

would soon have to place the water pipe in as good condition as it now was, that it required attention owing to the fact that he excavated a large quantity of earth from the top and exposed it to the weather and the frost, and I said we would expect him to have the work done; we might call upon him at any time. His reply was: "You have the men, you have the materials, you are accustomed to this work; you do the work, render the bill to me, and I will settle it."

Q.—Any further conversation? A.—I stated then to him that from what the engineer, or superintendent, said, it would probably entail a considerable expenditure, and his reply was: "The law compels me to put you in as good a position as you now occupy, and I will have to pay whatever the work costs."

The following is the statement of Mr. Fauquier as to this conversation:—

Q.—Will you tell us what took place between yourself and Mr. Flavelle? A.—He told me we would have to have that pipe lowered, and I told him I understood we would, and said I would like to have him do it himself, as they had the men there to do the work, and I told him we had an excavation there, about — I have forgotten what it is now — I think it was about 4 feet, and he would require to lower the pipe down underneath our excavation.

Q.—Did you know what probable work would be required to be done? A.—I knew what I should have done and considered necessary.

Q.—What you personally would have considered? A.—Yes.

Q.—Was there anything said between yourself and Mr. Flavelle as to the work that was to be done, the extent of the work? A.—No; that was the conversation. I specified the pipes—at least he told me and I agreed with him that the pipes would have to be lowered underneath our excavation there, and that is what I asked him to do.

Q.—Did you have any conversation with Mr. Flavelle on the subject afterwards? A.—I don't think so, I do not remember any.

Q. Were you ever consulted at any time as to the extent of the work that should be done? A.—No, I did not know anything about it till it was pretty nearly done.

It makes no difference which of the above statements is accepted as being an accurate narrative of what took place between the chairman of the board of water commissioners and