

ing security in Court?—I do not remember specifically without looking to the books. That is he note.

138. Now, Mr. Bloxam, on the 14th August, Mr. Ell set down a motion to vary that order by striking out the part varying the security or paying money into Court?—On the 19th there was a motion of some sort to vary order of the 5th August; that was adjourned to the 26th, and on the 26th a motion to vary the order of the 5th August was discharged with £3 3s. costs.

139. Then, Mr. Bloxam, that motion to vary the order of the 5th August was finally disposed of on the 26th August?—Yes, apparently it was.

140. Was it or was it not?—That motion was.

141. Was there any other motion taken out to vary the order of the 5th of August, between that and the 2nd of September?—There was a notice of motion of some sort set down on the 28th.

142. Is not that notice of motion to vary certificate?—That notice of motion is to set aside certificate or report, on the ground of mistake.

143. Was not there one in each action?—Yes.

144. On the 9th of August there is an affidavit amongst the papers put in, and on the 1st September another affidavit—one by Mr. Ell, and another by Mr. Martin, on the 29th of August and 1st of September. In what matter were those affidavits made?—I cannot say. Mr. Ell's affidavit speaks for itself. Regarding Mr. Martin's affidavit it contradicts a statement in Mr. Ell's affidavit on the 2nd September.

145. Those affidavits could not have been filed in support of motion of the 26th August?—No.

146. On the 2nd of September, was there any motion of Mr. Ell's before the Court to vary the order of the 5th August?—No, there was not.

147. Order of the 26th August marked "Exhibit 23"—that is the order dismissing Mr. Ell's motion to vary the order of the 8th August, is it not?—Yes, it is.

148. That was taken out on what day?—It was taken out on the 2nd of September.

149. Looking at orders "Exhibits 23 and 25," could you say now whether those orders are correct orders or incorrect orders?—These orders tally with the entry in the minute-book on the 2nd September.

150. Are those orders incorrect orders?—Without going into the question with Mr. Dinwiddie and seeing all the papers which he drafted, and which he put in his orders, I cannot admit that they are incorrect. That is my signature to the orders. They would be read over in the office, and I should then sign them.

151. Then what time would Mr. Ell have to appeal to the Appeal Court on such an order as that?—Within thirty days.

152. Can you say whether he did appeal against those?—By the appeal papers put in he had copies of these orders before the Court of Appeal, and referred to them in his affidavit.

153. On the 19th October Mr. Ell took out another order, did he not? What we call correct orders of that date; "Exhibit 28," that purports to be the order or the motion of the 2nd September?—Yes, that is so.

154. Do you know whether he appealed on that?—I do not know what he appealed on. I never saw the Court of Appeal papers until they were opened here the other day.

155. The Judge's notes of the Court of Appeal are referring to the appeal against the order of the 5th August, are they not?—The notes speak for themselves.

156. What is motion in Court of Appeal papers No. 396?—Motion for leave to extend the time within which to appeal against the orders of the 2nd September. [Papers put in, and marked as "Exhibit 94."]

157. The orders taken out by Mr. Ell on the 19th October were too late for him to appeal on, if he wanted to?—Yes, unless the Court gave him special leave to do so.

158. Do you know, Mr. Bloxam, whether Mr. Ell went to the Court of Appeal again on these orders of the 2nd September in May 1886?—I do not know. The papers speak for themselves. [All Court of Appeal papers No. 412 put in, and marked as "Exhibit 95;" also Court of Appeal papers No. 413 put in, and marked as "Exhibit 96."]

159. Do you remember telegram marked as "Exhibit 32"?—Yes.

160. What is the date of it?—Dated 19th May, 1886.

161. Sent by you to the Chief Justice?—Yes, in reply to a telegram from the Chief Justice.

162. That was at the time Ell's appeals were before the Court?—I take it they were before the Court of Appeal that day.

163. You state there that the matter of that £250 stood over for further evidence?—Yes.

164. And that Mr. Harper brought forward that further evidence?—Yes.

165. Is that statement true? Answer me, Yes or no.—If I had known an inquiry seven years after had been going to take place with reference to the wording of it, I might have been more particular how it was worded. There is no doubt that I must have gone into the deeds at some time or another, and they were evidence. What was in my mind at the time I wrote this I cannot possibly recollect. The telegram was shown to Mr. Hargreaves before I sent it, because he was the accountant in the case, and he concurred in it. I see it is marked "Urgent," and I have no doubt it was written immediately on the receipt of the telegram from the Chief Justice, and, from one's recollection at the time, without reference to the papers.

166. Speaking of the attempts that have been made to show that Mr. Ell was in no hurry to take accounts after the Court of Appeal had set the judgment aside, is this correct?—The facts are simply as I have related. On the 28th day of June, Ell came to my office and asked for the appointment, and so on, as I have stated.

167. Mr. Jellicoe came the next day, and stated that Mr. Martin had the carriage of the order?—Yes; Mr. Jellicoe had come down to Christchurch, and his interview with me was in reference to the writ of sale; and then we had a conversation on the 29th with reference to the carriage of the order.