

No. 16.

DOCUMENT HANDED IN BY MR. BLOXAM.

Mr. Justice Johnston's Notes.

5th August, 1885.

(Fol. 160.)

Official Assignee *v.* Harper : To vary certificate, Supreme Court. Official Assignee, *Ell v. L. Harper*.
(No. 353) : Hamersley—Time enlarged to 30th September.

CERTIFICATE adopted, 26th March. 25m. Motion to have it varied returnable 1st April; before motion called on, *Ell* adjudicated bankrupt. Motion not heard. Adjudication cancelled, 3rd June. Now applies for extension. Martin opposed. *Ell*'s affidavit, paragraph 7 : From 3rd June to 28th July *Ell* never made application, although he has recovered a judgment and order to pay into Court. Even if month ran from 3rd June (rule 433) now entitled to come for judgment, and if time granted, only in terms, paying money into Court or finding security.

Time extended to 2nd September to hear motion to vary certificate, terms, payment into Court of amount of certificate and costs, or security thereof to satisfaction of Registrar. Notice, 14 days.

Nos. 30 and 353.—Official Assignee of *Ell v. Harper* : Motion for judgment for defendant, Supreme Court, till after 2nd September. Official Assignee, *Ell v. Harper* : Motion to vary certificate. Austin for Official Assignee. Withdrawn.

By Council in both actions name of Official Assignee withdrawn, and name of *Ell* substituted; rule to be drawn up after rule for enlarging time to vary certificate.

In both cases : By consent, Austin's name removed from record, and Hamersley's put on as solicitor before rule.

Wednesday, 12th August, 1885, 11 a.m.

(Fol. 170.)

Nos. 30 and 353.—*Ell v. Harper* : *Ell* in person; Martin for defendant. Two witnesses, same in two actions.

ELL moved that certificate in both actions may be varied or set aside on ground of fraud.

In action No. 30 : Accounts ordered in both cases, taken together before Registrar. (Martin : Accounts taken in one action first, and, by consent, the evidence in first action used as evidence in the other, leaving to Registrar discretion to charge items to proper account.) Received his affidavit. I refused to grant the motion, with costs, £3 3s. in each case. I refused leave to appeal.

August 26th, 1885.

(Fol. 193.)

No. 353.—*Ell v. Harper* : *Ell* in person. Martin for defendant.

ELL moved to vary order of 5th August, by striking out part referring to fixing security or paying money into.

Summons discharged, with costs three guineas.

Wednesday, 2nd September, 1885, 11 a.m.

(Fol. 194.)

No. 353.—*Ell v. Harper*.—Martin moved for judgment. *Ell* read affidavit : Martin read affidavit. Orders of 5th August for time to 2nd September on terms; terms not complied with.

Judgment, *Ell v. Harper*.—Action No. 30, Wednesday, 2nd September, 1885.

ELL wanted postponement. Martin refused to consent to adjournment. *Ell* : Motion to vary and set aside certificate on ground of mistake; rule 433. Affidavit in action No. 30, 29th August, showing improprieties in items of account; error in accounts; delay; conversation with Hamersley. Martin : Mistake, Wharton; unintentional act or omission arising from ignorance or imposture. Affidavit in reply, and affidavit 11th August : Notice given; answer to collusion; not aware of any error. *Ell*, in reply. I held mistake in end of rule 433 does not mean erroneous claims as to amounts.

Motion dismissed, with costs three guineas.

Leave to appeal if appeal lies.

No. 353.—Same *v.* Same.—*Ell* moved (similar case.)

Motion dismissed, £33 3s. costs.

Leave to appeal if appeal lies.

No. 17.

LETTER FROM MR. HARPER TO THE CHAIRMAN OF THE PUBLIC PETITIONS A TO L COMMITTEE.

SIR,—

Hereford Street, Christchurch, N.Z., 30th August, 1892.

I have the honour to acknowledge the receipt of your telegram of the 25th instant, and beg to thank you for your courtesy in sending it to me.

Since receipt of it I have seen a copy of the petition presented on behalf of Mr. G. W. *Ell*.

I was absent from the colony during the last session of Parliament, but I observe, from reference to *Hansard*, that the petition practically consists of the report of the then Committee as presented to the House.

I understand that this report was entirely based upon the uncorroborated evidence of Mr. *Ell*.

It contained charges affecting the Registrar of the Supreme Court, and Mr. Latter, when Official Assignee in Bankruptcy, which I submit do not concern me; and I have no doubt that these gentlemen would satisfactorily explain matters if the Committee require their attendance. As regards so much of the petition or report therein set out which refers to the judgments of the Supreme Court in the actions of *Ell v. L. Harper*, and *Hanmer and Harper v. Ell*, I wish to state that all accounts and matters referred to in Mr. *Ell*'s petition have been the subject of inquiry by the Registrar of the Supreme Court, and Accountant appointed by the Court, and, subsequently, by Judges of the Supreme Court whose judgments have dealt with the whole matters in dispute, and