

acknowledge receipt of your letter, number and date quoted in the margin, with reference to your request to be supplied with copies of certain documents in connection with the case of Mr. G. W. Ell. And, in reply, I am directed by the Minister of Justice to inform you that he is satisfied that Mr. Ell has no real cause of complaint, and that it is not intended to proceed any further in the matter. Under these circumstances it is scarcely worth while to furnish the copies asked for." [Copy of letter put in, and marked as "Exhibit 87."] I propose to put in an extract from the record-book, showing all documents filed in actions No. 30 and No. 353. [Documents put in and marked as "Exhibit 88," No. 30; and the list in connection with No. 353 marked as "Exhibit 89."] I propose to put in, *en masse*, the whole of the papers in actions Nos. 30 and 353. [In action No. 30, marked as "Exhibit 90." In action No. 353, papers marked as "Exhibit 91." Four of Judge Johnston's note-books put in and marked as "Exhibit 92." All bankruptcy papers in bankruptcy, No. 555, put in and marked as "Exhibit 93."]

79. *Mr. Lusk.*] Of course, you remember the adjournment of accounts in December, 1884?—I do not remember it specifically, except from my notes.

80. On that date, the 1st December, 1884, you made an entry on the Supreme Court records, on the conclusion of the taking of the accounts?—Yes, that would be entered up.

81. I suppose the entry there would be the correct entry of what took place at the time?—Yes, it would be the correct entry.

82. What is that entry?—"Case concluded and adjourned *sine die* for certificate." The entry is made by the Deputy-Registrar and signed by me.

83. Then, on the 1st December the whole matter was concluded, and you retired to consider the verdict?—Yes, unless we wanted to call them together again.

84. You remember at the taking of the accounts the question of the settled account?—Yes.

85. You state here, Mr. Bloxam, that "Mr. Austin applied to the Court for an order that the stock accounts were not to be disturbed"?—That is my impression; the papers will show what the motion was.

86. The papers were filed with you in the office of the Court?—Yes.

87. Did you or did you not know what was referred to the Court?—I understood that Mr. Austin wanted that the account which he then put in should be taken as the settled account and the basis upon which we were to start.

88. That is to say, the stock transactions?—Yes; the stock account, as put in by him, as the basis of the whole of the transactions.

89. You gave us a whole lot of instances, Mr. Bloxam, to show the reason you did not treat this as a settled account of all transactions. Is there a solitary instance in all that you have given us to show that Mr. Austin wanted that settled account to include all transactions in land prior to 1873?—I do not understand your question.

90. Do you know what Mr. Austin asked for in this summons concerning settled accounts ("Exhibit 7")?—I do not know without seeing it. My impression is as I stated it. I know he did not get what he wanted.

91. What Mr. Austin asks for in this summons is that the Court should declare this settlement in 1873 as a settlement of all stock accounts up to that date, and why the Registrar and Accountant in taking such stock accounts should not as to such stock accounts start from the said settlement of accounts. Is that what you understood Mr. Austin was asking for?—I understood he was asking for it as a basis of all accounts.

92. Do you know whether anything more than was asked for was argued before the Judge?—I do not remember what was argued before the Judge; but I know the Judge would not make the order in terms of that summons.

93. At any rate the Judge made his order on that summons?—Yes.

94. Do you know what the Judge's order made on that summons was?—The Judge's book will show.

95. Now, Mr. Bloxam, you have tried to-day to show in your evidence the reason you took no notice of this settled account was that it was not in terms of the order?—That is so.

96. Now, Mr. Bloxam, when did you first discover that point?—At the time.

97. On the 1st December you found that there was a settled account?—Yes; we found that there was a settled account referring to that stock account, but that it was incorrect. In other words it did not cover all transactions between the parties.

98. Not all stock transactions?—No, not all transactions.

99. That is what you say you meant when you used the word "incorrect"?—Yes.

100. Do you remember giving evidence before Mr. Conolly?—Yes, I remember giving evidence.

101. Did you give evidence on the 19th November, 1888?—Yes; I gave evidence then.

102. Why did you not explain the meaning of the word then to Mr. Conolly?—The evidence as printed was simply answers to questions given by Mr. Conolly. I feel perfectly sure it was never read over nor ever signed. Mr. Conolly had been in a difficulty when Mr. Ell retired from the Commission.

103. Do you want to say that this is not correct as taken down—that is, the evidence?—No; I do not say it is incorrect.

104. You say "Mr. Austin had applied on the 17th October for an order that the defendants should be bound by the settled account of June, 1873, and that in taking the accounts we should start from that date; but the Court would only grant the order whereby we were only to be so bound if we were satisfied as to such being a settled account. We then gave our finding that there had been a settled account as above, but that it was an incorrect one, and we informed Mr. Austin thereof at the time." Was that what you said?—I cannot tell you whether it is absolutely correct or not.