

paid this £35 to the Official Assignee in November, 1886. I object to Mr. Bloxam's report to the Committee because it does not specify the receipt of £35, nor the payment of £89 to Austin. The records sent do not state any money paid in or paid out. The last entry as to action 1,397 is not correct.

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TUESDAY, 4TH SEPTEMBER, 1888.

Mr. G. W. ELL continued his statement.

As to Mr. Bloxam's telegram to the Chief Justice of the 19th May, 1886, the £800 was not retained by me, but was taken into account. I cannot say whether I paid the £250 at the time. I have paid Messrs. Harper many large sums at various times. I have not the bill of costs which I referred to yesterday, and which I undertook to produce. The bill of costs which I have is a bill taxed in Wellington. The one taxed in Christchurch is in Mr. Bloxam's hands. Entry 14th July, 1886, in records, is incorrect, since it says "No appearance," when in fact I appeared, and was there for half an hour. This entry is in action 353. I put in copy of order that was really made on the 2nd September, 1885 [Exhibit I]. The application to vary the order of the 5th August was made on the 15th August, and disposed of by order of the 26th August, 1885. [Order put in—Exhibit J.] In April, 1886, a bill of costs, myself against Austin, was reduced by Mr. Bloxam from £80 to £15 15s. This was a prosecution by Mr. Austin against me for libel. I was acquitted. The case was tried in Christchurch. I paid Mr. Denniston £50 to come from Dunedin. My friends paid him £25. I did not pay any of the witnesses. I shall bring evidence that the taxation was wrong, and that Mr. Bloxam unfairly used his position in the matter. I do not think that the balance of £25 due to Mr. Denniston has been paid yet. As to charge 19, a day or two before the morning appointed for taxation Mr. Russell served a notice on me stating that an order had been made at Wellington staying taxation. The order was incorrectly cited. I showed the notice to Mr. Bloxam, and asked him to make a note of it, which he declined to do; but he did proceed to taxation, having received a telegram from Mr. Justice Johnston that taxation was to proceed. As to charge 20: In the early part of June, 1887 (8th June) I first petitioned the House. Inquiry was made by the Justice Department of Mr. Bloxam whether the sums paid by him to Mr. Austin in June, July, and August, 1885, out of funds belonging to me, included all the costs taxed by Mr. Austin against me, both as between party and party in *Ell v. Harper*, in April, and as between solicitor and client, in August. Mr. Bloxam replied 24th June. [Letter put in—Exhibit K.] I take exception to the last paragraph. I was adjudicated bankrupt the 1st April, 1885, on the petition of Harper and Co. I applied to annul the bankruptcy. The application was heard on the 5th May, before Mr. Justice Johnston. On the 3rd June judgment was given annulling the bankruptcy. Seven days after, £2,404 6s. 9d. was paid into Court by Harper and Harper to credit of the cause. In September, 1887, I brought an action against Harper and Co., Weston, Bloxam, Latter, and others. This action was dismissed against all the parties except Mr. Bloxam, on summonses, on the ground that I was an uncertificated bankrupt. Mr. Bloxam had filed a statement of defence. After the other matters were dismissed, Mr. Martin, solicitor for Mr. Bloxam, asked my solicitor, Mr. Rees, to withdraw the case against Mr. Bloxam also. Mr. Rees consented. Mr. Bloxam then said to Mr. Rees or to Mr. Martin that as the charges were of a serious character he thought that the case against him should be struck out with costs. Mr. Rees made answer that if Mr. Bloxam was not satisfied as to what had been arranged he had better stand his trial on the merits. Mr. Bloxam declined to do this, and the case was withdrawn by consent, without costs. An order was drawn up by Mr. Martin, and signed by Mr. Justice Ward on the same day. That order states that the action against Mr. Bloxam was dismissed with £2 18s. costs. This order was made the 19th October, 1887. On the 22nd September, 1887, Mr. Bloxam had written to the Justice Department, requesting that the Crown Solicitor should be employed to defend him and Mr. Latter. On the 26th September the Department asked for further particulars, since no reason had been shown for the interference of the Government. On the 28th September Mr. Bloxam wrote again to the Under-Secretary of the Justice Department. [Exhibit L.] The paragraphs 33 and 35 in the statement of claim, which Mr. Bloxam in his letter alleges to be absolutely false, I assert to be true. I say that Mr. Bloxam ignored and disobeyed the order of Court of the 29th October, 1884, and that he and Mr. Hargreaves gave credit to Leonard Harper as against me for very large amounts claimed by him during the years 1870, 1871, 1872, and 1873. I also say that it is true that in thus disobeying the order of the Court Mr. Bloxam acted by the advice and at the instigation of the defendant, Leonard Harper, and induced the accountant, Mr. Hargreaves, to disobey the order of the Court.

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WEDNESDAY, 5TH SEPTEMBER, 1888.

G. W. ELL continues evidence.

I SHALL require the attendance of the following witnesses: J. T. Matson, auctioneer, Christchurch; A. Ayers, auctioneer, Christchurch; T. G. Russell, solicitor, Christchurch; H. S. Austin, solicitor, Christchurch; J. Holmes, solicitor, Christchurch; — Stafford, solicitor, Wellington; E. G. Jellicoe, solicitor, Wellington; J. E. Denniston, solicitor, Dunedin; — Day, solicitor, Gisborne; — Brook, accountant, Wellington. I have applied to the Colonial Treasurer for authority for witnesses to be brought here at Government expense. As to the £35, I produce bill of costs of Hammer and Harper, mentioned in my evidence given 3rd instant. I received this on the 15th July. By Mr. Bloxam's copy of records of the same action (No. 683) the papers were received from Wellington on the 28th August, 1886. I was in error in swearing that the £35 came to Mr. Bloxam's hands on the 28th July, 1886. It now appears that it was not available before the 28th August, 1886. In Mr. Bloxam's copy of records (action No. 353), date the 1st December, 1884, "Case conducted, and adjourned *sine die* for certificates:" in No. 30 there is no entry of that date. The two