

Mr. Fellowes gave the following evidence with reference to the derrick in question:

"Q. At what date was it, or have you any records to show what date it was that the derrick was completed? A. I could not tell you from memory at all.

"Q. Have you any record that will show it? A. I do not know that I have.

"Q. The barge would not be ready till the derrick was ready? A. No, that is right.

"Q. You start paying him rent for the derrick, don't you, on the 13th September, from then on was that question (as to the derrick being complete) considered at all? A. No, it was not.

"Q. Was credit to be given to the City in respect to the time put in by the City's men in making Lesalle's derrick considered? A. I asked Mr. Lesalle whether he was paying for the construction of the derrick himself, and he informed me that he was; so that I never dreamt of its being in the account at all.

"Q. Did you check that at all for the purpose of verifying the statement? A. No, I did not.

"Q. What he says is that he told you and he gave you in writing a computation of the time which the City's men had put in in the City time paid by the City, amounting to some fifty-two dollars and some cents that the City should get a rebate for; did he tell you that at all? A. I have no recollection of his ever having said so; and I certainly have not any memorandum to that effect.

"Q. What is your idea about paying a rent such as is shown here, the advisability of paying such a thing for an article that cost, as a matter of fact, from \$580 to \$613, according to the owner himself—you see at that rate during the time you had it you paid according to the accounts, \$1,287 for the derrick in rent; besides doing that you also engaged to keep it in order, any repairs as you went along you paid them, didn't you—maintenance was a term, the man was to get his plant back in the same condition as he rented it? A. Ordinary wear and tear excepted.

"Q. You had to insure it, you insured it for \$500? A. Yes.

"Q. And being subject then to the risk, the carrying charges being off his hands, you see in a little over a year, from the 12th September, 1910, to the 15th November, 1911, he makes \$1,287; was any report made at all by anybody on the state of affairs? A. No, we did not, of course, no one dreamt this derrick would be in commission as long as it was.