

what conclusions were arrived at. This is an account with interest added to it, but there is no indication as to what the items represent. There is nothing in the certificate as to the evidence the Registrar has acted on. This being so, no Judge could make a decree on such materials. That was the position the matter was in before Mr. Justice Johnston, and we think if this had been represented to him he certainly would not have made the decree.

“It is the fault of the appellant that he has consistently made wrong applications. In this case, he was making application to review the certificate on the ground of mistake; and the *Judge decided rightly that there was no mistake, and he was right in refusing to review on the ground of mistake in the sense of that term in the rule.* But, as we find ourselves unable to make a decree upon this certificate, so he should have found himself unable to do so. Before concluding, I think I ought to say that the blame falls more on the representatives of the litigants than on the Registrar, in making his certificate and proceeding as he has done. The Registrars in the Supreme Court have not had the experience they have elsewhere, and it is incumbent on litigants to see that the proceedings are taken in the manner contemplated by the rules. The costs ought to fall on those who represent the litigants, but there is no complaint against the officer. We therefore think the judgment ought to be set aside, and the certificate reviewed. We have considered whether or not we can limit the items on which the review should take place; but, on the whole, we think in the interests of both parties it should be at large. Most of the items will, no doubt, be agreed to, and only a few of the matters gone into again, *and the evidence already taken can be admitted to be sufficient.* We think each party must pay his own costs of this appeal, as the appeal was limited to the certificate being void on the ground of mistake; but the case goes back on entirely different grounds—namely, that the Court itself, seeing the certificate, finds it so insufficient that no conclusion can be come to on it. The other two appeals, inasmuch as the appellant has not come within the right time, the orders appealed from being interlocutory orders and orders of refusal, must be dismissed with costs in each case on the lowest scale.”

“The judgment was that of the Chief Justice and Justices Richmond and Williams. The judgment negatives the 5th and 6th conclusions of the Committee.”

It will be seen from the judgment that the Court of Appeal did not refer back the accounts on the grounds stated either by Mr. Ell or the Committee. We, however, proceeded with the review of the accounts from the 28th July to 11th August, 1886, and ceased on the latter date, in consequence of Mr. Ell's bankruptcy on the 6th August, 1886. During the last sitting Mr. Ell wished to proceed through his son, *to whom he had assigned his estate some two months' previously.* This we declined to do, and this is the point at which the case has remained until now.

It is not difficult to foresee the complications that may arise if the Commissioners' recommendations are carried out. In conclusion, I think Sir Robert Stout's closing remarks in his report to the Premier are very pertinent—namely: “If the Government or Parliament is to interfere in every case in which the litigant after patient hearing has lost his case in the Supreme and Appeal Courts, I am afraid the functions of Parliament will be very largely increased. I can see nothing from the documents presented to me warranting the interference of either Government or Parliament.

Yours, &c.,

W. H. HARGREAVES.

Christchurch, 25th July, 1893.

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