

at all, because I have entered here the engineer at \$75; he was not paid \$75, he only got \$65." (As a matter of fact his account book showed that he only paid the engineer \$60 a month and fireman \$35 a month from the 13th September, 1910, to 13th November, and from 13th November to 10th January, \$65 and \$40 per month respectively, making the net profit \$1,295 per month until 13th November, and \$1,285 per month from that date to the 10th January, 1911).

Mr. Fellowes stated that he had no knowledge of the sum Mr. Lesslie was paying for the steam barge when the agreement of September, 1910, was entered into.

(2) RENT OF DERRICK.

At the time of the arrival of the barge, the material for the construction of the derrick to be put upon it had not been received by Mr. Lesslie, and the living outfit was not in a completed condition for use.

Mr. Lesslie employed, for part of the first week ending September 17th, 1910, four men and a cook, the wages being \$49.43; the same number for the week ending the 24th of September, wages \$74.69. In the third week ending the 1st October, a diver had been added; the wages for that week amounted to \$81.69. The fourth week, ending 8th October, wages amounted to \$88.69; the week ending the 15th October, another diver was added; the wages paid being \$107.19. These sums were in addition to the \$500 a month paid to Mr. Lesslie from the 1st of September.

Mr. Lesslie was asked:

"Q. You were continuing to work on that derrick on the 29th and 30th September? A. Yes.

"Q. Is it fair to say then that in connection with this third week, amounting to \$81.69, the whole of that time is also put in on works of preparation? A. Yes.

"Q. In which the derrick plays an important part? A. Yes.

"Q. So that the result of the whole thing of the first month of work is that you are still working on preliminaries and have not got down to business yet? A. Yes."

With reference to the time of the City's men who worked on the derrick, the following evidence was given by Mr. Lesslie:

"Q. How many weeks were the City men working on the construction of this derrick? A. I figured up at the time that the City's men worked \$52 on that derrick. I gave Mr. Fellowes a memorandum of it or told him, I have forgotten which.

"Q. Was that charged to you? A. Yes.