

DOCUMENTARY EVIDENCE.

EVIDENCE OF F. B. McNAMEE TAKEN UNDER THE COMMISSION ISSUED ON THE 16TH DAY OF JULY, 1886.

The examination of Francis Bernard McNamee under the Commission issued herein, bearing date the 16th day of July, in the Year of Our Lord One thousand Eight hundred and Eighty-Six, and to me directed, taken before me, George Mountain Evans, the Commissioner therein named, at my office Equity Chambers, No. 20, Adelaide Street East, in the City of Toronto, this twentieth day of December, A. D. 1886,

GEO. M. EVANS,

Commissioner. 10

Present, R. T. Walkem, Esq., Q. C., for Plaintiff.

Francis Bernard McNamee, of the City of Montreal, contractor, being duly sworn, deposed as follows:

By Mr. Walkem, Q. C.

Q. 1. What is your name, and state your residence?

A. Francis Bernard McNamee, contractor, Montreal.

Q. 2. Are you a member of the firm of F. B. McNamee & Co., of Montreal, Contractors?

A. I was a member of that firm while it was in existence.

Q. 3. When was the firm established, and give fully the names of the persons composing it?

A. I cannot say exactly without reference to my books, but I think it was in 1876. The other parties were Anthony Gilbert Nish and Captain Jarvis Wright. That was the constitution of the firm in 1880.

Q. 4. Did the firm, as so constituted, at any time in the year 1880 enter into any contracts with the above-named Plaintiff, George Anthony Walkem, as representing the Government of British Columbia, to construct a Drydock or Graving Dock at Esquimalt?

A. Yes.

Q. 5. Were such contracts made in writing, and, if so, were the originals thereof left in the possession of your firm or in that of the said Government?

A. Yes: I believe that we had one duplicate and the Government had another. 30

Q. 6. Look at printed Exhibits A. and B., now produced and shewn to you and respectively headed "Return to an Order of the Legislative Assembly, dated 16th April, 1886, for a copy of the contract entered into with Messrs. McNamee & Co. for the construction of the Esquimalt Graving Dock," and "Return to an Order of the Legislative Assembly for a copy of the contract between the Government and Messrs. McNamee for the construction of the Esquimalt Graving Dock," and purporting to be official copies, and also notarial copies of two contracts respectively dated February 24th, 1880, and October 4th, 1880, and made between the members of your firm of the one part and the said George Anthony Walkem as Chief Commissioner of Lands and Works of British Columbia of the 40