertained that the papers from the Court of Appeal had been received by Mr. Bloxam on the 28th June. I ascertained this some time after I was made bankrupt. I certainly understood that none of the papers had returned from Wellington—not merely that the exhibits had not been returned. On the hearing of Mr. Weston's petition on the 6th August, Mr. Bloxam stated, in answer to Mr. Justice Johnston, that there was no money of mine in Court on the 8th July, 1886. On the 30th April order had been made for payment of £2,034 4s. 2d. out of Court to defendants. The defendants then took that money out. That was the whole sum then in Court. £2,404 had been paid in by consent on the 10th July, 1885. After judgment of Court of Appeal defendants did pay money back into Court. £2,279 18s. 11d. was paid in the 2nd July. Remained in Court until the 10th July. Paid out to Sheriff on the 12th July under order of Court. Debt to Weston was about £200, including costs. When before Mr. Justice Johnston on the 6th August I did contradict Mr. Bloxam. His Honour was made aware that this money had been paid in on the 2nd July, and paid out on the 12th. On the 28th July, 1886, Mr. Bloxam received £35 belonging to me. This was a balance out of money deposited by me as security for a change of venue in January, 1886. The cost was some £64, leaving a balance of £35, which came back from Wellington into Mr. Bloxam's hands at end of July. I know this from a bill of costs of Hanmer and Harper, which I will produce to-morrow. In August, 1886, the Registrar told me that I must find £20 to appeal against the bankruptcy. I had not the money. The Registrar did not tell me that he had any money of mine in hand. He