

4th August at 11.30 a.m., as some papers had not been returned from Wellington or Christchurch.

*Mr. Ell*: The documents used I lent Mr. Bloxam, but I never had them back.

*Mr. Rees*: The next time we meet Mr. Ell he is thrust into the Bankruptcy Court. Then we have Mr. Cooper's letter returning all the documents [*vide* Appendix No. 6]; and on the 30th there are entries of the receipt of all these papers so far as Mr. Bloxam is concerned.

*Mr. Lake*: You say that notice was given to Bloxam by Ell—that Bloxam gave notice to Austin, but not to Ell; and that at the further meeting Bloxam allowed Austin to appear.

*Mr. Rees*: On the 5th of February, not only did Austin receive notice of the withdrawal of the retainer, but Mr. Bloxam received notice of it. On the same day he saw Mr. Martin, who was acting for Mr. Harper. He saw him alone on the 5th of February, 1885; and he went with Mr. Martin into some of these accounts. Then Ell believed that all the accounts were closed. Appointments were for the 10th February, to proceed with the accounts. Ell gets no notice of that whatever; it is adjourned to the 13th. Austin appears and Martin appears; but Ell has no further notice at all. There is not a tittle of evidence in these papers that Ell received any notice. The books show exactly how it was. The case was concluded on the first of December—that is, concluded and adjourned. The orders and certificates correspond with the whole of the notes. Although Ell had dismissed his solicitor, the Registrar goes on. On the 22nd of December the fees for the accounts were made up. They came to £11 odd—that is, the Registrar's fees up to the 1st of December, 1884. Ell paid £11 5s. When he goes for the certificate Mr. Bloxam charged him £88 4s. The last entry is 30th June: "28th: Received all the papers from Wellington." There are no papers received after that. There are no entries of papers on the 30th—no entry in action 353. The papers were all sent back together. No papers were received in these actions after that, except papers in 683.

*Mr. Bloxam* (to petitioner): As to the charge in No. 5 [*vide* page 3 of this paper]: has it ever been made before by you in any of your petitions—any charge before Mr. Conolly; or, if so, has the charge ever been filed?

*Petitioner*: Certainly, on several occasions.

*Mr. Bloxam*: If there had been it would have been amongst those mentioned in Mr. Conolly's report; but first of all as regards the settlement of accounts: With regard to that, I would first point out that in Mr. Conolly's report that was one of the charges which had been before him as Royal Commissioner. On that charge in his report he says—

*Mr. Rees*: It is not evidence what Mr. Conolly said. It will be no part of the record before this Committee; the report can be put in.

*Mr. Bloxam*: In that you will find in paragraph 4, page 1 [of H.-6, 1889], he says he never took into consideration the accounts in this matter (*vide* bottom of page 1). He goes on to say further on, paragraph 8, page 2, referring to this order, that if there were settled accounts covering, or intending to cover, all transactions between 1870 and 1873, such settled accounts were not to be disturbed. He goes on in page 6 (last clause), at the end of paragraph 11, to say, "This mistake, if it was one, was made in good faith." As a matter of fact, Mr. Conolly did not take evidence upon the question whether our ruling in respect of law or fact was right or not. He says (if the Committee will follow the evidence they will see) that there was nothing before him to show whether it was or was not wrong. I will now proceed to show the Committee what the matter really was. I am practically accused of perjury. Mr. Conolly leaves the whole thing in an indefinite way. He did not sit in judgment on the accounts at all. He says there had been a mistake, and afterwards he says, "If there was a mistake it was made in good faith."

*The Chairman*: There may be two interpretations of the word "mistake." I want to put that to the Committee. I do not mind what the interpretation may be; but Mr. Conolly's report has been cited so often as having found that there was a mistake.

*Mr. Rees*: I am giving evidence of fact, not Mr. Conolly's report.

*Mr. Bloxam*: I would point out before I go further that that question was appealed on to the Judge—this very order was finally referred to the Court of Appeal—that these matters were before the Court of Appeal on the 5th May, 1886.

*Mr. Rees*: We say that the accounts were settled, and that you went behind that settlement contrary to the order of the Court.

*Mr. Bloxam*: It was to cover all transactions between 1870 and 1873. On page 28 of my copy of the Registrar's notes, on taking the accounts, there is the evidence of Mr. F. C. Hall. Mr. Hall, in giving his evidence, said, "I think I got the amount of £147 13s. from Mr. Harper in his office at the time I made out the account on the 1st March, 1875. It was given by Mr. Harper out of some memorandum-book, and not out of the books of the firm." On pages 38, 39, and 40 of Mr. Ell's evidence it is stated, "In June, 1871, I had a transaction as to leasehold land." Further on he says, "The leasehold was for sixty-one acres, and I realised £200 the first year from crops. The credit item £100 represents part of the amount received for crops. The item £100 was paid to Mr. Harper to reimburse him for the amount paid by him for lease. Mr. Macpherson paid the amount to Mr. Harper at my request."

*Mr. Rees*: What has this to do with "settled transactions"?

*Mr. Bloxam*: Simply to controvert the statement that this was a settled transaction. I would refer the Committee to Sir Robert Stout's opinion [*vide* Appendix No. 14].

*Mr. Rees*: We do not want Sir Robert Stout's opinion.

*Mr. Bloxam*: A copy of Sir Robert Stout's letter, in which he cites the judgment of the Court of Appeal, to the effect that if the Registrar was satisfied that there was a settled account it was not to be disturbed. The fact was that a settled account was made, but it was found to be incorrect.

*The Chairman*: It appears to me that we cannot go behind the settled account.

*Mr. Bloxam*: Sir Robert Stout's letter includes the judgment of the Court of Appeal.