

Registrar and Accountant would be for each of us to draw up a statement showing the accounts as we considered they were proved by the evidence. I believe Mr. Austin suggested that, but I will not be certain. I think he did, and that was done.

80. Did you prepare an account on your side as you considered based on the evidence as given before the Registrar?—My clerk prepared an account and I went through it afterwards and it was submitted to Mr. Parkerson—managing clerk in Harper and Co. of that department—and I find on looking on the draft there are certain suggested alterations in some of the figures, in his handwriting. It was then engrossed and put in at the next sitting.

81. Did Mr. Austin do the same—that is, put in an account?—Yes.

82. The evidence and accounts were used for both cases, were they not?—Yes; the accounts I think were different in the two actions, but I think “by consent” the accounts in the two actions were taken together so that one set of evidence would do for both.

83. Subsequently to this the Registrar and Accountant made their reports and certificates?—Yes.

84. Was there any undue delay in getting out the reports?—I do not remember what dates the reports were got out, but I do not recollect the fact of there being any undue delay.

85. Was the result in the two actions slightly in Mr. Harper's favour?—There was a balance in Mr. Ell's favour on the one action and a slightly larger balance in Mr. Harper's favour in the other action.

86. Did Mr. Austin move for judgment in the action where the certificate was in Mr. Ell's favour?—Yes.

87. Did you consent to the judgment?—Yes, I believe I did.

88. Do you recollect why you did not get judgment at the same time on the other certificate?—I have no recollection about it at all. I do not recollect whether the judgments were given at the same time, or on the same dates.

89. Do you recollect the payment made to the accountant in connection with these certificates?—I recollect the amount was paid, but I do not recollect any particular circumstances.

90. Do you remember whether you had got a certificate or not at that time?—I remember now there was some difficulty. I applied to the Court; I could not get the certificate from Mr. Ell's solicitor. There was an application made to the Court to compel Mr. Austin to give up the certificate, and an order was made.

91. Do you recollect whether you ultimately paid half of the fees?—I cannot recollect it.

92. Were steps taken on Mr. Ell's behalf to vary the certificate in action in which the certificate was against Mr. Ell?—Several applications were made at different times by or on behalf of Mr. Ell.

93. Were all the applications disposed of?—Yes, they were all disposed of.

94. Were they in Mr. Harper's favour?—Yes, they were all disposed of in Mr. Harper's favour.

95. Have you any recollection of any incorrect orders having been issued out of your office in the matter?—Of course I have heard rumours, and heard Mr. Ell's statement, that false orders had been issued, and have not been able to understand what he refers to; the orders were not drawn by myself, but they were drawn by my common-law clerk.

96. Were any orders ever used to Mr. Ell's detriment?—I know of no improper practice on the part of the Registrar with regard to any orders. Every order that was against Mr. Ell was, I presume, to his detriment.

97. Do you recollect an action brought by Mr. Ell against several people, and Mr. Latter and Mr. Bloxam were amongst them?—Yes.

98. Did you act for Mr. Latter and Mr. Bloxam in that matter?—Those were the only defendants I appeared for in that action.

99. Did you prepare Mr. Bloxam's statement of defence?—Yes, I drew the statement of defence for Mr. Bloxam.

100. Do you remember order produced being made?—Yes.

101. Do you recollect what took place in Court on the day that order was made?—As nearly as I can recollect the circumstances were these: applications had been made by all the defendants, excepting Mr. Bloxam, to set aside the proceedings to stop the action without their filing any defence at all, upon the grounds that the proceedings were vexatious, and an abuse of the process of the Court. Those applications came on for hearing before Mr. Justice Ward, and orders were made in the defendants' favour. After the matters were disposed of, I spoke to Mr. Rees, who appeared for Mr. Ell, as to what was going to be done with Mr. Bloxam, who was then the only remaining defendant, and I forget quite how the matter came up, but I remember the Judge saying that it was absurd—or words to that effect—it was absurd that the case should go on because he would not let the case go to a jury, and he, with the consent of Mr. Rees, dismissed the action as against the Registrar. That is the effect, but I cannot remember the actual words used.

102. Did he award costs to the Registrar?—I have no recollection in the matter. I know this is Mr. Justice Ward's signature on the order; I see there he has awarded costs. I have no recollection one way or the other about it. [Order put in and marked “Exhibit 60.”]

103. Do you remember the time when the judgment in Mr. Harper's favour was set aside by the Court of Appeal?—I remember the circumstances, and the fact that it was so.

104. Were the accounts gone into again?—Yes, the accounts were gone into again.

105. Who applied for them to be gone on with?—I could not tell you now.

106. Can you say whether Mr. Bloxam thwarted Mr. Ell at all in the taking of the accounts?—As far as I am aware he did not do so.

107. Are you aware of any undue delay having taken place in regard to the reopening of the accounts?—I do not recollect the fact of there being any undue delay.

108. There are certain denials of fact in Mr. Bloxam's statement of defence. I presume that