

DEAR SIR,—

123, Princes Street, Dunedin, N.Z., 22nd March, 1892.

I am in receipt of your letter of the 19th instant, in reference to a report made by me on your petition to the House of Representatives. You will see that it is entirely out of place to discuss with you the matter of my opinion. I am not aware that I had not before me all the papers that were before the Committee. I shall forward your letter to the Government, as I think both your letter and my reply ought to be filed with the papers.

Yours, truly,

Mr. G. W. Ell, Wellington.

ROBERT STOUT.

No. 15.

AFFIDAVIT BY MR. ELL, IN REPLY TO SIR R. STOUT.

AFFIDAVIT made by George Waldo Ell, in answer to an opinion of Sir Robert Stout, dated 19th November, 1891, upon a report of the Public Petitions M to Z Committee, dated 19th day of August, 1891.

I, GEORGE WALDO ELL, make oath and say as follows:—

1. That the following documents have not been placed before Sir Robert, but they were placed before the Committee M to Z, and carefully considered by those honourable members in making the above mentioned report.

2. Sir Robert makes no mention of paragraph 3 in document No. 1, in which action No. 30 there stands a judgment, by consent, to my credit more than £2,400, with interest by decree of Court at £10 per cent., since June, 1885, to be added.

3. That Sir Robert, referring to paragraphs 5 and 6, is quite in error; he should have had before him the summons and order dated 29th of October, 1884, and affidavit, Court of Appeal, May, 1886, that were before the Committee, then he would have come to the same conclusion as the Committee. Documents referred to, No. 2.

4. That Sir Robert, when referring to paragraph 7 of report, should have had Mr. Bloxam's receipt to Mr. Cooper, the Deputy Registrar at Wellington, dated the 25th of June, 1885, for all papers in actions Nos. 30 and 353, also numbered 2.

5. That Sir Robert Stout, when referring to paragraph 9, should have had before him Supreme Court Records No. 4, and he would at once have seen that the documents that Mr. Bloxam received on the 28th August, 1886, belonged to action 683, had nothing whatever to do with the Court of Appeal in May, 1886. That was how Mr. Commissioner Conolly was deceived by Mr. Bloxam; the documents were in his office at the time.

6. In reference to paragraph 11, Sir Robert could not have had before him the Court of Appeal papers, May, 1887, that were placed before the Committee from the Court, or he would have seen the position both Weston and Haskins placed themselves in under clause 201 of the Bankruptcy Act, besides proving that the Official Assignee endeavoured to crush me by accepting false proofs of debt.

7. Sir Robert was kind enough to engage Mr. P. Levi to appear for me, and Mr. Stafford appeared for Weston; but, because I was under the wrong rules, the case was not gone into any further than Weston, through Mr. Stafford, saying that he had no claim against me for £5,138, although he (Weston) had sworn that he had; so the Court of Appeal was the means, at any rate, of ridding me of Weston's false declaration.

8. That when Sir Robert refers to paragraph 14 of report, he is again quite in error: for had he before him Registrar's certificate No. 353, and the figures supplied to him, the Registrar, on the 5th of December, 1885, by the defendant's solicitor, Mr. J. C. Martin, he would have at once seen that the Registrar had adopted in his certificate those said figures almost *in globo*, and suppressed the evidence written by himself, and thereby making a certificate £2,166 against me instead of £1,538 in my favour. This document is numbered 5.

9. That if Sir Robert had placed before him the same documents that were placed before the Committee and Mr. Kember—namely, Registrar's notes of evidence, No. 3; figures supplied by defendant's solicitor, No. 4, dated the 5th of December, 1884; defendant's accounts, No. 5; plaintiff's accounts, No. 6—Sir Robert would have come to the same conclusion as the Committee had done, and found that between £6,000 and £7,000 is due to your humble petitioner.

10. That the affidavit of Mr. Leonard Harper referred to by Sir Robert was filed without any notice to me, and therefore I did not discharge Mr. Brook so soon as I should have done; that any letters Brook and Co. may have written to Mr. Harper have nothing whatever to do with me, as shown by Mr. Graham's letter to the Department of Justice.

11. That on page 8 Sir Robert says, in his opinion, "It is clear, therefore, that any rights Mr. Ell may have had have passed to his Assignee in Bankruptcy, and the Government cannot interfere in the matter," whether I was made bankrupt illegally or not. Mr. Latter had enough money in hand to have collected my assets in August, 1886, to have paid my just debts, under clause 112 of the Act, which is perfectly fair; this is proved by document No. 8.

12. That, also on page 8, Sir Robert says, that Ell "desires to make out that money is due to him." The certificate by Mr. Kember was prepared by request of Mr. Graham, through Mr. T. B. Fleming, now Assistant Inspector of Education, as shown in Mr. Graham's report, No. 24.

13. That Sir Robert says it is strange that none of the creditors moved in the matter. Weston now states there is nothing due to him; therefore he was not a creditor in law. See document No. 9.

14. That Haskins was not a creditor in law. See document No. 10.

15. That, neither Weston or Haskins being qualified to vote, the Assignee had, I submit, no right even to offer my assets for sale to Mr. Harper. The only other creditors were Holmes and Loughrey, who refused to attend the Assignee at all.

G. W. ELL.

Sworn at Wellington this eighteenth day of August, 1892. Before me—
Jackson Palmer, a Solicitor of the Supreme Court of New Zealand.