

part, covering all transactions between 1870 and 1873, such settled accounts are not to be disturbed; and it is further ordered that the defendants do pay to the plaintiff for his costs of and incident to the said application and this order, the sum of £5 5s. and all necessary payments out of pocket.

By the Court,
W. H. EYES, Deputy-Registrar.

B.

In the Supreme Court of New Zealand, Canterbury District. Between George Waldock Ell, plaintiff, and Leonard Harper, defendant.

Friday, 27th June, 1884.

UPON hearing H. S. Austin, of counsel for the plaintiff, J. C. Martin, of counsel for the defendant, and upon reading the summons of the plaintiff herein of the 2nd day of June instant, the affidavit of the plaintiff filed herein on the same date, and the order herein dated the 7th day of March last: It is ordered that so much of the aforesaid order as directs that the accounts and inquiries therein mentioned to be taken and made before the Registrar of this Court be rescinded: And it is ordered that such accounts and inquiries be taken and made before the Registrar and Mr. William Henry Hargreaves, of Christchurch, accountant, instead of before the Registrar alone: And it is ordered that in taking the aforesaid accounts, with regard to particular items, when vouchers have been lost or other evidence cannot be given, the books of account in which the accounts required to be taken have been kept by the defendants be *prima facie* evidence of the truth of such items, with liberty to the plaintiff to take such objections thereto as he may be advised: And that the costs and incident expenses of the said summons and this order be £3 3s. and all necessary payments, and that the same abide the event of this action.

By the Court,
A. R. BLOXAM, Registrar.

C.

Monday, 1st December, 1884.

(Mr. Austin for plaintiff, Mr. Martin for defendant.)

No further witnesses called. Case concluded. By agreement between counsel, interest on items to be calculated up to 30th November, 1884. A short statement of accounts as claimed by either side to be sent in by Friday next. Registrar and arbitrator ruled that there was a settlement of accounts between plaintiff and defendant in June, 1873, but that such account was an incorrect one. Mr. Martin asked for ruling on certificate whether or not defendant was induced at that settlement to accept as the balance due to him a less sum than was really due, in consequence of the representations and statements of plaintiff that he was unable to pay more. Mr. Austin asked for ruling on certificate whether or not, in the document transferring the balance of Minchin and Todman's land from Ell to Harper, there was an agreement embodied for the sale of such land for £1,200.

Adjourned *sine die*.

D.

Register No. 38,252.

Christchurch, August, 1875.

RECEIVED from the within-named George Waldock Ell the sum of £250, in full discharge of all principal moneys and interest secured by the within mortgage.

LEONARD HARPER, Mortgagee.

Witness—Thos. Papperill, clerk to Messrs. Hanmer and Harper, solicitors, Christchurch.
(Stamp.)

E.

In the Supreme Court of New Zealand, Canterbury District. Between George Waldock Ell, plaintiff, and Leonard Harper and Humphrey Hanmer, sole executor of the will of Philip Hanmer, deceased, defendants.

Wednesday, the 2nd Day of September, 1885.

UPON reading the affidavits of the said George Waldock Ell, filed herein the 29th day of August, 1885, and this day respectively, and the affidavit of James Crosby Martin, filed herein the 1st day of September, 1885: And upon hearing the said George Waldock Ell in person, and Mr. J. C. Martin, of counsel for the said defendants: This honourable Court doth hereby dismiss the motion of the said George Waldock Ell to vary the order made herein the 5th day of August, 1885: And, further, this honourable Court doth hereby order that the costs of this order, to be fixed at the sum of £3 3s., and the further sum of £1 3s. for out-of-pocket fees, making in all the sum of £4 6s., be forthwith paid by the said George Waldock Ell.

By the Court,
A. R. BLOXAM, Registrar.

(L.S.)

F.

In the Supreme Court of New Zealand, Canterbury District. Between George Waldock Ell, plaintiff, and Leonard Harper, defendant.

Wednesday, the 2nd Day of September, 1885.

UPON reading the affidavits of the said George Waldock Ell, filed herein the 29th day of August, 1885, and this day respectively, and the affidavit of James Crosby Martin, filed herein the 1st day