

The Chairman : This statement is sworn evidence. Now you have told the Committee that you did receive all these except the H exhibit.

Mr. Bloxam : You are confusing between exhibits and the action papers.

The Chairman : Can you say what you had received and what you had not?

Mr. Bloxam : At the bottom of page 12 of H.—6, 1889, I remember Mr. Ell referring to one exhibit.

The Chairman : Mr. Ell has told you that he gave you that, or a copy, and that you never gave it back to him.

Mr. Bloxam : I deny that Ell ever supplied me with that, and that I never gave it back to him; I deny that he did not receive it back again.

The Chairman : It would shorten the proceedings if you could say what papers you received on the 28th of June and what you did not receive.

Mr. Bloxam : It goes further than that.

The Chairman : Will you tell me what papers you did receive?

Mr. Bloxam : I do not know, except what the letter states.

The Chairman : How do you know that there was a missing exhibit if you did not know what you received? How do you know that all the papers were not complete?

Mr. Bloxam : Because there is a copy kept in the letter-book of the exhibits forwarded to Wellington; there is a pencil-mark on the original, "Not returned," as against exhibits.

The Chairman : Would it not be the duty of yourself or your clerk to write to Mr. Cooper stating that certain exhibits had not come to hand?

Mr. Bloxam : Other papers were received from Mr. Cooper in Wellington in August or September which, from Mr. Justice Richmond's notes, it would appear conclusively that that exhibit H was put into an action tried here. To show you that these things did not delay proceedings I may say the action papers were received on the 28th June. I have a memorandum from Mr. Hargreaves of the 29th June, in which he says, "In reply to your memorandum of the 28th, I will hold myself ready to meet you on the 5th of July." That was with reference to a fresh appointment to go on with the accounts. On the 3rd of July the appointment was made by myself.

Mr. Lake : As regards the letter of the 28th of June, you know the papers were not complete because you had a mark against certain exhibits.

Mr. Bloxam : Yes.

Mr. Rees : But who put that note there in pencil? I ask you that: do you know?

Mr. Bloxam : These are action papers, not exhibits.

FRIDAY, 16TH SEPTEMBER, 1892.

Mr. Bloxam : There was a letter dated or posted on the 25th June, and received from Mr. Cooper on the 28th June. [*Vide* Appendix No. 6.] On the 24th August (received 28th August) was a letter from Mr. Cooper *re* papers in *Ell v. Harper*, No. 683. On the 22nd September (received on the 27th September) is a letter from Mr. Cooper in *Ell v. Harper* and another. On 22nd April, 1886, according to Mr. Justice Richmond's note-book in Wellington, Mr. Ell was giving evidence, and he said the account I received in 1880 was rendered before the Registrar at Christchurch; he put that to show it must have been the same document, which was one of those exhibits. That was the document of which a copy was put in. In reference to Mr. Ell's statement, I understood him to say that he never received that exhibit back. There is a receipt here in the handwriting of Mr. Ivess, with Mr. Ell's signature—683.

The Chairman : Mr. Ell, is this paper now put in by Mr. Bloxam the one you tell the Committee had not been returned to you?

Mr. Ell : The paper that I say was not returned to me is exhibit H. [*Vide* No. 23 of Appendix No. 19.] I say I never had it returned to me. I received a portion of it, but that portion was perfectly worthless to me. It was not the part which I required.

The Chairman : Was that paper in 683?

Mr. Ell : Yes. I am sorry I have not brought it here. I have it, and I will bring it. [*Vide* Appendix No. 6.]

Mr. Bloxam : We now go on to show that, whether they were received or not, is of no importance. You remember it was on the 28th June the papers were received. On the 29th June I have a letter from Mr. Hargreaves, which was written in reply to mine—that is, mine of the 28th June, in which he said, "I will hold myself at liberty to meet you on the 9th or 15th July, or either, as you may appoint." Then on the 9th July a letter was received by me from Messrs. Jellicoe and Menteth, dated Wellington, 9th July, stating that, "Owing to Judge Richmond's illness, the criminal sittings were postponed a week, &c.; but if you will kindly postpone the hearing I will be in attendance. You will doubtless recollect that the 15th was the day you submitted to me, &c. I have written to Mr. Martin, and shall be obliged by your conceding this favour." I had made a memorandum then *re* interview with Mr. Jellicoe and his letter of 9th July. On the 28th Mr. Ell applied for an appointment, and I informed him that I must inquire from Mr. Harper what day would suit, and wrote accordingly, suggesting 9th or 15th. Mr. Hargreaves replied that the 9th or 15th would suit. Mr. Ell, on being told that the 9th or 15th could be appointed, the first being subject to the criminal sittings being over, took away his application on the 29th. Then, on the evening of the 29th Mr. Jellicoe was in my office. On the 3rd July another appointment was made, and that appointment lapsed on the 14th.

The Chairman : Was that date fixed—that is, the 14th?

Mr. Bloxam : Yes. Here is the answer. But at 10.38 there was no appearance of any one but Mr. Ell, and the appointment lapsed. Then on the 17th another appointment was made for the 28th; on that date Mr. Ell appeared personally.