

including correspondence with Timaru and Christchurch; but that should have been listed with the others.

*Mr. Haggitt*: Certainly not.

*Mr. Chapman*: Why?

*Mr. Haggitt*: Simply because he mentioned in the report to London that the debt appearing in the books as a debt by Scott was a bad one, why should that be mentioned? It is immaterial to the matters in question whether he did or did not. If I had been asked my opinion of the document, I assert I should have advised Mr. Ritchie that it was not one of the documents necessary.

*Mr. Chapman*: Then, all I can say is that if my learned friend has given such advice the affidavit is very imperfect.

*Mr. Haggitt*: I did not say I had done so, but that I should have done so.

*Mr. Chapman*: Then, you would have given very bad advice. Mr. Ritchie is not to be the judge of the materiality of the documents. For all we know, he may have reported the transactions in some such way as they are mentioned in the letters to Timaru and Christchurch. If it is in any way as material as those letters it is very material for our purpose. Perhaps my learned friend will say those letters are not material, and do not advance our case. My learned friend has set them out, though he thinks them immaterial. Then, why leave out the London letter?

*Mr. Haggitt*: Because I never heard of it. •Mr. Ritchie does not say positively he wrote anything of the kind.

*Mr. Chapman*: Very well; he can look, and let us have a copy.

*His Honour*: If there are any despatches to London mentioning the matter, I think the plaintiff would have a right to know what they are, and to ask for them.

*Mr. Haggitt*: We do not dispute that.

*Mr. Chapman*: Then, we should have been informed of such despatch.

*His Honour*: I do not know whether it should have been included in the documents, but if it ought to have been included, and was omitted, it was evidently a slip.

*Mr. Chapman*: I do not suggest anything but a slip.

*His Honour*: Now it has come out.

*Mr. Haggitt*: But it has not come out.

*His Honour*: Mr. Ritchie said it was so. I do not know if he meant to say so, but he stated that positively. He says he believes it was: "The amount was, I believe, advised by me in my despatches as a bad debt." That is what it was; not that "it was," but he believes it was. Well, you have the right to ask for the despatches to be referred to to see if anything was said, and, if anything was said, to know what it was. You do not deny that.

*Mr. Haggitt*: No.

*His Honour*: Very well, then, that will be done.

*Mr. Solomon*: We will look for it for you.

*Mr. Haggitt*: And will give you an extract relating to that.

*Mr. Chapman*: Or to anything relating to the transaction.

*Mr. Haggitt*: You will get a good deal more than you bargained for.

*Mr. Chapman*: Then, there is more than we bargain for?

*Mr. Haggitt*: If we put in a letter of that kind, I submit we should be allowed to put in Mr. Ritchie's reports to the company about what he intended to do with regard to the run. If we are to put in anything connected with the purchase of the run by Mr. Scott, I shall ask to put in also letters written shortly previous to that time, in which Mr. Ritchie reported to the company that it was not safe to touch the run at any price or on any terms.

*Mr. Chapman*: It is very singular these were not listed.

*Mr. Haggitt*: Simply because they had nothing to do as between Scott and the company.

*Mr. Chapman*: Where does my friend get this inspiration? I can only say it was a pity we did not hear of it before.

*His Honour*: What do you want, Mr. Chapman, exactly?

*Mr. Chapman*: I have asked my friend, without making any affidavit of documents, to make a little list of such as should be put in.

*Mr. Haggitt*: I decline.

*His Honour*: Reports to London about Scott's matter by the general manager of the company to the board of directors would, I conceive, be documents which ought to have been listed in the affidavits.

*Mr. Haggitt*: Not about Scott's matter; Scott's name was never mentioned.

*His Honour*: If they are not about Scott's matter they need not be listed; but Mr. Chapman understands some of them are about Scott's matter.

*Mr. Haggitt*: All my friend has got to go upon is the statement by Ritchie that possibly in a letter to London he may have mentioned something about the debit to Scott, with a view to explaining it. What I am referring to has nothing to do with Scott, inasmuch as it was written before Scott was thought of.

*His Honour*: Then, it is not relevant.

*Mr. Haggitt*: Yes. Your Honour will pardon me, it is relevant to show that Mr. Ritchie would not touch this land on any account, on account of the company.

*His Honour*: Then, it is not relevant. Mere statements made by Mr. Ritchie, before the transactions with Mr. Scott commenced, to the directors in London are certainly not admissible evidence; but statements made after the commencement of the transactions with Scott to the board of directors in London about the transactions with Scott are relevant.

*Mr. Haggitt*: About the transactions?

*His Honour*: Of course.

*Mr. Haggitt*: Then, all he has to found that on—