

of September, 1885: And upon hearing the said George Waldoek Ell in person, and Mr. J. C. Martin, of counsel for the said defendant: This honourable Court doth hereby dismiss the motion of the said George Waldoek 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 Waldoek Ell.

By the Court,
(L.S.) A. R. BLOXAM, Registrar.

G.

COPY of TELEGRAM sent by A. R. Bloxam to his Honour the CHIEF JUSTICE, Wellington.

ALL exhibits in charge were forwarded with papers. Deeds exhibited were returned to owners after accounts were taken. *Re* £250, credit was not allowed, as Registrar and accountant, on very full consideration of all land transactions, were satisfied money was not paid. When deeds put in as exhibits I called attention to receipt. Austin, for Ell, for first time claimed credit for amount. Matter stood over for further evidence. Harper brought evidence that money not paid. No further evidence for Ell. Land conveyed by Harper to Ell, March 20th, 1873, for £250. Mortgaged by Ell to Harper, March 21st, 1873, for £250. Receipt dated September 6th, 1875. Application to bring same under Act, September 7th, 1875. Mortgaged by Ell, with other sections, December 9th, 1875, to Ackland and Henry Harper for £800. Receipt indorsed June 20th, 1876. Transferred by Ell to Hanmer and Harper, June 20th, 1876, for £1,200. Accountant, W. H. Hargreaves, concurs in telegram.

Christchurch, 19th May, 1886.

A. R. BLOXAM, Registrar.

H.

No. 413. In the Court of Appeal of New Zealand. G. W. Ell, appellant, and — Harper, respondent.

I, JAMES PRENDERGAST, Knight, Chief Justice of Supreme Court of New Zealand, do hereby certify to the Registrar of the Supreme Court at Christchurch that, at a sitting of the Court of Appeal held at Wellington on Monday, 10th day of May, 1886, at which I presided, it is adjudged that the judgment in the Court below dated 22nd day of September, 1885, be set aside, and the certificate of the Registrar dated 11th March, 1885, be remitted to the Registrar and Accountant for review, each party to pay his own costs of the appeal.

Given under my hand and under the seal of the said Court at Wellington, this 5th day of June, 1886.

JAMES PRENDERGAST.

(L.S.) ALEX. S. ALLAN, Registrar.

I.

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

Wednesday, 2nd Day of September, 1885.

UPON reading the motion paper set down, and the affidavit of George Waldoek Ell filed herein on the 29th day of August, 1885, and the affidavit of James Crosby Martin filed 1st day of September: And upon hearing the said George Waldoek Ell in person, and James Crosby Martin, of counsel for defendants: It is ordered that the motion of the said George Waldoek Ell to vary the certificate of the Registrar and William Henry Hargreaves on the ground of mistake be dismissed, and that the said George Waldoek Ell do forthwith pay to the defendants or their solicitors the sum of £3 3s., costs of and incidental to the said motion, and the further sum of £1 3s. out-of-pocket costs, making in the whole the sum of £4 6s., and that the plaintiff do have leave to appeal from this order if such appeal lies.

By the Court,
(L.S.) A. R. BLOXAM, Registrar.

J.

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

Wednesday, the 26th Day of August, 1885.

UPON reading the affidavit of the said George Waldoek Ell filed herein the 15th day of August, 1885, and the affidavit of James Crosby Martin filed herein the 18th day of August, 1885: And upon hearing the said George Waldoek Ell in person and Mr. James Crosby Martin, of counsel for the said defendant: This honourable Court doth hereby dismiss the motion of the said George Waldoek 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 costs, making in all the sum of £4 6s., be forthwith paid by the said George Waldoek Ell.

By the Court,
(L.S.) A. R. BLOXAM, Registrar.