

168. I think Mr. Martin did take out the appointment?—That is so.

169. That was for the 14th of July?—Yes.

170. Have you any recollection of the 14th of July? Do you remember whether Mr. Martin was in the Court on that day?—I recollect that Mr. Martin was somewhere about the Court.

171. Can you tell me, Mr. Bloxam, whether the day before that, on the 13th July, Mr. Weston had filed his application for Mr. Ell to be adjudicated a bankrupt?—Yes, there was a petition filed on the 13th of July.

172. To be heard on the 19th?—Yes, that was so. The summons was issued and made returnable on the 19th.

173. On the 28th of June, the papers had come back from the Court of Appeal with the certificate, had they not, with the letter?—Yes, I have a letter of the 26th June. [Letter put in, and marked as "Exhibit 97."]

174. That letter you received on the 28th June?—That letter I received on the 28th June.

175. That letter purported to cover all the papers sent up in these two actions?—Yes.

176. And you put a note on the letter of the receipt on that date, on the 28th June, the receipt of the letter?—That is so.

177. Now, Mr. Bloxam, did you receive all the papers on that day?—The exhibits did not come back.

178. What exhibits did not come back?—Apparently, the whole of the exhibits that were sent.

179. Can you tell me what they were?—They were exhibits in the list in action No. 30, produced on the taking of the accounts.

180. Were those words "Not returned" placed opposite exhibits, as appears in press-copy of your letter-book, put in by you on the 28th June—that is, on receipt of papers?—Yes.

181. Did you subsequently write for those exhibits to Wellington?—I do not think so.

182. Then they would still be in Wellington in the Court of Appeal?—There appears to be no such letter.

183. Then those papers will still be amongst the Court of Appeal papers?—No; they were sent down in another action, or at all events some of them were.

184. Give me your reason for saying that?—I put in Mr. Cooper's (Registrar, Court of Appeal) letter, marked "Exhibit 98;" also further letter from Mr. Cooper, on the 29th October, 1886, forwarding other papers in action No. 683, put in, and marked "Exhibit 99;" also receipt from Mr. Ell in action No. 683, put in, and marked as "Exhibit 100."

185. You have stated that the papers returned with that letter of 25th September are—or some of them at least—papers in actions No. 30. and No. 353—they purport to be papers returned in action No. 683?—Yes.

186. Will you turn up your schedule?—There was no schedule when they were sent up to Wellington. The reason I say they were returned was, in Mr. Justice Richmond's notes on the trial of that action, which I saw myself at Wellington, I found that Mr. Ell in his examination said "The account I received in 1880 was rendered before the Registrar at Christchurch. I produced account delivered by Messrs. Hammer and Harper, last item dated 21st May, 1885;" and in Wellington Mr. Ell, before the Committee of the House of Representatives, said that he had received back part of that exhibit. The exhibit was simply a single sheet of paper with the debit and credit account, as far as I can remember. I never saw the papers that were put in before the Committee of the House of Representatives; but I find in the list there is an account known as "Exhibit H."

187. You say you account for the return of "Exhibit H"?—Yes.

188. Do you account for the return of the other exhibits?—Except unless they were accounted for with the other exhibits in that receipt of Ell's.

189. And if they are not there, they will be still in the Court of Appeal?—I do not know where they will be.

190. On the 28th of July the second appointment came on, taken out on the 17th. Did not the certificate come back on the 28th June?—Yes.

191. On that 28th July do you remember calling upon Mr. Ell to produce his evidence on his objections?—I remember nothing but what is on my notes.

192. Do you remember Mr. Ell calling for your note-book?—I do not remember. I do not see how he could possibly call for my notes.

193. Do you remember Mr. Ell stating that he could not bring evidence in support of these items he objected to until the papers came back from the Court of Appeal?—No, I do not.

194. You state, Mr. Bloxam, that that meeting was adjourned to allow either parties to bring evidence. Does not that call to your memory that Mr. Ell called for further evidence?—No.

195. You do remember on that day an exhibit and account lent to you?—I take it that it was on that day.

196. That meeting was adjourned until the 4th April?—Yes.

197. On the 4th of August then there was another sitting?—Yes.

198. Do you remember Mr. Ell calling for your notes again of the evidence that had been taken?—I do not.

199. Can you distinctly say that adjournment on the 4th was not in any way caused by the non-return of the papers?—Not that I am aware of. There is nothing on my notes to show that. If it had been I think I should have made a note of it.

200. Now, these items that were objected to on this date were the same items that came before you on the previous taking of the account?—Yes.

201. And you had never referred any of them to the Judge then?—No.

202. On this occasion you take a note that you referred them to the Judge?—We were referring them to the Judge because we did not know the meaning of the Court of Appeal's certificate.