

SESS. II.—1891.
NEW ZEALAND.

PUBLIC PETITIONS M TO Z COMMITTEE.

REPORT ON THE PETITIONS OF REV. J. J. LEWIS AND 515 OTHERS, AND M. TREVEY AND 120 OTHERS OF WELLINGTON. SESSION II., Nos. 48 AND 143.

Brought up 19th August, 1891, and ordered to be printed.

PETITIONERS state that they believe that serious wrongs have been inflicted upon one G. W. Ell by the process of the Court of Bankruptcy having been used improperly to stay him in vindication of certain claims urged by him against Mr. Leonard Harper and others. They pray for relief.

I am directed to report :—

1. That one George Waldock Ell was formerly connected in business with the Messrs. Harper, of Christchurch, in cattle, stock, and other dealing.

2. That on ceasing business operations legal proceedings were commenced by Ell against the Harpers and by the Harpers against Ell.

3. That Ell obtained judgment against Harper and Hanmer for upwards of £2,000, for which, together with costs—in all, £2,400—judgment was signed in Christchurch, which judgment still stands, but is unsatisfied.

4. That in the action against Ell accounts were taken by the Registrar at Christchurch.

5. That the said Registrar, in disobedience to an order of the Supreme Court, went behind a settlement of accounts made between the contesting parties in 1873, and brought in a verdict for the Messrs. Harper against Ell for upwards of £2,000.

6. That thereupon Ell appealed against the said last judgment, and the judgment was set aside by the Court of Appeal, and referred back to the Registrar (and Accountant) at Christchurch, on the ground that he had no right to inquire into accounts prior to the settlement between the parties in 1873.

7. That when the verdict of the Court of Appeal, under the hand of the Chief Justice, was transmitted to Christchurch all the papers were then sent to the Registrar there by Mr. Cooper, then Deputy-Registrar at Wellington.

8. That on returning to Christchurch Ell received notice from the Registrar to attend for the purpose of completing the accounts.

9. That on Ell attending the office of the Registrar for that purpose the Registrar stated that he had not received the papers from Wellington, though as a matter of fact he had received them, and they were in his office at that time.

10. That pending the proceeding with the accounts, the delay being thus caused, proceedings in bankruptcy were taken against Ell, and he was adjudicated a bankrupt.

11. That the three debts upon which he was adjudicated and kept in the Bankruptcy Court were proofs : (1.) By T. S. Weston, for upwards of £5,000, arising in three years out of an alleged debt of £103, of which Ell states only £17 was due, as the Trustee in Bankruptcy could have satisfied himself if he had ordered Mr. Weston to produce the books. (2.) A proof for £121, by F. T. Haskins, which was subsequently illegally altered to £21 odd, which £21 odd had already been recovered by the said F. T. Haskins against Ell in the Resident Magistrate's Court at Christchurch, and paid by him, as the Court proceedings showed. (3.) The whole claim proved in this case had been already paid by Ell's Assignee in Bankruptcy under former proceedings against Ell.

12. That the Registrar in Ell's bankruptcy refused to go on with the accounts in the second action, and they have never been taken by the Registrar to this day, although the whole of the proofs on both sides have been lodged in Court.

13. That two several Commissions have been appointed, on petition by Ell, to examine into this case, the first addressed to Mr. (now Mr. Justice) Conolly, who reported partially in Ell's favour and partially against him ; the second to Mr. C. C. Graham, the Official Assignee in Bankruptcy, who inquired more minutely into the proceedings of the Bankruptcy Court, and who ordered an investigation into the accounts in the second action by Mr. Kember, a certified accountant.

14. That the said accountant, Mr. Kember, examined into the accounts furnished by both parties in the second action, and certified that in that action there was due to Ell a further sum of £1,530.

15. That the total amount in the two actions, therefore, with costs, and interest 10 per cent., as stated by Ell to have been ordered by the Supreme Court, would amount to a sum of between £6,000 and £7,000.

16. That upon the proofs of debt before alluded to Ell has been kept in the Bankruptcy Court for five years.

17. That the Official Assignee in Bankruptcy in Christchurch, Mr. Latter, obtained his release from Ell's estate by an order made some time since, and has since resigned from the position of Assignee in Bankruptcy.

18. The Committee are therefore of opinion that Ell has suffered grievous wrong by the abuse of the powers of the Courts of Law and Bankruptcy, and beg to recommend that he be appointed trustee in his own estate, or that some other impartial person be so appointed—First, for the payment out of his estate of all his just debts; Second, to hold the residue of his own estate, if any, for his own benefit.

19th August, 1891.

H. S. FISH, Jun., Chairman.

Approximate Cost of Paper.—Preparation, not given; printing (1,300 copies), £1 3s.

Price 3d.]

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1891.