

December, 1889, there was due to my estate, almost entirely from the Harpers, the sum of £8,172 18s. 10d., to which must now be added interest on the two judgments (which with costs amounts to £4,200), equal to £1,050, which added to £8,172 makes a total of £9,222. [*Vide* Appendix No. 7.]

The first judgment in my favour has never been disturbed, as before stated. The accounts in the second action, No. 353, according to Mr. Kember's certificate and the certificate of other accountants practically similar, who have from time to time been employed, show a balance in my favour in that action of £1,538 9s. 8d. The Official Assignee obtained an order for his release from the estate some years since, after having repeatedly refused to proceed with the second action against Mr. Harper. I commenced an action in 1887, but it was dismissed on the ground that I was an uncertificated bankrupt, and that all my rights had passed to the Assignee.

There are in reality no creditors in my estate, but I am unable, being bound hand and foot in the Bankruptcy Court, to obtain justice.

Sir Robert Stout's opinion written upon the case was written without my knowledge or consent, and without calling upon me to explain or testify; and it is evident that many of the principal documents and pieces of evidence on which I relied were never brought to the knowledge of Sir Robert Stout at all.

The House of Representatives, in Committee, by an overwhelming majority, passed the clause proposed by Mr. Meredith empowering the Court in cases like mine to appoint the bankrupt himself as trustee in his own estate. It remains for the Public Petitions Committee to express its opinion upon the facts, and, if it thinks that I should obtain justice, to press upon the House and the Government the taking of immediate steps in that direction.

I wish respectfully to add that I commenced proceedings in the Supreme Court against Leonard Harper and H. Hanmer, for accounts, on 26th January, 1883, now upwards of nine years ago; and also, that I have been put to more than £2,000 expense since December, 1884, by the maladministration of their duty by the Registrar and Official Assignee at Christchurch, besides other losses I have sustained, amounting to £1,500, as shown by my affidavit for the information of the Committee, and sworn to before Jackson Palmer, Esq., M.H.R., a solicitor of the Supreme Court, on the 18th August, 1892.

G. W. ELL.

APPENDIX.

DOCUMENTS REFERRED TO IN MR. ELL'S STATEMENT AND IN EVIDENCE, AND OTHER PAPERS.

No. 1.

LIST OF DOCUMENTS PUT IN IN PROOF OF PARAGRAPH 1 OF STATEMENT.

Deeds of submission, Mr. J. Holmes's notes, Mr. Martin's agreement, Mr. Moss's book, and Mr. Martin's letter. (Not printed.)

No. 2.

D.—COPY OF ORDER, 29TH OCTOBER, 1884.

In the Supreme Court of New Zealand, Canterbury District: Between George Waldo Ell, plaintiff, and Leonard Harper and Humphrey Hanmer, sole executor of the will of Phillip Hanmer, deceased, defendants.

Wednesday, the 29th day of October, 1884.

UPON the application of the plaintiff, and upon hearing Mr. Austin, of counsel for the plaintiff, and Mr. Martin, of counsel for the defendants, it is ordered that in taking accounts herein under the order of this Court of the 27th day of June, 1884, if the Registrar and Accountant are satisfied that there was a settled account, or what was so intended, between the plaintiff on the one part and the defendant Leonard Harper and the late Philip Hanmer, deceased, or either of them, on the other part, covering all transactions between 1870 and 1873, such settled accounts are not to be disturbed. And it is further ordered that the defendants do pay to the plaintiff for his costs of and incident to the said application, and this order, the sum of £5 5s., and all necessary payments out of pocket.

By the Court.

(L.S.)

W. H. EYES, Deputy Registrar.

True copy.—W. H. EYES, Deputy Registrar.

SUPREME COURT RECORDS (ACTION No. 353).

G. W. Ell re Leonard Harper (for Accounts).

11/12/83. File warrant to sue.

11/12/83. File warrant to sue.

11/12/83. File warrant to sue.

11/12/83. File warrant to sue.

4/1/84. File affidavit service.

4/1/84. File affidavit (Loughrey).