

1893.
NEW ZEALAND.

G. W. ELL'S CASE

(LETTERS FROM MESSRS. LATTER AND HARGREAVES RELATIVE TO.)

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

Mr. E. C. LATTER to the Hon. the MINISTER OF JUSTICE.

SIR,—

Christchurch, 1st August, 1893.

Referring to the report of the Commissioners on the Ell inquiry, I have the honour to ask your consideration of my remonstrance against the conclusions they have arrived at as far as they personally affect me.

Out of thirteen charges made by Mr. Ell, the Commissioners state that I was in error as to two, namely:—

1. That I was wrong in accepting Nathan's proof of debt. My reply is that the proof was based upon a document which was a promise to pay; and though its terms were unusual, its legality could only be upset by a decision of the Supreme Court, to which Mr. Ell might have appealed at any time.

2. That I did not ascertain the value of Ell's books. This is against the evidence, which shows that the books had been assigned to Nathan, and that I found that they were the records of a butcher's business, which had been closed over two years, during which Nathan had collected all that he was able, the result being only £24.

The charges lately made by Mr. Ell have previously (and on several occasions) been heard by their Honours Justices Johnston, Ward, and Denniston in the Supreme Court, and also by Mr. (now Mr. Justice) Conolly under Royal Commission; and the judgments having been invariably in my favour gives me, I respectfully submit, good grounds for remonstrance against the present conclusions of Messrs. Thompson and Turnbull, as no fresh evidence was submitted by Ell, and their decision has placed me in an unfair position. I was advised before the commencement of the inquiry that I could not be called upon to attend before the Commissioners except as a witness upon subpoena to answer such questions as I might be asked; but, knowing that this course would materially lengthen the proceedings, I attended gratuitously for twelve days, assisting to unravel the complications and to show the fallacy of Mr. Ell's claims. I am therefore disappointed and surprised to find that the Government propose to pay me only one-half of my counsel's fee of £50 for his attendance on the Commission for fourteen days, and for getting up the facts of the case.

I respectfully urge the reconsideration of this decision; as to impose this liability upon me would, I submit, be unjust, and I think I may refer with confidence to my services during the time that I had the honour to hold the position of Official Assignee, as deserving more generous treatment.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

E. C. LATTER.

No. 2.

Mr. W. H. HARGREAVES to the Hon. the MINISTER OF JUSTICE.

SIR,—

Christchurch, 1st August, 1893.

I have the honour to advise you that in giving my evidence before the Commissioners I quite inadvertently gave £5,619 9s. 11d. as the original amount of Messrs. Harper and Co.'s claim against Mr. Ell, whereas the proper amount should have been £1,003 2s. 11d.

The error arose by my referring to the last sheet of the copy of Harper and Co.'s accounts, which consisted of memoranda of sundry surcharges and interest for and against the parties, the total being the first-named sum. I think it well to notify this error, as I understand the evidence is printed, and will form part of the records of the House. I would, therefore, respectfully urge that my letter as printed in the *Press* should also form part of the records attached to the evidence, and beg to enclose a printed copy of same.

I should mention that the error above named does not in any way affect the result arrived at by the Registrar and myself

I have, &c.,

The Hon. the Minister of Justice, Wellington.

W. H. HARGREAVES.