

*Mr. Bloxam* : I do not know, although I do not deny it. It may be possible.

*The Chairman* : On receipt of a letter like that, is it customary to give a reply or not ?

*Mr. Bloxam* : I think Mr. Ell stated yesterday that there was a written reply.

*The Chairman* : No.

*Mr. Bloxam* : This is what it is [producing document (not printed)].

*The Chairman* : So that clears the matter up.

*Mr. Bloxam* : There is a difficulty in explaining this case. It is really the business of a solicitor to understand the practice of the Supreme Court.

*The Chairman* : When was Mr. Austin removed by the Court ?

*Mr. Bloxam* : Not until the 5th August.

*Mr. Ell* : Mr. Bloxam was well aware that, under the rules of the Supreme Court, a document of this kind ought not to be executed under two days' notice.

*The Chairman* : What document was that ?

*Mr. Ell* : Action 683, affidavit J. C. Martin, 16/3/85. [Not printed.]

*The Chairman* : Mr. Bloxam, is the statement made by Mr. Ell that this money was handed in correct ?

*Mr. Bloxam* : I do not know, although the jury fees might be paid in.

*Mr. Ell* :] After the jury was discharged, after this matter was taken notice of by the Judge, did you not in an envelope hand me back the money ?

*Mr. Bloxam* : I have no doubt, if the jury were discharged.

*Mr. Ell* : I had no notice of that document.

*Mr. Bloxam* : I do not know what Mr. Ell is referring to.

*The Chairman* : Do you know anything about that document ?

*Mr. Bloxam* : No.

*The Chairman* : Should there not have been two or three days' notice, Mr. Ell ?

*Mr. Ell* : Yes, two or three.

*Mr. Bloxam* : Whatever complaint there was, Mr. Ell should have made it to the Judge.

*Mr. Ell* : Before I had time to take this redress I was crushed in bankruptcy.

*The Chairman* : Will Mr. Bloxam tell us how it was that a summons was issued on the 17th February, 1885; and we have it on evidence that Austin was not discharged till the 5th August, nearly six months afterwards ?

*Mr. Bloxam* : Simply because no order was made.

*The Chairman* : That may be. I want to know how it was. Are we to understand that when a man sends you in a notice that it takes you six months to reply to it ?

*Mr. Bloxam* : I have nothing to do with that. If a party wants to have a summons heard, it goes in the ordinary course before the Judge—the officers of the Court have nothing to do with that matter.

*Mr. Ell* : In February I withdrew the retainer from H. S. Austin. In the previous December, on the finishing of the accounts before Registrar and arbitrator, it was proved by that evidence, and is shown by documents, that upwards of £3,000 was due on the accounts in actions 30 and 353. This was pointed out by me to Austin. He then agreed to accept an order upon any money that might come into Court upon his taxed costs. Before that could be carried out I was crushed into bankruptcy.

*The Chairman* : From the 1st April, then, Mr. Austin filed his account, showing how much Ell owed him.

*Mr. Ell* : That was six days after I was a bankrupt.

*Mr. Bloxam* : From that time he was not acting for Mr. Ell, although he was allowed to appear for him—he acted for the Official Assignee.

*The Chairman* : When was Mr. Ell adjudicated a bankrupt ?

*Mr. Bloxam* : On the 1st April, 1885.

*The Chairman* : It was December, 1884, you finished the accounts.

*Mr. Bloxam* : Yes.

*The Chairman* : Mr. Ell, were you adjudicated a bankrupt in 1886 too ?

*Mr. Ell* : Yes ; but that is a different matter.

*The Chairman* : When was this Austin business held—1886 or 1885 ?

*Mr. Ell* : 1885.

*The Chairman* : In Mr. Ell's statement he said that the Government instructed Mr. Graham to employ an accountant.

*Mr. Rees* : Mr. Kember was duly employed. After the question of Mr. Ell I tried to get a Committee of the House, but I did not succeed. Mr. Fergus asked me if Ell would be satisfied if he submitted these documents to Mr. Graham, as to whether they were false or not.

*The Chairman* : The question is this : You have stated here that Mr. Kember, certificated accountant, was duly employed. Do you mean that he was employed by you, or was he employed by Mr. Graham ?

*Mr. Ell* : I went to Mr. Kember first, and asked Mr. Graham to give Mr. Kember authority.

*The Chairman* : Did you employ Mr. Kember ?

*Mr. Ell* : Yes, I employed Mr. Kember, and Mr. Graham gave Mr. Kember authority.

*The Chairman* : You employed him.

*Mr. Ell* : Yes ; I suppose that is the way to take it.

*The Chairman* : Mr. Graham sanctioned the employment.

*Mr. Ell* : Yes.

*Mr. Bloxam* : Mr. Kember went through the accounts [*vide* Appendix No. 7], and certified there was due about £8,172. In 1889 Mr. Kember put in certain accounts, which were based upon some accounts prepared by Messrs. Brooks and Co. Messrs. Brooks and Co.'s accounts