

*The Chairman*: What date?

*Mr. Bloxam*: The 28th. In accordance with the certificate of the Court of Appeal Mr. Ell desires to be reviewed all the items in the certificate, both on the debit and credit side, ticked in red, and objects to all such items being included in the account. He also claims that £147 13s., amount of bill drawn in settlement of stock account (exhibit H). [Vide No. 23 of Appendix No. 19.] In reference to the amounts of the items Mr. Ell stated that there was no question. Adjourned to Wednesday, 4th August, either party to bring such evidence on the items in question as they may deem desirable. Then on the 4th August the accounts were proceeded with. Mr. Martin was there and Mr. Ell. The first item stood over till the next sitting on Mr. Ell's application. Then the item which was claimed by Mr. Ell as having been included, and having no connection at all between himself and Mr. Harper, that item was referred by us to the Judge under rule 422, and together with all other items which would be affected by that rule also stood over till the ruling of the Judge was obtained. From that date all of these items were out of our hands so to speak, as we had not control over them. The other items were gone on with, and it was adjourned till the 11th August. Then on the 11th August, Mr. Ell having been adjudicated a bankrupt, of course the matter was at a standstill as far as the Registrar was concerned. Referring to the orders which we had yesterday, the Committee will remember they were made on the 2nd September, and taken out afterwards, on the 19th October. On the 2nd September these orders, which appear in two actions, 30 and 353, were made.

*The Chairman*: Was any order made about varying order of the 5th August by the Judge in No. 30?

*Mr. Bloxam*: I could not possibly say.

*The Chairman*: Is there anything at all to show that there was any order in No. 30 made to vary the order of the 5th August?

*Mr. Bloxam*: In the Court of Appeal records there appears to have been set down here on the 5th May, "in Ell v. Harper, No. 30: Jellicoe and Menteath filed order."

*The Chairman*: Do you know whether statement made in clause 5 [page 3 of this paper] as a charge against Mr. Bloxam has ever been mentioned before?

*Mr. Ell*: Yes, it has been mentioned before. I will bring proof of that. I have it here. This is the document. [Handed to Mr. Mills and read (not printed).] All these documents come through Mr. Bloxam's hands.

*The Chairman*: Do you mean to say, Mr. Bloxam, that these documents did not go through your hands?

*Mr. Bloxam*: They do not go through my hands.

*The Chairman*: Did you receive that letter from Mr. Ell, stating that he had withdrawn his retainer?

*Mr. Bloxam*: Very likely I did, and if he says so I do not dispute it.

*The Chairman*: Will you say Yes or No?

*Mr. Bloxam*: Yes. I wish to point out to the Committee, as regards this No. 5 [vide page 3 of this paper], a solicitor of the Court who is on the record must be discharged from off the record by the order of the Court. The officers of the Court simply have to acknowledge him. The whole thing is a matter of practice and procedure, and until he is discharged from there he has the right to come to me and claim to represent the action. On the 17th February, 1885, there was a summons before the Court for an order for change of solicitor, and an order was made on the 24th February appointing a Mr. Lynch as solicitor in place of Mr. Austin upon payment of Mr. Austin's costs. Then, again, on the 21st July, 1885, there was a motion for change of solicitor made by a Mr. Hamersley. On the 24th July that motion was adjourned till the 31st. On the 4th August, 1885, a motion to change solicitor was carried *in Banco*, Mr. Hamersley appearing for Mr. Ell, and Mr. Austin for the Official Assignee. On the 5th August, 1885, Mr. Austin, by his own consent, and on the application of Mr. Hamersley, was removed from the record, and Mr. Hamersley was appointed in his stead. We were then in this position: that Mr. Austin was on the record, and obliged to be recognised by the officers of the Court as entitled to appear; and to show that everything under the circumstances that we could do was done, though he was on the record; notice was given when those certificates were ready to Mr. Martin and Mr. Austin on the 20th February, as soon as the accountants' fees were paid.

*Mr. Ell*: Mr. Bloxam says that I have brought an action against Austin, and by some means this action was settled out of Court. Now, sir, Mr. Denniston (then a solicitor) appeared for me in that case, and Austin had to pay all costs in that.

*The Chairman*: You mean to say it was not settled out of Court.

*Mr. Ell*: Yes, that is what I say. As far as this man Austin is concerned, on the 16th March Mr. Bloxam filed, or allowed a motion to be filed, to turn the jury out of the box after I had paid Mr. Bloxam 10s. each to pay these gentlemen. I received back twelve half-sovereigns.

*The Chairman*: Is that correct, Mr. Bloxam?

*Mr. Bloxam*: On the 11th March, the day the money was paid by Mr. Ell, in order that there should be no question about this change of solicitors, a letter was written to Mr. Hoben, who appeared in the matter, that "the certificates taken by the Registrar are ready for issue. The solicitor on the record, Mr. Austin, has requested me to hand them over to him, which I intend to do to-morrow at 11 o'clock. As an order was obtained by Mr. Lynch for a change of solicitors in both cases, I forward above information to you in order to give Mr. Lynch an opportunity to take out an order should he wish to do so." An order must be made by the Judge, but unless it is taken out in a proper manner it is simply no order. That order for change of solicitor had not been taken out, and as Mr. Austin claimed the right, he still being on the record, I gave special notice in order to relieve myself from all responsibility in the matter.

*The Chairman*: Was the statement made by Mr. Ell, that he wrote a letter to you saying that he had withdrawn his retainer, correct?