

1474. How often did you ever see him on the work?—I think, on an average, his visits were not more than once a month.

1475. Do you refer to the time he was seen on duty?—To the time that he was supposed to attend to his duties by living on the work.

1476. Did you ever complain to the Commissioners he was not living on the work, and that his absence hindered the progress of your work?—I never complained in that direction. I did make complaints to Commissioners that he was making damaging and false allusions to me; as, for instance, when payments on the work happened to be delayed a few days, and my foreman would say I had not received my estimate, Mr. Fitzgerald would say it was not the case; that the estimate had been received long ago, although he not knowing the first thing about it.

1477. Did he, from a certain period, continuously and persistently do everything he could to annoy and hinder the progress of that work?—I can best answer that by reference to his letters addressed to Mr. Brydges, Mr. Light, Mr. Walsh and Mr. Jones, all through, in which I am vilified without stint, and the character of my works maligned, as now shewn by Mr. Fleming and the others.

1478. Did he complain personally to you, at any time, about the character of that work?—No; he never did.

1479. He did to the Commissioners and Mr. Light?—He did, as I see by his letters and reports.

1480. When did you first learn that?—I first learned of a report he had made in November, 1872, shortly after the failure of my partners. I told him in a rather emphatic telegram that I was aware of it.

1481. Have you a copy of that telegram?—I produce the draft of it.

*By Mr. Mills :—*

1482. Do you know if that is an exact copy?—I am not certain.

1483. I think I have got here the correct telegram (reads): "From Newcastle, November 16th, 1872. To J. W. Fitzgerald. Have just learned of your noble efforts to destroy us in temporary difficulties, but I do not care for you, and I warn you that your motives are understood, and that your infamous attempts will miserably fail of accomplishment. Your own reports and acts shall condemn you, and if you want war you shall get it. Perhaps we are in your power; possibly you may be in ours; but, be that as it may, neither your avarice nor your falsehood shall destroy me. You have lately condemned that of which months ago you approved, and if there is anything wrong, which I deny, your own staff can join me testifying to what is a notorious fact to the whole country, that your own shameful neglect is the cause. You shall not break us up, nor shall your dreams of plunder therefrom be realized?"—That is the telegram. I was asked to retract that telegram last October but refused to do so, until cornered by necessity last fall, and driven to it by Mr. Fitzgerald; I wrote him a letter, in which I stated I regretted that it had taken place, or was sorry for it. When the circumstances are detailed however, it will be seen at once that I could scarcely be blamed for the retraction under the circumstances. Mr. Fitzgerald wrote to me on the 25th November, with regard to that telegram, as follows:—"Bathurst, 25th November, 1872. J. C. Gough, Esq., Contractor Sec. 16, I. C. R. Dear Sir,—About a week ago I received from you a very undeserved and improper telegram. If you withdraw it in the proper way and through the same channel, I shall let the matter rest. If you do not, I shall have the whole subject of your contract laid before the Commissioners and the public immediately. I am prepared for either course. Take your choice. Yours &c., James W. Fitzgerald." From 25th November, when this was written, until last fall, 1873, I refused to make any retraction until forced into it by what I considered my own immediate interests, by Mr. Fitzgerald; interests which I could only attain by an absolute payment of money, and exercising all that humility which that retraction entailed upon me.

1484. Is this the letter you refer to, in which the retraction was made; dated 4th November, 1873.