

No. 5.

ALLEGED INCORRECT ORDERS.

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

Wednesday, the 2nd day of September, 1885.

UPON reading the affidavits of the said George Waldoek 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 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.

A. R. BLOXAM, Registrar.

(L.S.)
True copy.—W. H. EYES, D.R.

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, the 2nd day of September, 1885.

UPON reading the motion-paper set down, and the affidavit of the said George Waldoek Ell, filed herein on the 29th day of August, 1885, and the affidavit of James Crosby Martin, filed on the 1st day of September instant, the further affidavit of the said George Waldoek Ell, and upon hearing the said George Waldoek Ell in person, and Mr. James Crosby Martin, of counsel for the defendants, it is ordered that the motion of the said George Waldoek Ell to vary the certificate herein 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 solicitor, 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 the order if such appeal lies.

By the Court.

A. R. BLOXAM, Registrar.

(Seal of the Supreme Court of New Zealand.)

Office copy.—R. W. MATHIAS, Deputy Registrar, Supreme Court, Christchurch.

ALLEGED WRONGLY-DATED ORDER.

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

Wednesday, the 22nd day of September, 1885.

UPON the application of Mr. J. C. Martin for the said defendant, and upon hearing the said George Waldoek Ell in person, and upon reading the affidavit of William Dinwiddie, filed herein the 22nd day of June, 1885, it is hereby ordered that the defendant do recover from the said George Waldoek Ell, and the said George Waldoek Ell do forthwith pay to the said Leonard Harper, the sum of £2,166 9s. 7d., and the further sum of £175 13s. 8d., being interest on the aforesaid sum of £2,166 9s. 7d. at the rate £10 per centum per annum from the 30th day of November, 1884.

(Seal.)

Entered, 9th October, 1885.—W. H. E., D.R.

Note by Mr. Ell.

THIS order was made on the 2nd September, 1885. There was no such case before the Court on the 22nd September, 1885.—G. W. ELL.

This is the judgment that was set on one side by the Court of Appeal, 5th June, 1886, and also fixes rate of interest.

I have no doubt their Honours, on hearing the appeal, and having pointed out to them that this order was false in date, and having before them also the false order on the dismissal of the other two motions, on ground of mistake, saw the wrong, and so killed the judgment.—G. W. ELL.]

No. 5A.

NOTICES OF MOTION

Action No. 353.

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

MR. GEORGE WALDOEK ELL, the plaintiff, in person, or counsel on his behalf, to move, on Wednesday, the 2nd day of September, at 11 o'clock in the forenoon, or so soon thereafter as they can be heard, for an order to set aside the certificate or report of the Registrar and accountant in this case, on the ground of mistake.

Dated this 28th day of August, 1885.

G. W. ELL.

[Heard, 2nd September, 1885. Dismissed with costs, with leave to appeal, if appeal lies.—ELL. (See Registrar's Supreme Court records, No. 353.)]